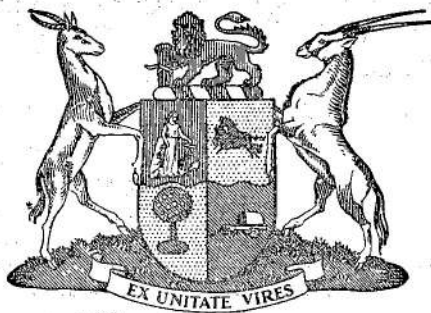


EXTRAORDINARY



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VAN DIE UNIE VAN SUID-AFRIKA

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CAPE TOWN, 9TH OCTOBER, 1953.
KAAPSTAD, 9 OKTOBER 1953.

PRYS 6d. [No. 5162.

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 2210.] [9th October, 1953.

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:—

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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermenskennisgewing word ter algemene inligting gepubliseer:—

No. 2210.] [9 Oktober 1953.

Hierby word bekend gemaak 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. 38 van 1953: Wysigingswet op Naturellebouwerkers, 1953	9
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No. 42 van 1953: Wysigingswet op Finansiële Verhoudings, 1953	9
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No. 39, 1953.]

ACT

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

(English text signed by the Governor-General.)
(Assented to 5th October, 1953.)

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

Construction and equipment.

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

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

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

Cost of construction and equipment.

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

Powers incidental to construction and equipment.

3. In respect of the construction and equipment of the lines of railway authorized by section one, the Governor-General shall, according as the line in question is constructed in the Province of the Orange Free State or the Province of the Transvaal, have the powers conferred by any law of the Province of the Orange Free State or the Province of the Transvaal, as the case may be, relating to the acquisition, by expropriation or otherwise, of land or servitudes on or over land and the taking and leading of water for railway purposes, but subject to the duties and obligations imposed by any such law: Provided that the width of the land taken shall not exceed one hundred Cape feet for the construction of each line, together with such additional land as may be required for the slopes, cuttings, drainage, stations, approach roads and other works and matters which may be necessary for the purposes of the line.

Intersection of streets, roads and railways.

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

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

Settlement of disputes arising as to compensation.

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 any line of railway mentioned in the First Schedule to this Act, the dispute shall be determined in accordance with the second proviso to paragraph (a) of section three of the Railways and Harbours Regulation, Control and Management Act, 1916 (Act No. 22 of 1916), as amended from time to time.

No. 39, 1953.

WET

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

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 5 Oktober 1953.)

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

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

Aanleg en toerusting.

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

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

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

Koste van aanleg en toerusting.

3. Ten opsigte van die aanleg en toerusting van die spoorlyne wat by artikel een gemagtig word, het die Goewerneur-generaal, al na gelang die betrokke lyn in die Provinsie Oranje-Vrystaat of die Provinsie Transvaal aangelê word, die bevoegdheide verleen by enige wet van die Provinsie Oranje-Vrystaat of die Provinsie Transvaal, al na die geval, met betrekking tot die verkryging, deur onteiening of andersins, van grond of serwitute op of oor grond en die neem en lei van water vir spoorweg-doeleindes, maar onderhewig aan die pligte en verpligtings deur so 'n wet opgelê: Met dien verstande dat die breedte van die grond wat geneem word nie meer mag wees nie as honderd Kaapse voet vir die aanbou van elke lyn, met soveel bykomende grond as wat nodig mag wees vir die hellings, deurgrawings, dreinerings, stasies, toegangspaaie en ander werke en aangeleenthede wat vir die doeleindes van die lyn nodig mag wees.

Bevoegdheide in verband met aanleg en toerusting.

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

Deursnyding van strate, paaie en spoorweë.

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

5. As daar 'n geskil ontstaan aangaande die vergoeding wat betaal moet word uit hoofde van die uitoefening van die in artikel drie bedoelde bevoegdheide in verband met die aanleg en toerusting van enige spoorlyn in die Eerste Bylae by hierdie Wet vermeld, 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.

Beslegting van geskille in verband met skadevergoeding.

Ratification of agreement relative to the construction and operation of the line of railway from Virginia to Harmony.

6. (1) The agreement concluded on the ninth day of September, 1953, 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 Harmony Gold Mining Company, Limited, a copy of which is set out in the Second Schedule to this Act, is hereby ratified and confirmed.

(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 Virginia and Harmony in terms of the said agreement, and may do all such things as are necessary to give effect to the said agreement.

Short title.

7. This Act shall be called the Railway Construction Act, 1953.

First Schedule.

LINE OF RAILWAY AUTHORIZED BY SECTION One.

COLUMN 1.	COLUMN 2.	COLUMN 3.
Description of Line.	Approximate Length.	Estimated Cost.
	Miles.	£
From Virginia to Harmony. (Province of the Orange Free State)	5.29	225,000
Double avoiding line from the "up" and "down" marshalling yards at Angelo to a junction at Knights on the line between Germiston and Pretoria. (Province of the Transvaal)	1.5	271,700
Avoiding line from Lenz to a junction at Suurbekom on the line between Midway and Bank. (Province of the Transvaal)	1.28	49,350

Second Schedule.

MEMORANDUM OF AGREEMENT BETWEEN THE RAILWAYS AND HARBOURS ADMINISTRATION OF THE UNION OF THE ONE PART, AND THE HARMONY GOLD MINING COMPANY, LIMITED, OF THE OTHER PART.

MEMORANDUM OF AGREEMENT made and entered into between THE MINISTER OF TRANSPORT of the Union of South Africa, and as such representing the Government of the Union in its Railways and Harbours Administration, of the one part, and the HARMONY GOLD MINING COMPANY, LIMITED, a public company duly registered under the Companies Act, 1926, and having its head office situated in Johannesburg, in the Province of the Transvaal, represented herein by PETER HAMILTON ANDERSON and THOMAS REEKIE, being duly authorized thereto by a resolution of the Board of Directors dated 28th August, 1953, certified copy of which is annexed hereto, of the other part.

Definitions:

In this Agreement—

"Administration" means the Railways and Harbours Administration of the Union;

"Guarantor" means the Harmony Gold Mining Company, Limited;

"Minister" means the Minister of Transport of the Union of South Africa;

"Railway" means the line of railway from Virginia station to Harmony in the Province of the Orange Free State, which is more fully referred to hereafter.

WHEREAS the Guarantor has petitioned the Administration to construct, equip, maintain and work a line of railway of a gauge of three feet six inches between Virginia station and Harmony in the Province of the Orange Free State, a distance of approximately five miles, for the purpose of conveying traffic to and from an area in which the Guarantor is carrying on or is otherwise interested in, certain mining operations;

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

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

1. Pending the approval and sanction of Parliament, which the Administration proposes to seek as soon as may be practicable after the execution of this agreement, the obligations of the Administration under this agreement shall be taken to be provisional only. Should the construction of the railway not be authorized by Parliament within a period of twelve months from the date hereof, this agreement shall 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: Provided that the work of construction and equipment shall not be commenced until the Guarantor has fulfilled the stipulation set out in clause 3 hereof, and provided further that 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.

6. (1) Die ooreenkoms aangegaan op die negende dag van September 1953 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 „Harmony Gold Mining Company, Limited”, ’n vertaling waarvan in die Tweede Bylae by hierdie Wet opgeneem is, word hierby bekragtig en bevestig.

Bekragtiging van ooreenkoms in verband met die aanleg en eksploitasie van die spoorlyn van Virginia na Harmony.

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

7. Hierdie Wet heet die Spoorwegaanlegwet, 1953.

Kort titel.

Eerste Bylae.

SPOORLYNE GEMAGTIG BY ARTIKEL Een.

KOLOM 1.	KOLOM 2.	KOLOM 3.
Beskrywing van lyn.	Benaderde lengte.	Geraamde koste.
	Myl.	£
Vanaf Virginia na Harmony (Provinsie Oranje-Vrystaat)	5.29	225,000
Dubbele vermynspoor vanaf die „op-” en „af-” opstelterrein by Angelo tot by ’n aansluiting by Knights aan die spoorlyn tussen Germiston en Pretoria (Provinsie Transvaal)	1.5	271,700
Vermynspoor vanaf Lenz tot by ’n aansluiting by Suurbekom aan die spoorlyn tussen Midway en Bank. (Provinsie Transvaal)	1.28	49,350

Tweede Bylae.

VERTALING VAN MEMORANDUM VAN OOREENKOMS TUSSEN DIE ADMINISTRASIE VAN SPOORWEË EN HAWENS VAN DIE UNIE, ENERSYDS, EN DIE „HARMONY GOLD MINING COMPANY, LIMITED”, ANDERSYDS.

MEMORANDUM VAN OOREENKOMS gesluit en aangegaan 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, enersyds, en die „HARMONY GOLD MINING COMPANY, LIMITED”, ’n openbare maatskappy behoorlik geregistreer kragtens die Maatskappywet, 1926, en met sy hoofkantoor geleë te Johannesburg, in die Provinsie Transvaal, hierin verteenwoordig deur PETER HAMILTON ANDERSON en THOMAS REEKIE behoorlik daartoe gemagtig deur besluit van Raad van Direkteure gedateer 28 Augustus 1953, ’n gewaarmerkte afskrif waarvan hieraan geheg is, andersyds.

Woordebepaling:

In hierdie Ooreenkoms beteken—

„Administrasie”, die Administrasie van Spoorweë en Hawens van die Unie;

„Garant”, die „Harmony Gold Mining Company, Limited”;

„Minister”, die Minister van Vervoer van die Unie van Suid-Afrika;

„Spoorlyn”, die spoorlyn vanaf Virginia-stasie na Harmony, in die Provinsie Oranje-Vrystaat, waarna hieronder nader verwys word.

NADEMAAL die Garant die Administrasie versoek het om ’n spoorlyn van ’n spoorwydte van drie voet ses duim tussen Virginia-stasie en Harmony in die Provinsie Oranje-Vrystaat, ’n afstand van ongeveer vyf myl, aan te lê, uit te rus, in stand te hou en te eksploiteer vir die vervoer van verkeer na en van ’n gebied waarin die Garant sekere mynbouwerkzaamhede uitvoer of andersins daarby belang het;

EN NADEMAAL die Administrasie ingestem het, indien en wanneer deur die Parlement daartoe gemagtig om die spoorlyn aan te lê, uit te rus, in stand te hou en te eksploiteer onderworpe aan die hieronder vermelde voorwaardes en bedinge:—

DERHALWE kom die partye hierby as volg ooreen:—

1. Hangende die goedkeuring en magtiging van die Parlement, wat die Administrasie voornemens is om so spoedig moontlik na die verlyding van hierdie ooreenkoms aan te vra, word die verpligtings van die Administrasie kragtens hierdie ooreenkoms slegs as voorlopig beskou. As die aanleg van die spoorlyn nie binne ’n tydperk van twaalf maande na die datum van hierdie ooreenkoms deur die Parlement gemagtig word nie verval hierdie ooreenkoms tensy dit deur 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 bevestig, 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: Met dien verstande dat die aanleg en uitrusting nie ’n aanvang neem voordat die Garant die bepaling van klousule 3 van hierdie ooreenkoms nagekom het nie; en met dien verstande verder dat die Administrasie nie verantwoordelik is vir enige vertraging met die voltooiing van die aanleg en uitrusting van die spoorlyn uit hoofde van enige oorsaak hoegenaamd wat nie binne die beheer van die Administrasie is nie.

3. Within fourteen days after the execution of this agreement, the Guarantor shall pay to the Administration the sum of five thousand pounds (£5,000) as a guarantee of the fulfilment by it of its obligations under this agreement, which sum shall be refunded to the Guarantor, together with interest at the rate of three per cent. per annum as soon as the railway is officially declared open for public traffic. Should this agreement not be ratified and confirmed by Parliament within a period of twelve months from the date hereof, the said sum of five thousand pounds (£5,000) together with such interest calculated at the rate of three per cent. per annum, shall be refunded to the Guarantor.

4. 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 cost of locomotives, rolling stock and any equipment used in connection with rolling stock in the working of the railway after completion.

5. (a) From the date of opening the railway for public traffic and for each financial year thereafter, the Administration shall prepare and maintain accounts to indicate the results of working the railway, and a copy of each annual statement shall be furnished to the Guarantor at its office in Johannesburg as soon as practicable after the close of each financial year. The accounts shall be prepared in accordance with the Administration's usual accounting practice and the annual statement furnished to the Guarantor 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.

(b) If at the end of a period of ten years calculated from the date of opening of the railway for public traffic, it appears from the annual statements referred to in paragraph (a) of this clause that the working of the railway by the Administration over the whole of the said period has resulted in a loss, such loss or so much thereof as is not recoverable from any applicant mentioned in clause 9 (a) hereof shall be paid to the Administration by the Guarantor within thirty days from the date on which a statement, certified by the Administration's Chief Accountant, showing the amount of the accumulative loss for which the Guarantor is liable, shall have been transmitted to the Guarantor at its office in Johannesburg.

6. The depreciation charges referred to in clause 5 (a) shall be assessed at the normal rates applicable to the Administration's assets, and the interest charges referred to in clauses 4 and 5 (a) shall be assessed at the average rate determined by the Administration in accordance with its usual procedure and shall not be specifically loaded against the railway.

7. The route of the railway and the sites of stations and sidings shall be approximately as shown on Plan No. OFN.512/A5 as prepared by the Administration: Provided that the Administration may, after consultation with the Guarantor, modify for engineering exigencies only, the route of the railway and the sites of stations and sidings, subject to any limitation imposed by the statutory authority under which the railway is constructed.

8. Subject to the provisions of clause 9, the Administration may construct any line or lines of railway and consent to the construction of private sidings in continuation of or branching from the railway.

9. (a) The Administration undertakes that as from the date upon which this agreement comes into force and for a period of ten years reckoned from the date upon which the railway is declared open for public traffic, it will not grant any application for the construction or use of any siding or branch line for running purposes or grant any special facilities at any point on the railway for the purpose of placing on rail for conveyance over railway or any portion thereof, any materials, machinery or equipment used in or derived from the carrying on of mining operations or for the purpose of the delivery by rail of any materials, machinery or equipment which have been so conveyed unless the applicant or applicants undertake to pay a share, to be determined by the Minister after consultation with the Guarantor, of any losses which the Guarantor may be called upon in terms of clause 5 (b) hereof.

(b) Subject to the foregoing provisions there shall be no restriction on the running powers of the Administration in respect of any class of traffic whatever.

SIGNED for and on behalf of the ADMINISTRATION, at Cape Town on the ninth day of September, 1953.

(Sgd.) P. O. SAUER,
Minister of Transport.

WITNESSES:

1. (Sgd.) H. S. ERASMUS.
2. (Sgd.) J. A. JOUBERT.

SIGNED for and on behalf of the HARMONY GOLD MINING COMPANY, LIMITED, at Johannesburg on the twenty-ninth day of August, 1953, under the authority of a resolution of Board of Directors dated the twenty-eighth day of August, 1953.

(Sgd.) P. H. ANDERSON.
(Sgd.) T. REEKIE.
Directors.

WITNESSES:

1. (Sgd.) T. N. WILLIS.
2. (Sgd.) G. D. REYNOLDS.

3. Binne veertien dae na die verly van hierdie ooreenkoms, betaal die Garant aan die Administrasie die som van vyfduisend pond (£5,000) as 'n waarborg van die nakoming deur hom van sy verpligtings kragtens hierdie ooreenkoms, en hierdie som, tesame met rente teen die rentekoers van drie persent per jaar, word aan die Garant terugbetaal sodra verklaar word dat die spoorlyn amptelik vir openbare verkeer oopgestel is. As die Parlement hierdie ooreenkoms nie binne 'n tydperk van twaalf maande na die datum hiervan bekragtig en bevestig nie, word bedoelde som van vyfduisend pond (£5,000), tesame met sodanige rente, bereken teen die rentekoers van drie persent per jaar, aan die Garant terugbetaal.

4. Die koste van aanleg en uitrusting sluit alle uitgawe in, met inbegrip van rente, wat ooreenkomstig die Administrasie se gewone rekenpligtige prosedure teen die spoorlyn in rekening gebring word, 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 eksploitasie 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 by die eksploitasie van die spoorlyn na voltooiing daarvan gebruik word.

5. (a) Vanaf die datum van oopstelling van die spoorlyn vir openbare verkeer en vir elke diensjaar daarna, word rekenings deur die Administrasie opgemaak en gehou om die bedryfsresultate van die spoorlyn aan te toon, en 'n afskrif van elke jaarstaat word aan die Garant op sy kantoor in Johannesburg so spoedig doenlik na die sluiting van elke diensjaar verstrek. Die rekenings word ooreenkomstig die Administrasie se gewone rekenpligtige prosedure opgemaak, en die jaarstaat wat aan die Garant verstrek word, moet besonderhede bevat van inkomste en uitgawe en die waardeverminderings- en rentekoste aantoon wat op die kapitaalkoste van aanleg en uitrusting van toepassing is.

(b) As dit na verloop van 'n tydperk van tien jaar, bereken vanaf die datum van oopstelling van die spoorlyn vir openbare verkeer, uit die in paragraaf (a) van hierdie klousule bedoelde jaarstate blyk dat die eksploitasie van die spoorlyn, deur die Administrasie oor die hele genoemde tydperk, op 'n verlies uitgeloop het, word sodanige verlies of soveel daarvan as wat nie op enige in klousule 9 (a) van hierdie ooreenkoms bedoelde applikant verhaalbaar is nie, deur die Garant aan die Administrasie betaal binne dertig dae na die datum waarop 'n staat, gesertifiseer deur die Administrasie se Hoofrekenmeester, aantoonende die bedrag van die opgelope verlies waarvoor die Garant aanspreeklik is, aan die Garant op sy kantoor in Johannesburg voorgelê is.

6. Die in klousule 5 (a) bedoelde waardeverminderingskoste word vasgestel teen die gewone koers wat op die Administrasie se bate van toepassing is, en die in klousules 4 en 5 (a) bedoelde rentekoste word vasgestel teen die gemiddelde koers wat deur die Administrasie ooreenkomstig sy gewone prosedure bepaal word, en word nie bepaaldelik teen die spoorlyn verhoog nie.

7. Die roete van die spoorlyn en die terreine van stasies en sylyne moet by benadering wees soos aangetoon op Plan No. OFN.512/A5 gedateer 17 Augustus 1953 soos deur die Administrasie opgestel: Met dien verstande dat die Administrasie, na oorlegpleging met die Garant, die roete van die spoorlyn en die terreine van stasies en sylyne slegs vir boukundige vereistes kan verander, onderworpe aan enige beperking opgelê deur die wetlike gesag waarkragtens die spoorlyn aangelê word.

8. Onderworpe aan die bepalinge van klousule 9, kan die Administrasie enige spoorlyn of spoorlyne aanlê en toestemming verleen vir die aanleg van private sylyne as 'n verlenging of vertakking van die spoorlyn.

9. (a) Die Administrasie onderneem dat hy vanaf die datum waarop hierdie ooreenkoms in werking tree en vir 'n tydperk van tien jaar, gereken vanaf die datum waarop die spoorlyn vir openbare verkeer oopgestel verklaar word, geen aansoek om die aanleg of gebruik van enige sy- of taklyn vir myndoelindes, of enige spesiale fasiliteite op enige plek aan die spoorlyn vir die vervoer, oor die spoorlyn of 'n gedeelte daarvan, van materiaal, masjinerie of uitrusting wat vir mynbou gebruik of daaruit verkry word, of vir die lewering per spoor van materiaal, masjinerie of uitrusting wat aldus vervoer is, sal toestaan nie, tensy die applikant of applikante onderneem om 'n deel, wat deur die Minister na oorlegpleging met die Garant vasgestel moet word, van alle verlies tot vergoeding waarvan die Garant ingevolge klousule 5 (b) hiervan verplig kan word, te betaal.

(b) Onderworpe aan die voorafgaande bepalinge is daar geen beperking van die eksploitasiebevoegdhede van die Administrasie ten opsigte van enige soort verkeer hoegenaamd nie.

ONDERTEKEN namens en ten behoeve van die ADMINISTRASIE in Kaapstad op die negende dag van September 1953.

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

GETUIES:

1. (Get.) H. S. ERASMUS.
2. (Get.) J. A. JOUBERT.

ONDERTEKEN namens en ten behoeve van die „HARMONY GOLD MINING COMPANY, LIMITED”, in Johannesburg op die nege-en-twintigste dag van Augustus 1953, uit kragte van 'n besluit van Direkteure gedateer die agt-en-twintigste dag van Augustus 1953.

(Get.) P. H. ANDERSON,
(Get.) T. REEKIE,
Direkteure.

GETUIES:

1. (Get.) T. N. WILLIS.
2. (Get.) G. D. REYNOLDS.

No. 38, 1953.]

ACT**To amend the Native Building Workers Act, 1951.***(Afrikaans text signed by the Governor-General.)
(Assented to 5th October, 1953.)***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:—Amendment of
section 2 of
Act 27 of 1951.**1.** Section *two* of the Native Building Workers Act, 1951 (Act No. 27 of 1951), is hereby amended by the insertion in paragraph (a) of sub-section (1) after the words "an officer" of the words "or other person".

Short title.

2. This Act shall be called the Native Building Workers Amendment Act, 1953.

No. 42, 1953.]

ACT**To empower provincial councils to incur expenditure in connection with the Centenary Exhibition in Rhodesia, 1953.***(Afrikaans text signed by the Governor-General.)
(Assented to 5th October, 1953.)***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:—Provincial
councils may
incur expenditure
in connection with
the Centenary
Exhibition in
Rhodesia, 1953.**1.** (1) A provincial council may out of its provincial revenue fund incur expenditure in connection with the Centenary Exhibition in Rhodesia, 1953, within or without the province.(2) No expenditure incurred under sub-section (1) shall for the purposes of sub-section (1) of section *six* of the Financial Relations Consolidation and Amendment Act, 1945, be deemed to form part of the nett expenditure of the province concerned.

Short title.

2. This Act shall be called the Financial Relations Amendment Act, 1953.

No. 38, 1953.]

WET

Tot wysiging van die Wet op Naturellebouwerkers, 1951.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 5 Oktober 1953.)

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

1. Artikel twee van die Wet op Naturellebouwerkers, 1951 (Wet No. 27 van 1951), word hiermee gewysig deur in paragraaf (a) van sub-artikel (1) na die woord „amptenaar” die woorde „of ander persoon” in te voeg. Wysiging van artikel 2 van Wet 27 van 1951.

2. Hierdie Wet heet die Wysigingswet op Naturellebou- Kort titel. werkers, 1953.

No. 42, 1953.]

WET

Om provinsiale rade te magtig om uitgawes in verband met die Eeufees-uitstalling in Rhodesië, 1953, aan te gaan.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 5 Oktober 1953.)

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

1. (1) 'n Provinsiale raad kan uit sy provinsiale inkomstefonds uitgawes in verband met die Eeufees-uitstalling in Rhodesië, 1953, binne of buite die provinsie aangaan. Provinsiale rade kan uitgawes aangaan in verband met Eeufees-uitstalling in Rhodesië, 1953.
(2) Geen uitgawe ingevolge sub-artikel (1) aangegaan, word by die toepassing van sub-artikel (1) van artikel ses van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945, geag deel van die netto-uitgawes van die betrokke provinsie uit te maak nie.

2. Hierdie Wet heet die Wysigingswet op Finansiële Ver- Kort titel. houdings, 1953.

No. 44, 1953.]

ACT

To amend the Financial Adjustments Act, 1922, the Old Age Pensions Act, 1928, the Blind Persons Act, 1936, the Government Service Pensions Act, 1936, and the War Pensions Act, 1942; to validate the grant or continuation of certain allowances in respect of certain children of certain volunteers, and to make provision for matters incidental thereto.

(Afrikaans text signed by the Governor-General.)
(Assented to 5th October, 1953.)

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:—

Repeal of section 13 of Act 38 of 1922, as substituted by section 5 of Act 34 of 1930.

1. Section *thirteen* of the Financial Adjustments Act, 1922, is hereby repealed.

Amendment of section 6 of Act 22 of 1928, as substituted by section 3 of Act 34 of 1931 and amended by section 2 of Act 34 of 1937, section 8 of Act 33 of 1943, section 3 of Act 48 of 1944, section 1 of Act 43 of 1946, section 2 of Act 41 of 1948, section 1 of Act 47 of 1951, and section 2 of Act 49 of 1952.

2. Section *six* of the Old Age Pensions Act, 1928, is hereby amended by the addition at the end of sub-section (1) of the following further proviso:

"Provided further that in the case of a person who works for an employer and who satisfies the commissioner that he has attained the age of seventy years, the remuneration which he receives from such employer shall not be regarded as income (or means) for the purposes of this sub-section."

Amendment of section 5 of Act 11 of 1936, as amended by section 9 of Act 33 of 1943, section 7 of Act 48 of 1944, section 1 of Act 24 of 1946, section 3 of Act 41 of 1948 and section 3 of Act 47 of 1951.

3. Section *five* of the Blind Persons Act, 1936, is hereby amended by the addition at the end of sub-section (1) of the following further proviso:

"Provided further that in the case of a person who works for an employer and who satisfies the commissioner that he has attained the age of seventy years, the remuneration which he receives from such employer shall not be regarded as income (or means) for the purposes of this sub-section."

Amendment of section 25 of Act 32 of 1936, as amended by section 6 of Act 18 of 1941.

4. Section *twenty-five* of the Government Service Pensions Act, 1936, is hereby amended—

- (a) by the insertion after the words "body established by law" of the words "or of any other employer approved by the Treasury"; and
- (b) by the deletion of the words "or body" where they appear for the second time and the substitution therefor of the words "body or other employer".

Amendment of section 29 of Act 32 of 1936, as amended by section 10 of Act 18 of 1941.

5. Section *twenty-nine* of the Government Service Pensions Act, 1936, is hereby amended by the substitution for paragraph (i) of the proviso to sub-section (1) of the following paragraph:

- "(i) no such pension shall be payable—
 - (a) if the injury or ill-health is attributable to the member's drunkenness or his serious and wilful misconduct unless, in the opinion of the Minister of Finance, such member has sustained serious disablement; or
 - (b) if, in the opinion of the said Minister, the injury or ill-health was continued or aggravated by the member's unreasonable and wilful refusal to submit to medical or surgical treatment or to obtain such treatment;"

No. 44, 1953.]

WET

Tot wysiging van die „Financiële Regelings Wet, 1922”, die Ouderdomspensioenwet, 1928, die Wet op Blindes, 1936, die Regeringsdiens Pensioenwet, 1936, en die Oorlogspensioenwet, 1942; om die toekenning of voortsetting van sekere toelaes ten opsigte van sekere kinders van sekere vrywilligers te bekragtig, en om vir daarmee in verband staande aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 5 Oktober 1953.)

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

1. Artikel *dertien* van die „Financiële Regelings Wet, 1922”, word hiermee herroep.
Herroeping van artikel 13 van Wet 38 van 1922, soos deur artikel 5 van Wet 34 van 1930 vervang.
2. Artikel *ses* van die Ouderdomspensioenwet, 1928, word hiermee gewysig deur aan die end van sub-artikel (1) die volgende verdere voorbehoudsbepaling by te voeg:
„Met dien verstande voorts dat in die geval van iemand wat vir 'n werkgewer werk en wat die kommissaris oortuig dat hy die ouderdom van sewentig jaar bereik het, die besoldiging wat hy van bedoelde werkgewer ontvang, nie as inkomste (of middele) by die toepassing van hierdie sub-artikel beskou word nie.”
Wysiging van artikel 6 van Wet 22 van 1928, soos vervang deur artikel 3 van Wet 34 van 1931 en gewysig deur artikel 2 van Wet 34 van 1937, artikel 8 van Wet 33 van 1943, artikel 3 van Wet 48 van 1944, artikel 1 van Wet 43 van 1946, artikel 2 van Wet 41 van 1948, artikel 1 van Wet 47 van 1951, en artikel 2 van Wet 49 van 1952.
3. Artikel *vyf* van die Wet op Blindes, 1936, word hiermee gewysig deur aan die end van sub-artikel (1) die volgende verdere voorbehoudsbepaling by te voeg:
„Met dien verstande voorts dat in die geval van iemand wat vir 'n werkgewer werk en wat die kommissaris oortuig dat hy die ouderdom van sewentig jaar bereik het, die besoldiging wat hy van bedoelde werkgewer ontvang, nie as inkomste (of middele) by die toepassing van hierdie sub-artikel beskou word nie.”
Wysiging van artikel 5 van Wet 11 van 1936, soos gewysig deur artikel 9 van Wet 33 van 1943, artikel 7 van Wet 48 van 1944, artikel 1 van Wet 24 van 1946, artikel 3 van Wet 41 van 1948, en artikel 3 van Wet 47 van 1951.
4. Artikel *vyf-en-twintig* van die Regeringsdiens Pensioenwet, 1936, word hiermee gewysig—
(a) deur na die woorde „liggaam by wet ingestel” die woorde „of van enige ander deur die Tesourie goedgekeurde werkgewer” in te voeg; en
(b) deur die woorde „of liggaam” waar hulle vir die tweede maal voorkom te skrap en deur die woorde „liggaam of ander werkgewer” te vervang.
Wysiging van artikel 25 van Wet 32 van 1936, soos gewysig deur artikel 6 van Wet 18 van 1941.
5. Artikel *nege-en-twintig* van die Regeringsdiens Pensioenwet, 1936, word hiermee gewysig deur paragraaf (i) van die voorbehoudsbepaling by sub-artikel (1) te vervang deur die volgende paragraaf:
„(i) geen sodanige pensioen betaalbaar is—
(a) indien die letsel of slegte gesondheid toe te skrywe is aan die lid se dronkenskap of sy ernstige en opsetlike wangedrag, tensy na die oordeel van die Minister van Finansies, sodanige lid ernstige arbeidsongeskiktheid opgedoen het; of
(b) indien na die oordeel van bedoelde Minister, die letsel of slegte gesondheid verleng of vererger is deur die lid se onredelike en opsetlike weiering om hom aan genees- of heelkundige behandeling te onderwerp of om sodanige behandeling te verkry;”
Wysiging van artikel 29 van Wet 32 van 1936, soos gewysig deur artikel 10 van Wet 18 van 1941.

Amendment of section 30 of Act 32 of 1936, as amended by section 11 of Act 18 of 1941.

6. Section *thirty* of the Government Service Pensions Act, 1936, is hereby amended by the deletion in sub-section (1) of the words "within five years from the date upon which the injury was sustained or the illness commenced,".

Amendment of section 58 of Act 32 of 1936, as amended by section 20 of Act 18 of 1941.

7. Section *fifty-eight* of the Government Service Pensions Act, 1936, is hereby amended by the insertion in sub-section (2) after the expression "sub-section (1)" of the words "or of any other employer approved by the Treasury".

Amendment of section 7 of Act 44 of 1942, as substituted by section 9 of Act 58 of 1946, and amended by section 10 of Act 35 of 1949.

8. (1) Section *seven* of the War Pensions Act, 1942, is hereby amended by the deletion of sub-section (3) and the substitution therefor of the following new sub-sections:

"(3) If a volunteer to whom a gratuity has been awarded in terms of sub-section (2) of this section, subsequently alleges in an application that there has been a substantial increase in the extent of his pensionable disablement or submits an application for compensation in respect of a new disablement which was caused or aggravated by military service, his case shall be reviewed and if the extent of his disablement is then assessed by the board at a percentage entitling him to a larger gratuity in terms of the Fifth Schedule or a disablement pension in terms of the Second Schedule, he shall be awarded such larger gratuity or such pension as from the date of his subsequent application: Provided that—

(a) the gratuity previously awarded in terms of sub-section (2) shall be set off against such larger gratuity;

(b) if such pension is effective from a date within a period of five years of the date on which the gratuity previously awarded in terms of sub-section (2) became effective, a deduction at an annual rate equivalent to one-fifth of the said gratuity shall be made from the said pension until the date of expiration of the said period of five years or until the date on which the pension ceases, whichever is the earlier date.

(4) If a pension awarded to a volunteer in terms of sub-section (3) is reviewed in terms of sub-section (1) of section *eleven* and ceases by reason of the fact that the extent of his pensionable disablement is then assessed at less than twenty per cent, he shall be awarded a further gratuity in accordance with the rates set forth in the Fifth Schedule: Provided that such portion of the gratuity previously awarded to him in terms of sub-section (2) as the commissioner may determine, shall be set off against the further gratuity payable under this sub-section."

(2) The provisions of sub-section (1) shall be deemed to have come into operation on the first day of April, 1946.

Validation of certain allowances granted or continued under sections 8 and 17 of Act 44 of 1942.

9. The grant or continuation of any allowance which purports to have been granted or continued under the provisions of sub-section (1) as read with sub-section (3) of section *eight* and of sub-section (3) of section *seventeen* of the War Pensions Act, 1942, in respect of a child of a volunteer who was being educated at a primary school, is hereby validated.

Commencement and application of sections 2 and 3.

10. The provisions of sections *two* and *three* shall be deemed to have come into operation on the first day of April, 1953, and may be applied with retrospective effect in respect of any person who was alive on that date and who on or after that date was in receipt of a pension under the Old Age Pensions Act, 1928 (Act No. 22 of 1928), the Blind Persons Act, 1936 (Act No. 11 of 1936), or Part II of the War Pensions Act, 1941 (Act No. 45 of 1941), or to whom, on or after that date, a payment was being made in terms of sub-section (3) of section *fifteen* of the Pension Laws Amendment Act, 1948 (Act No. 41 of 1948).

Short title.

11. This Act shall be called the Pension Laws Amendment Act, 1953.

6. Artikel *dertig* van die Regeringsdiens Pensioenwet, 1936, word hiermee gewysig deur in sub-artikel (1) die woorde „binne vyf jaar vanaf die datum waarop die letsel opgedoen is of die siekte begin het,” te skrap. Wysiging van artikel 30 van Wet 32 van 1936, soos gewysig deur artikel 11 van Wet 18 van 1941.
7. Artikel *agt-en-vyftig* van die Regeringsdiens Pensioenwet, 1936, word hiermee gewysig deur in sub-artikel (2) na die woord „liggaam” die woorde „of van enige ander deur die Tesourie goedgekeurde werkgever” in te voeg. Wysiging van artikel 58 van Wet 32 van 1936, soos gewysig deur artikel 20 van Wet 18 van 1941.
8. (1) Artikel *sewe* van die Oorlogspensioenwet, 1942, word hiermee gewysig deur sub-artikel (3) te skrap en deur die volgende nuwe sub-artikels te vervang:
- „(3) Indien ’n vrywilliger aan wie ’n gratifikasie ooreenkomstig sub-artikel (2) van hierdie artikel toegeken is, op ’n later datum in ’n aansoek beweer dat sy pensioengewende ongeskiktheid aanmerklik toegeneem het of aansoek doen om vergoeding ten opsigte van ’n nuwe ongeskiktheid wat deur militêre diens veroorsaak of vererger is, word sy saak hersien en indien die mate van sy ongeskiktheid dan deur die raad teen ’n persentasie vasgestel word wat hom geregtig maak op ’n groter gratifikasie ooreenkomstig die Vyfde Bylae of ’n ongeskiktheidspensioen ooreenkomstig die Tweede Bylae, word sodanige groter gratifikasie of sodanige pensioen vanaf die datum van sy latere aansoek aan hom toegeken: Met dien verstande dat—
- (a) die gratifikasie wat voorheen kragtens sub-artikel (2) aan hom toegeken is, teen sodanige groter gratifikasie verreken word;
- (b) indien sodanige pensioen in werking tree vanaf ’n datum binne ’n tydperk van vyf jaar vanaf die datum waarop die gratifikasie wat voorheen kragtens sub-artikel (2) toegeken is, van krag geword het, daar ’n aftrekking teen ’n jaarlikse koers gelyk aan een-vyfde van bedoelde gratifikasie, van bedoelde pensioen gemaak word tot die verstrykingsdatum van bedoelde tydperk van vyf jaar of tot die datum waarop die pensioen gestaak word, watter ookal die vroegste datum is.
- (4) Indien ’n pensioen wat kragtens sub-artikel (3) aan ’n vrywilliger toegeken is, ooreenkomstig sub-artikel (1) van artikel *elf* hersien word en gestaak word weens die feit dat die mate van sy pensioengewende ongeskiktheid dan op minder dan twintig persent vasgestel word, word daar ’n verdere gratifikasie ooreenkomstig die in die Vyfde Bylae vermelde skale aan hom toegeken: Met dien verstande dat die gedeelte van die gratifikasie wat voorheen kragtens sub-artikel (2) aan hom toegeken was wat die kommissaris bepaal, teen die verdere kragtens hierdie sub-artikel betaalbare gratifikasie verreken word.”
- (2) Die bepalinge van sub-artikel (1) word geag op die eerste dag van April 1946 in werking te getree het.
9. Die toekenning of voortsetting van ’n toelae wat kragtens die bepalinge van sub-artikel (1) saamgelees met sub-artikel (3) van artikel *agt* en van sub-artikel (3) van artikel *sewentien* van die Oorlogspensioenwet, 1942, heet toegestaan of voortgesit te gewees het ten opsigte van ’n kind van ’n vrywilliger wat by ’n primêre skool opgevoed geword het, word hiermee bekragtig. Bekragtiging van sekere toelaes toegeken of voortgesit kragtens artikels 8 en 17 van Wet 44 van 1942.
10. Die bepalinge van artikels *twee* en *drie* word geag op die eerste dag van April 1953 in werking te getree het, en kan met terugwerkende krag toegepas word ten opsigte van iemand wat op daardie datum in lewe was en wat op of na daardie datum ’n pensioen kragtens die Ouderdomspensioenwet, 1928 (Wet No. 22 van 1928), die Wet op Blindes, 1936 (Wet No. 11 van 1936), of Deel II van die Oorlogspensioenwet, 1941 (Wet No. 45 van 1941), ontvang het, of aan wie op of na daardie datum ’n betaling ingevolge sub-artikel (3) van artikel *vyftien* van die Wysigingswet op die Pensioenwette, 1948 (Wet No. 41 van 1948), gemaak was. Inwerkingtreding en toepassing van artikels 2 en 3.
11. Hierdie Wet heet die Wysigingswet op die Pensioenwette, Kort titel. 1953.

No. 45, 1953.]

ACT

To provide for the disposal of certain surplus State revenues and for the transfer of certain amounts from the Revenue Account to the Loan Account; to provide that certain capital or non-recurrent expenditure shall not be deemed to form part of the nett expenditure of a province; to discharge persons from certain liabilities in respect of outstanding personal and savings fund levy; to provide for the payment of certain amounts in the post office savings bank to the Government of the United Kingdom; to validate the utilization of a certain amount from the capital fund of the South African Bureau of Standards for the purpose of meeting running expenses; to validate and authorize certain expenditure from the Wool Levy Fund and to provide for the acquisition of certain wool stores and land by the South African Wool Board; to validate Government Notice No. 2816 of the 5th December, 1952; to provide for the defrayment of the revenue deficit of the Railway and Harbour Fund; to validate the payment of increased salaries to the Railway Commissioners over a certain period; and to amend Acts Nos. 21 of 1911, 24 of 1913, 9 of 1921, 42 of 1922, 27 of 1923, 9 of 1933, 38 of 1942 and 25 of 1945.

(English text signed by the Governor-General.)
(Assented to 5th October, 1953.)

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:—

PART I.

MATTERS AFFECTING THE CONSOLIDATED REVENUE FUND.

Disposal of surplus State revenues.

1. The surplus State revenues as at the thirty-first day of March, 1953, as certified by the Controller and Auditor-General, shall be transferred to the credit of the Loan Account.

Transfer of certain amounts from the Revenue Account to the Loan Account.

2. There shall be transferred from the Revenue Account to the Loan Account on or before the thirty-first day of March, 1954, amounts equal in the aggregate to the difference between eighteen million pounds and the total of the amounts paid to the credit of the Loan Account up to and including the said date, in terms of sub-section (5) of section *two* of the Income Tax Act, 1953.

Certain capital or non-recurrent expenditure not to be deemed to form part of the nett expenditure of a province.

3. (1) Notwithstanding anything to the contrary contained in the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945), but subject to the provisions of paragraphs (a), (b) and (c) of sub-section (3) of section *six* of that Act, capital or non-recurrent expenditure, as defined in section *five* of that act, or interest and sinking fund payments in respect of such expenditure (other than the payments referred to in paragraph (c) of sub-section (2) of the said section *five*), shall not be deemed to form part of the nett expenditure of a province for the purposes of sub-section (1) of the said section *six*, except to such extent or on such conditions as the Treasury may determine.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1953.

Persons discharged from certain liabilities in respect of outstanding personal and savings fund levy.

4. (1) Notwithstanding the provisions of paragraph (a) of sub-section (2) of section *seventeen* of the Special Taxation Amendment Act, 1946 (Act No. 54 of 1946), the liability of any person for the payment of any amount which may have become payable before the date of commencement of this Act but which has not been collected at the said date, or which would, but for the provisions of this sub-section, have become payable on or after that date, in respect of the personal and savings fund levy for any period referred to in the aforesaid paragraph, or in respect of any interest on such levy, is, subject to the provisions of sub-section (2), hereby discharged.

No. 45, 1953.]

WET

Om voorsiening te maak vir die besteding van sekere surplusstaatsinkomste en vir die oordrag van sekere bedrae van die Inkomsterekening na die Leningsrekening; om voorsiening te maak dat sekere kapitaal- of nie-terugkerende uitgawes nie geag word deel van die netto uitgawes van 'n provinsie uit te maak nie; om persone te onthef van sekere verpligtings ten opsigte van uitstaande persoonlike en spaarfondsbelasting; om voorsiening te maak vir die betaling van sekere bedrae in die posspaarbank aan die Regering van die Verenigde Koninkryk; om die aanwending van 'n sekere bedrag uit die kapitaalfonds van die Suid-Afrikaanse Buro vir Standaard ter bestryding van lopende uitgawes te bekragtig; om sekere uitgawes uit die Wolheffingsfonds te bekragtig en te magtig en om voorsiening te maak vir die verkryging van sekere wolpakhuse en grond deur die Suid-Afrikaanse Wolraad; om Goewermentskennisgewing No. 2816 van 5 Desember 1952 te bekragtig; om voorsiening te maak vir die bestryding van die inkomste-tekort in die Spoorweg- en Hawefonds; om die betaling van verhoogde salarisse aan die Spoorwegkommissarisse oor 'n sekere tydperk te bekragtig; en tot wysiging van Wette Nos. 21 van 1911, 24 van 1913, 9 van 1921, 42 van 1922, 27 van 1923, 9 van 1933, 38 van 1942 en 25 van 1945.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 5 Oktober 1953.)

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

DEEL I.

AANGELEENTHEDE WAT DIE GEKONSOLIDEERDE INKOMSTEFONDS RAAK.

1. Die surplusstaatsinkomste op die een-en-dertigste dag van Maart 1953, soos deur die Kontroleur en Ouditeur-generaal gesertifiseer, word na die Leningsrekening oorgedra. Besteding van surplusstaatsinkomste.
2. Van die Inkomsterekening word daar, op of voor die een-en-dertigste dag van Maart 1954, bedrae wat in totaal gelyk is aan die verskil tussen agtienmiljoen pond en die totaal van die bedrae wat tot en met genoemde datum ingevolge sub-artikel (5) van artikel twee van die Inkomstebelastingwet, 1953, op krediet van die Leningsrekening inbetaal is, na die Leningsrekening oorgedra. Oordrag van sekere bedrae van die Inkomsterekening na die Leningsrekening.
3. (1) Ondanks andersluidende bepalings van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945), maar behoudens die bepalings van paragrawe (a), (b) en (c) van sub-artikel (3) van artikel ses van daardie Wet, word kapitaal- of nie-terugkerende uitgawes, soos in artikel vyf van daardie Wet omskryf, of rente- en delgingsfondsbetalings ten opsigte van sodanige uitgawes (uitgesonderd die betalings in paragraaf (c) van sub-artikel (2) van genoemde artikel vyf bedoel), nie by die toepassing van sub-artikel (1) van genoemde artikel ses geag deel van die netto uitgawes van 'n provinsie uit te maak nie, behalwe vir sover of op sodanige voorwaardes as wat die Tesourie mag bepaal. Sekere kapitaal- of nie-terugkerende uitgawes nie geag deel van die netto uitgawes van 'n provinsie uit te maak nie.
(2) Sub-artikel (1) word geag op die eerste dag van April 1953 in werking te getree het.
4. (1) Ondanks die bepalings van paragraaf (a) van sub-artikel (2) van artikel sewentien van die Wysigingswet op Spesiale Belasting, 1946 (Wet No. 54 van 1946), word die aanspreeklikheid van enige persoon vir die betaling van enige bedrag wat voor die datum van inwerkingtreding van hierdie Wet betaalbaar mag geword het maar wat op genoemde datum nie gein is nie, of wat, as dit nie vir die bepalings van hierdie sub-artikel was nie, op of na daardie datum betaalbaar sou geword het, ten opsigte van die persoonlike en spaarfondsbelasting vir 'n in voormelde paragraaf bedoelde tydperk, of ten opsigte van enige rente op sodanige belasting, behoudens die bepalings van sub-artikel (2) hiermee uitgewis. Persone onthef van sekere verpligtings ten opsigte van uitstaande persoonlike en spaarfondsbelasting.

(2) The provisions of sub-section (1) shall not apply in respect of any amount not representing savings or interest which is or may become payable by any person for any period referred to in the said sub-section, unless that amount is less than one pound.

Payment of certain amounts in the post office savings bank to the Government of the United Kingdom.

5. (1) The Postmaster-General is hereby authorized to pay to the Government of the United Kingdom all amounts representing deposits in the post office savings bank made by the Paymaster of the Imperial Army during the period from the thirty-first day of October, 1941, to the fourteenth day of March, 1949, on behalf of any person who was a member of the African Pioneer Corps of Basutoland, Swaziland and Bechuanaland Protectorate and whose present whereabouts are unknown, as reflected in post office savings bank books in the possession of the Postmaster-General at the commencement of this section, together with the interest due on such amounts.

(2) Upon the payment under sub-section (1) of the amount representing deposits made on behalf of any person, together with any interest due on that amount, the Postmaster-General shall be discharged from all further liability in respect of such deposits and the relevant post office savings bank account shall be deemed to have been closed.

Validation of the utilization of a certain amount from the capital fund of the South African Bureau of Standards for the purpose of meeting running expenses.

6. Notwithstanding the provisions of sub-section (2) of section *thirteen* of the Standards Act, 1945 (Act No. 24 of 1945), the temporary utilization by the Council of the South African Bureau of Standards during the period between the twenty-fifth day of September, 1950, and the fourth day of January, 1952, of the amount of thirteen thousand six hundred and thirteen pounds two shillings and eight pence from the capital fund referred to in that sub-section for the purpose of meeting running expenses of the said Council, is hereby validated.

Validation and authorization of certain expenditure from the Wool Levy Fund and acquisition of certain wool stores and land by the South African Wool Board.

7. (1) The payment by the Secretary for Agriculture from the Wool Levy Fund mentioned in section *twenty-six* of the Wool Profits Distribution and Wool Amendment Act, 1952 (Act No. 60 of 1952), of an amount of one hundred and eighty-three thousand eight hundred and ninety-seven pounds eighteen shillings and nine pence towards the purchase of certain wool stores at Cape Town, Port Elizabeth, East London and Durban and the land upon which the said stores at Cape Town, Port Elizabeth and East London are situated, is hereby validated.

(2) The said wool stores and land shall be deemed to have been purchased by the South African Wool Board established by section *twenty-three* of the Wool Act, 1946 (Act No. 19 of 1946), on the twenty-third day of January, 1952, from the persons who were then the owners thereof.

(3) The Secretary for Agriculture is hereby authorized to pay from the said Wool Levy Fund a further amount not exceeding two hundred and sixteen thousand pounds towards the cost of transfer (including transfer duty) of the aforesaid land to the said Board and towards the cost of repairs to the aforesaid stores.

Validation of Government Notice No. 2816 of 5th December, 1952.

8. Government Notice No. 2816 of the 5th December, 1952, is hereby validated.

Amendment of section 5 of Act 21 of 1911, as substituted by section 6 of Act 50 of 1952.

9. (1) Section *five* of the Exchequer and Audit Act, 1911, is hereby amended by the substitution for the word "five" of the word "nine".

(2) Sub-section (1) shall come into operation on the first day of October, 1953.

Amendment of section 12 of Act 21 of 1911, as amended by section 4 of Act 31 of 1916, section 2 of Act 37 of 1922 and section 2 of Act 7 of 1941.

10. Section *twelve* of the Exchequer and Audit Act, 1911, is hereby amended by the addition at the end of sub-section (1) of the following proviso:

"Provided that neither the determination by the Commissioner for Inland Revenue of any amount upon which any tax on income leviable under any law is chargeable nor any return or document on which such determination has been or could be made shall be subject to examination, enquiry or audit by the Controller and Auditor-General."

Amendment of section 23 of Act 21 of 1911.

11. (1) Section *twenty-three* of the Exchequer and Audit Act, 1911, is hereby amended by the addition thereto of the following sub-section:

"(4) (a) Nothing in this section contained shall be construed as preventing the Commissioner for Inland Revenue from paying out of the total amount of

(2) Die bepalings van sub-artikel (1) is nie van toepassing nie ten opsigte van enige bedrag wat nie besparings of rente uitmaak nie wat betaalbaar is of betaalbaar mag word deur enige persoon vir 'n in genoemde sub-artikel bedoelde tydperk, tensy daardie bedrag minder as 'n pond is.

5. (1) Die Posmeester-generaal word hiermee gemagtig om aan die Regering van die Verenigde Koninkryk alle bedrae te betaal verteenwoordigende deposito's in die posspaarbank gestort deur die Betaalmeester van die Imperiale Leër gedurende die tydperk vanaf die een-en-dertigste dag van Oktober 1941 tot die veertiende dag van Maart 1949 ten behoeve van enige persoon wat 'n lid van die „African Pioneer Corps” van Basoetoland, Swasieland en Betsjoeanaland-Protectoraat was en van wie dit nie bekend is waar hy hom tans bevind nie, soos aangetoon in posspaarbankboekies in besit van die Posmeester-generaal by die inwerkingtreding van hierdie artikel, tesame met die rente op sodanige bedrae verskuldig.

Betaling van sekere bedrae in die posspaarbank aan die Regering van die Verenigde Koninkryk.

(2) By die betaling kragtens sub-artikel (1) van die bedrag verteenwoordigende deposito's ten behoeve van enige persoon gestort, tesame met die rente op daardie bedrag verskuldig, is die Posmeester-generaal onthef van alle verdere aanspreeklikheid ten opsigte van bedoelde deposito's en word die betrokke posspaarbankrekening geag afgesluit te wees.

6. Ondanks die bepalings van sub-artikel (2) van artikel dertien van die Wet op Standaard, 1945 (Wet No. 24 van 1945), word die tydelike aanwending deur die Raad van die Suid-Afrikaanse Buro vir Standaard gedurende die tydperk vanaf die vyf-en-twintigste dag van September 1950 tot die vierde dag van Januarie 1952, van die bedrag van dertien-duisend seshonderd-en-dertien pond twee sjelings en agt pennies uit die in daardie sub-artikel bedoelde kapitaalfonds, ter bestryding van lopende uitgawes van bedoelde Raad, hiermee bekragtig.

Bekragtiging van die aanwending van 'n sekere bedrag uit die kapitaalfonds van die Suid-Afrikaanse Buro vir Standaard ter bestryding van lopende uitgawes.

7. (1) Die betaling deur die Sekretaris van Landbou uit die Wolheffingsfonds vermeld in artikel ses-en-twintig van die Wolwinsteverdelings- en Wolwysigingswet, 1952 (Wet No. 60 van 1952), van die bedrag van honderd drie-en-tagtienduizend agthonderd sewe-en-negentig pond agtien sjelings en nege pennies tot die aankoop van sekere wolpakhuisse te Kaapstad, Port Elizabeth, Oos-Londen en Durban en die grond waarop bedoelde pakhuisse te Kaapstad, Port Elizabeth en Oos-Londen geleë is, word hiermee bekragtig.

Bekragtiging en magtiging van sekere uitgawes uit die Wolheffingsfonds en verkryging van sekere wolpakhuisse en grond deur die Suid-Afrikaanse Wolraad.

(2) Bedoelde wolpakhuisse en grond word geag op die drie-en-twintigste dag van Januarie 1952 deur die Suid-Afrikaanse Wolraad ingestel deur artikel drie-en-twintig van die Wolwet, 1946 (Wet No. 19 van 1946), aangekoop te gewees het van die persone wat toentertyd die eienaars daarvan was.

(3) Die Sekretaris van Landbou word hiermee gemagtig om uit bedoelde Wolheffingsfonds 'n verdere bedrag van hoogstens tweehonderd-en-sestienduizend pond te betaal tot die koste van oordrag (met inbegrip van hereregte) van voormelde grond aan bedoelde Raad en tot die koste van herstelwerk aan voormelde pakhuisse.

8. Goewermetskennisgewing No. 2816 van 5 Desember 1952 word hiermee bekragtig.

Bekragtiging van Goewermetskennisgewing No. 2816 van 5 Desember 1952.

9. (1) Artikel vyf van die „Financiewet, 1911”, word hiermee gewysig deur die woord „vijf” deur die woord „negen” te vervang.

Wysiging van artikel 5 van Wet 21 van 1911, soos vervang deur artikel 6 van Wet 50 van 1952.

(2) Sub-artikel (1) tree op die eerste dag van Oktober 1953 in werking.

10. Artikel twaalf van die „Financiewet, 1911”, word hiermee gewysig deur aan die end van sub-artikel (1) die volgende voorbehoudsbepaling by te voeg:

Wysiging van artikel 12 van Wet 21 van 1911, soos gewysig deur artikel 4 van Wet 31 van 1916, artikel 2 van Wet 37 van 1922 en artikel 2 van Wet 7 van 1941.

„Met dien verstande dat noch de vaststelling door de Kommissaris van Binnenlandse Inkomsten van een bedrag waarop een ingevolge een of ander wet oplegbare belasting op inkomsten hefbaar is noch een opgaaf of geschrift waarop zulk een vaststelling gemaakt is of zou kan worden aan inzage, onderzoek of opname door de Kontroleur en Auditeur-generaal onderworpen is.”.

11. (1) Artikel drie-en-twintig van die „Financiewet, 1911”, word hiermee gewysig deur die volgende sub-artikel daarby te voeg:

Wysiging van artikel 23 van Wet 21 van 1911.

„(4) (a) Het bepaalde bij dit artikel wordt niet uitgelegd de Kommissaris van Binnenlandse Inkomsten te beletten om uit het totaalbedrag aan gelden ingevor-

moneys collected in respect of normal and super taxes imposed under the Income Tax Acts of the Union and the provincial taxes imposed by a province on persons and companies and on the incomes of persons and companies (including the tax payable under the Companies Tax Ordinance, 1933 (Ordinance No. 12 of 1933), Transvaal, but excluding personal taxes paid by a person who is not an income tax payer) into the Exchequer Account and the provincial revenue fund of the province concerned respectively, such amounts monthly as may be determined on a basis prescribed by regulation: Provided that the respective amounts paid into the Exchequer Account and the provincial revenue fund of any province in any financial year shall be as nearly as may be proportionate to the respective amounts of normal and super taxes and provincial taxes for which assessment notices have been issued during that year.

- (b) Any regulations made under paragraph (a) which provide for the payment into a provincial revenue fund within two months of the end of any month of a total amount equal to the amount for which assessment notices were issued in respect of the provincial taxes of the province concerned during that month, may also provide for the payment into the Exchequer Account of all penalties (other than a penalty imposed by a court of law) chargeable in respect of the failure to pay the said taxes on the due date, notwithstanding anything to the contrary in any law contained.
- (c) Regulations under paragraph (a) may be made with retrospective effect from a date not earlier than the first day of October, 1952.
- (d) The Commissioner for Inland Revenue shall within four months of the end of any financial year furnish to the Controller and Auditor-General in respect of that financial year a statement setting out the apportionment of any moneys under paragraphs (a) and (b) and the regulations made thereunder and the manner in which such apportionment was determined. The statement shall be in a form approved by the Treasury after consultation with the Controller and Auditor-General and shall bear a certificate by the Commissioner for Inland Revenue that he has satisfied himself as to the correctness of the information set out therein. The Controller and Auditor-General may accept as correct the apportionment of the moneys as set out in the said statement but nothing contained in this paragraph shall be construed as preventing him from making any examination or audit which he may deem necessary."

(2) This section shall be deemed to have come into operation on the first day of October, 1952.

Amendment of section 93 of Act 24 of 1913, as amended by section 3 of Act 44 of 1926, section 4 of Act 45 of 1931, section 8 of Act 49 of 1935, section 20 of Act 17 of 1938, section 18 of Act 46 of 1944 and section 19 of Act 57 of 1946.

12. (1) Section *ninety-three* of the Administration of Estates Act, 1913, is hereby amended by the substitution for the words "three and one quarter" of the words "three and one half".

(2) Sub-section (1) shall be deemed to have come into operation on the first day of April, 1953.

Amendment of Schedule to Act 9 of 1921, as amended by section 21 of Act 57 of 1946, section 4 of Act 36 of 1948 and section 9 of Act 50 of 1952.

13. (1) The Schedule to the Natal Native High Court Act, 1921, is hereby amended by the substitution for the words "four hundred and fifty" of the words "seven hundred" and for the word "three" of the word "five".

(2) Sub-section (1) shall come into operation on the first day of October, 1953.

derd ten aanzien van normale en superbelastingen opgelegd ingevolge de Wetten op Inkomstebelasting van de Unie en de provinciale belastingen door een provincie opgelegd op personen en maatschappijen en op de inkomsten van personen en maatschappijen (met inbegrip van de belasting ingevolge de „Maatskappye- Belasting- Ordonnansie, 1933” (Ordonnantie No. 12 van 1933), Transvaal, betaalbaar, maar uitgezonderd persoonlike belastingen betaald door iemand die geen inkomstebelastingbetaler is), maandeliks onderscheidelik in de Schatkistrekening en de provinciale inkomsterekening van de betrokken provincie zodanige bedragen te storten als op een bij regulatie voorgeschreven grondslag bepaalt mocht worden: Met dien verstande dat gedurende enig finansiële jaar onderscheidelik in de Schatkistrekening en de provinciale inkomsterekening van een provincie bedragen gestort moeten worden zover moegelik naar verhouding van de onderscheiden bedragen aan normale en superbelastingen en provinciale belastingen waarvoor gedurende dat jaar aanslagkennisgevingen uitgerekte zijn.

- (b) Regulaties krachtens paragraaf (a) uitgevaardigd, waarbij voorziening gemaakt wordt voor de storting in een provinciale inkomsterekening binnen twee maanden na de einde van enige maand, van een totaalbedrag gelijk aan het bedrag waarvoor aanslagkennisgevingen ten aanzien van de provinciale belastingen van de betrokken provincie gedurende die maand uitgerekte zijn, kunnen ook voorziening maken voor de betaling, ondanks andersluidende wetsbepalingen, in de Schatkistrekening van alle boeten (uitgezonderd een boete door een gerechthof opgelegd) verhaalbaar ten opzichte van verzuim om bedoelde belastingen op de vervaldag te betalen.
- (c) Aan regulaties krachtens paragraaf (a) uitgevaardigd, kan terugwerkende kracht tot een datum niet vroeger dan de eerste dag van Oktober 1952, verleend worden.
- (d) De Kommissaris van Binnenlandse Inkomsten moet binnen vier maanden na de einde van een finansiële jaar aan de Kontroleur en Auditeur-generaal ten aanzien van dat finansiële jaar, een opgave verstrekken waarin de toewijzing van gelden krachtens paragrafen (a) en (b) en de daaronder uitgevaardigde regulaties en de wijze waarop zodanige toewijzing bepaald werd, uiteengezet wordt. Bedoelde opgave moet in de vorm zijn zoals door de Thesaurie na overlegpleging met de Kontroleur en Auditeur-generaal goedgekeurd, en daarop moet door de Kommissaris van Binnenlandse Inkomsten een certifikaat aangebracht worden dat hij zich van de juistheid van de daarin aangegeven inlichting vergewist heeft. De Kontroleur en Auditeur-generaal kan de toewijzing van de gelden zoals in bedoelde opgave uiteengezet als juist aanvaarden, maar het bepaalde bij deze paragraaf wordt niet uitgelegd hem te beletten om een door hem nodig geachte onderzoek of opname te doen.”

(2) Hierdie artikel word geag op die eerste dag van Oktober 1952 in werking te getree het.

12. (1) Artikel *drie-en-negentig* van die Boedelwet, 1913, word hiermee gewysig deur die woorde „drie en een kwart” deur die woorde „drie en een half” te vervang.

(2) Sub-artikel (1) word geag op die eerste dag van April 1953 in werking te getree het.

Wysiging van artikel 93 van Wet 24 van 1913, soos gewysig deur artikel 3 van Wet 44 van 1926, artikel 4 van Wet 45 van 1931, artikel 8 van Wet 49 van 1935, artikel 20 van Wet 17 van 1938, artikel 18 van Wet 46 van 1944 en artikel 19 van Wet 57 van 1946.

13. (1) Die Bylae by die „Wet op het Naturellen Hogehof van Natal, 1921”, word hiermee gewysig deur die woorde „vier honderd en vijftig” deur die woorde „zeven honderd” en die woord „drie” deur die woord „vijf” te vervang.

(2) Sub-artikel (1) tree op die eerste dag van Oktober 1953 in werking.

Wysiging van Bylae by Wet 9 van 1921, soos gewysig deur artikel 21 van Wet 57 van 1946, artikel 4 van Wet 36 van 1948 en artikel 9 van Wet 50 van 1952.

Amendment of section 7 of Act 42 of 1922, as amended by section 4 of Act 27 of 1927, section 22 of Act 17 of 1938 and section 1 of Act 66 of 1952.

14. (1) Section *seven* of the Electricity Act, 1922, is hereby amended—

- (a) by the insertion in sub-section (2)*bis* after the words “interest on” of the words “and all other charges in connection with”; and
- (b) by the insertion after sub-section (2)*bis* of the following sub-section:

“(2)*ter* Any agreement entered into in pursuance of the provisions of sub-section (2)*bis* may be signed by any person authorized thereto by the Minister of Finance in writing.”.

(2) Sub-section (1) shall be deemed to have come into operation on the eleventh day of July, 1952.

Amendment of section 2 of Act 27 of 1923, as amended by section 7 of Act 44 of 1926, section 1 of Act 33 of 1935, section 7 of Act 50 of 1937, section 23 of Act 57 of 1946 and section 1 of Act 26 of 1952.

15. (1) Section *two* of the Public Service Act, 1923, is hereby amended by the substitution in sub-section (6) for the word “five” of the word “nine” and for the word “three” of the word “seven”.

(2) Sub-section (1) shall come into operation on the first day of October, 1953.

Amendment of section 8*ter* of Act 9 of 1933, as inserted by section 26 of Act 57 of 1946 and amended by section 24 of Act 36 of 1950.

16. (1) Section *eight ter* of the Currency and Exchanges Act, 1933, is hereby amended—

- (a) by the substitution in sub-section (1) for the words “proceeds of the usual margin on sales of foreign exchange” of the words “usual exchange margins”; and
- (b) by the substitution for sub-sections (3) and (4) of the following sub-sections:

“(3) Any loss suffered by the bank as a result of the depreciation of any such currency in relation to Union currency or the appreciation of Union currency in relation to any such currency shall be a charge against the Consolidated Revenue Fund, and any profit earned by the bank as a result of the appreciation of any such currency in relation to Union currency or the depreciation of Union currency in relation to any such currency shall be held for the benefit of the Consolidated Revenue Fund.

(4) Any profit or loss in terms of this section may be carried forward until such times as either the Treasury or the bank deems it desirable that a settlement of the outstanding balance shall be effected.”.

(2) Paragraph (a) of sub-section (1) shall be deemed to have come into operation on the twenty-sixth day of June, 1946.

Amendment of section 8*quater* of Act 9 of 1933, as inserted by section 25 of Act 36 of 1950.

17. Section *eight quater* of the Currency and Exchanges Act, 1933, is hereby amended by the substitution for sub-section (4) of the following sub-section:

“(4) Any profit or loss in terms of this section may be carried forward until such times as either the Treasury or the bank deems it desirable that a settlement of the outstanding balance shall be effected.”.

Amendment of section 14 of Act 38 of 1942, as amended by section 5 of Act 25 of 1947.

18. Section *fourteen* of the Banking Act, 1942, is hereby amended by the insertion in the proviso to paragraph (a) after the words “Reserve Bank” where they occur for the first time, of the words “or with the National Finance Corporation of South Africa”.

Amendment of section 20 of Act 25 of 1945.

19. Section *twenty* of the Natives (Urban Areas) Consolidation Act, 1945, is hereby amended—

- (a) by the insertion in sub-section (1) after the word “circumstances” of the words “and, in the case of any such house, hut, building or hostel erected out of funds made available under the Housing Act, 1920 (Act No. 35 of 1920), or any regulation made under the Housing (Emergency Powers) Act, 1945 (Act No. 45 of 1945), after consultation with the National Housing and Planning Commission”; and
- (b) by the insertion after sub-section (1) of the following sub-section:

“(1)*bis* Notwithstanding anything to the contrary in any law contained, different rentals for the occupa-

14. (1) Artikel *sewe* van die „Elektrisiteit Wet, 1922”, word hiermee gewysig—
- (a) deur in sub-artikel (2)*bis* na die woorde „rente op” die woorde „en alle andere kosten in verband met” in te voeg; en
- (b) deur na sub-artikel (2)*bis* die volgende sub-artikel in te voeg:
- „(2)*ter* Een overeenkomst ingevolge de bepalingen van sub-artikel (2)*bis* aangegaan kan door een door de Minister van Financien schriftelik daartoe gemachtigde persoon ondertekend worden.”
- (2) Sub-artikel (1) word geag op die elfde dag van Julie 1952 in werking te getree het.
15. (1) Artikel *twee* van die „Staatsdienst Wet, 1923”, word hiermee gewysig deur in sub-artikel (6) die woord „vijf” deur die woord „negen” en die woord „drie” deur die woord „zeven” te vervang.
- (2) Sub-artikel (1) tree op die eerste dag van Oktober 1953 in werking.
16. (1) Artikel *agt ter* van die Wet op Betaalmiddels en Wisselkoerse, 1933, word hiermee gewysig—
- (a) deur in sub-artikel (1) die woorde „opbrengs van die gewone winste op verkopings van buitelandse wissels” deur die woorde „gebruiklike koersmarges” te vervang; en
- (b) deur sub-artikels (3) en (4) deur die volgende sub-artikels te vervang:
- „(3) Enige verlies wat deur die bank as gevolg van die waardevermindering van enige sodanige betaalmiddels in terme van die betaalmiddels van die Unie of die waardevermeerdering van die betaalmiddels van die Unie in terme van enige sodanige betaalmiddels gely word, kom ten laste van die Gekonsolideerde Inkomstefonds, en enige wins wat deur die bank as gevolg van die waardevermeerdering van enige sodanige betaalmiddels in terme van die betaalmiddels van die Unie of die waardevermindering van die betaalmiddels van die Unie in terme van enige sodanige betaalmiddels gemaak word, word ten bate van die Gekonsolideerde Inkomstefonds gehou.
- (4) Enige wins of verlies ingevolge hierdie artikel kan oorgedra word tot op die tye wat òf die Tesourie òf die bank dit wenslik ag dat ’n vereffening van die uitstaande balans moet geskied.”
- (2) Paragraaf (a) van sub-artikel (1) word geag op die ses-en-twintigste dag van Junie 1946 in werking te getree het.
17. Artikel *agt quater* van die Wet op Betaalmiddels en Wisselkoerse, 1933, word hiermee gewysig deur sub-artikel (4) deur die volgende sub-artikel te vervang:
- „(4) Enige wins of verlies ingevolge hierdie artikel kan oorgedra word tot op die tye wat òf die Tesourie òf die bank dit wenslik ag dat ’n vereffening van die uitstaande balans moet geskied.”
18. Artikel *veertien* van die Bankwet, 1942, word hiermee gewysig deur in die voorbehoudsbepaling by paragraaf (a) na die woord „Reserwebank” die woorde „of die Nasionale Finansiële korporasie van Suid-Afrika” in te voeg.
19. Artikel *twintig* van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, word hiermee gewysig—
- (a) deur in sub-artikel (1) na die woord „omstandighede” die woorde „en, in die geval van so ’n huis, hut, gebou of tehuis wat opgerig is uit fondse wat kragtens die Woningwet, 1920 (Wet No. 35 van 1920), of enige regulasie gemaak kragtens die Wet op Behuising (Noodmagte), 1945 (Wet No. 45 van 1945), beskikbaar gestel is, na oorlegpleging met die Nasionale Behuising- en Plannekommissie” in te voeg; en
- (b) deur na sub-artikel (1) die volgende sub-artikel in te voeg:
- „(1)*bis* Ondanks andersluidende wetsbepalings, kan verskillende huurgelde vir die bewoning van enige huis,

Wysiging van artikel 7 van Wet 42 van 1922, soos gewysig deur artikel 4 van Wet 27 van 1927, artikel 22 van Wet 17 van 1938 en artikel 1 van Wet 66 van 1952.

Wysiging van artikel 2 van Wet 27 van 1923, soos gewysig deur artikel 7 van Wet 44 van 1926, artikel 1 van Wet 33 van 1935, artikel 7 van Wet 50 van 1937, artikel 23 van Wet 57 van 1946 en artikel 1 van Wet 26 van 1952.

Wysiging van artikel 8*ter* van Wet 9 van 1933, soos ingevoeg deur artikel 26 van Wet 57 van 1946 en gewysig deur artikel 24 van Wet 36 van 1950.

Wysiging van artikel 8*quater* van Wet 9 van 1933, soos ingevoeg deur artikel 25 van Wet 36 van 1950.

Wysiging van artikel 14 van Wet 38 van 1942, soos gewysig deur artikel 5 van Wet 25 van 1947.

Wysiging van artikel 20 van Wet 25 van 1945.

tion of any house, hut or building erected out of funds made available under the Housing Act, 1920 (Act No. 35 of 1920), or any regulation made under the Housing (Emergency Powers) Act, 1945 (Act No. 45 of 1945), or out of funds obtained from any other source and different charges for accommodation in a native hostel erected out of any such funds may be prescribed for natives falling within the sub-economic group, as determined by the Minister after consultation with the National Housing and Planning Commission, and natives not falling within that group."

PART II.

MATTERS AFFECTING THE RAILWAY ADMINISTRATION.

Defrayment of revenue deficit of Railway and Harbour Fund.

20. The revenue deficit of the Railway and Harbour Fund in respect of the financial year ended on the thirty-first day of March, 1953, as certified by the Controller and Auditor-General, shall be charged to the fund established in terms of section *one hundred and twenty-eight* of the South Africa Act, 1909.

Validation of payment of increased salaries to Railway Commissioners over a certain period.

21. The payment to the Railway Commissioners, being members of the Railways and Harbours Board referred to in section *one* of the Railway Board Act, 1916 (Act No. 17 of 1916), of salaries at the rate of two thousand four hundred pounds per annum during the period 1st January, 1946, to 31st March, 1947, is hereby validated and confirmed.

Short title.

22. This Act shall be called the Finance Act, 1953.

hut of gebou wat opgerig is uit fondse wat kragtens die Woningwet, 1920 (Wet No. 35 van 1920), of enige regulasie gemaak kragtens die Wet op Behuising (Noodmagte), 1945 (Wet No. 45 van 1945), beskikbaar gestel is of uit fondse wat uit enige ander bron verkry is en verskillende gelde vir huisvesting in 'n naturelletehuis wat opgerig is uit enige sulke fondse voorgeskryf word vir naturelle wat in die sub-ekonomiese groep, soos deur die Minister na oorlegpleging met die Nasionale Behuisings- en Plannekommissie vasgestel, val en naturelle wat nie in daardie groep val nie."

DEEL II.

AANGELEENTHEDE WAT DIE SPOORWEGADMINISTRASIE RAAK.

20. Die inkomste-tekort in die Spoorweg- en Hawefonds ten opsigte van die boekjaar wat op die een-en-dertigste dag van Maart 1953 geëindig het, soos deur die Kontroleur en Ouditeur-generaal gesertifiseer, word bestry uit die fonds wat ingevolge artikel honderd agt-en-twintig van die „Zuid-Afrika Wet, 1909", ingestel is.

Bestryding van inkomste-tekort in die Spoorweg- en Hawefonds.

21. Die betaling aan die Spoorwegkommissaris, synde lede van die „Spoorweg- en Havenraad" in artikel een van die „Spoorwegraad Wet, 1916" (Wet No. 17 van 1916), bedoel, van salaris teen die skaal van tweeduisend vierhonderd pond per jaar gedurende die tydperk 1 Januarie 1946 tot 31 Maart 1947 word hiermee bekragtig en bevestig.

Bekragtiging van betaling van verhoogde salaris aan Spoorwegkommissaris oor 'n sekere tydperk.

22. Hierdie Wet heet die Finansiewet, 1953.

Kort titel.

No. 46, 1953.]

ACT**To provide for certain pensions, grants, gratuities and other benefits.***(Afrikaans text signed by the Governor-General.)
(Assented to 5th October, 1953.)***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:—

Granting of certain benefits.

1. Notwithstanding anything to the contrary in any law, every person indicated as a beneficiary in an item of the Schedule to this Act shall be entitled to the benefit specified in that item.

Short title.

2. This Act shall be called the Pensions (Supplementary) Act, 1953.**Schedule.**

- 1. (a)** The break in service of each of the undermentioned persons for the period indicated opposite his name shall be condoned for pension purposes subject to the following terms and conditions—
- (i) his membership of the Union Public Service Pension Fund and, if he is a person to whom sub-paragraph (iv) applies, his membership of the Union Widows' Pension Fund shall be deemed not to have terminated, and he shall again be subject to the provisions of that part of Chapter I of the Government Service Pensions Act, 1936, to which he was subject immediately prior to the commencing date of the period indicated opposite his name;
 - (ii) he shall repay to the Union Public Service Pension Fund the amount indicated opposite his name;
 - (iii) contributions shall be paid to the Union Public Service Pension Fund from the Consolidated Revenue Fund on his behalf in respect of the period indicated opposite his name and any subsequent period of service in respect of which he has elected to contribute in terms of sub-section (1) of section *fifteen* of the Government Service Pensions Act, 1936: such contributions shall be paid in accordance with the scale set forth in sub-section (2) of section *five* or (as the case may be) sub-section (2) of section *twelve* of that Act, shall be based on his annual pensionable emoluments immediately prior to the commencing date of the period indicated opposite his name, and shall for the purposes of the said Act be regarded as "arrear contributions" due by him;
 - (iv) if he was a member of the Union Widows' Pension Fund immediately prior to the commencing date of the period indicated opposite his name, contributions shall be paid to that Fund from the Consolidated Revenue Fund on his behalf in respect of the periods referred to in sub-paragraph (iii), and such contributions shall be based on his annual pensionable emoluments immediately prior to the said commencing date;
 - (v) if he is a person to whom sub-paragraph (iv) applies, contributions shall be due by him to the Union Widows' Pension Fund in respect of any period which is subsequent to the closing date of the period indicated opposite his name and in respect of which he contributes or has contributed provisionally to the Union Public Service Pension Fund.

SOUTH AFRICAN POLICE.

Force No. or Rank.	Name.	Period of Break.	Amount to be Refunded.
			£ s. d.
27016	Bodenstein, J. R. . .	24th August, 1942, to 31st July, 1949 ..	40 18 7
27017	Engelbrecht, F. J.	24th August, 1942, to 31st July, 1949 ..	1 0 0
27018	Retief, G. v. W. . .	24th August, 1943, to 31st July, 1949 ..	180 2 2
Sub-Insp.	Willers, W. A. . .	24th August, 1943, to 31st July, 1949 ..	152 11 9
27020	Joubert, C. J. . .	26th August, 1942, to 31st July, 1949 ..	50 6 11
27022	Marais, P. S. . .	24th August, 1943, to 31st July, 1949 ..	211 11 11
27023	Kritzinger, I. M.	10th August, 1942, to 31st July, 1949 ..	139 12 5

No. 46, 1953.]

WET

Om voorsiening te maak vir sekere pensioene, toelaes, gratifikasies en ander voordele.

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 5 Oktober 1953.)*

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

1. Ondanks andersluidende wetsbepalings, is elke persoon wat in 'n item van die Bylae by hierdie Wet as 'n bevoordeelde aangewys word, op die in daardie item vermelde voordeel geregtig. Toekenning van sekere voordele.

2. Hierdie Wet heet die Wet tot Aanvulling van Pensioene, 1953. Kort titel.

Bylae.

1. (a) Die diensonderbreking van elkeen van die onderstaande persone vir die tydperk teenoor sy naam aangedui, word vir pensioendoeleindes verskoon onderworpe aan die volgende voorskrifte en voorwaardes—
 - (i) dat sy lidmaatskap van die Unie-staatsdienspensioenfonds en, indien hy iemand is op wie sub-paragraaf (iv) van toepassing is, sy lidmaatskap van die Unie-weduwees-pensioenfonds geag word nie beëindig te gewees het nie, en dat hy weer onder die bepalinge van daardie deel van Hoofstuk I van die Regeringsdiens Pensioenwet, 1936, val, waaronder hy onmiddellik voor die aanvangsdatum van die tydperk teenoor sy naam aangedui, geval het;
 - (ii) dat hy die bedrag wat teenoor sy naam aangedui word, aan die Unie-staatsdienspensioenfonds terugbetaal;
 - (iii) dat bydraes ten behoeve van hom uit die Gekonsolideerde Inkomstefonds aan die Unie-staatsdienspensioenfonds betaal word ten opsigte van die tydperk teenoor sy naam aangedui en enige latere dienstermyn ten opsigte waarvan hy ooreenkomstig sub-artikel (1) van artikel vyftien van die Regeringsdiens Pensioenwet, 1936, verkies het om by te dra: dat sodanige bydraes betaal word ooreenkomstig die skaal wat in sub-artikel (2) van artikel vyf of (na gelang van die geval) sub-artikel (2) van artikel twaalf van daardie Wet uiteengesit word, en dat sodanige bydraes op sy jaarlikse pensioengewende verdienste onmiddellik voor die aanvangsdatum van die tydperk teenoor sy naam aangedui gebaseer word en vir die doeleindes van bedoelde Wet as „agterstallige bydraes” deur hom verskuldig, beskou word;
 - (iv) dat indien hy onmiddellik voor die aanvangsdatum van die tydperk teenoor sy naam aangedui 'n lid van die Unie-weduwees-pensioenfonds was, bydraes ten behoeve van hom uit die Gekonsolideerde Inkomstefonds aan bedoelde pensioenfonds betaal word ten opsigte van die tydperke in sub-paragraaf (iii) vermeld, en dat sodanige bydraes op sy jaarlikse pensioengewende verdienste onmiddellik voor bedoelde aanvangsdatum gebaseer word;
 - (v) dat indien hy iemand is op wie sub-paragraaf (iv) van toepassing is, bydraes deur hom aan die Unie-weduwees-pensioenfonds verskuldig word ten opsigte van enige tydperk wat later is as die sluitingsdatum teenoor sy naam aangedui en ten opsigte waarvan hy voorlopig tot die Unie-staatsdienspensioenfonds bydra of bygedra het.

SUID-AFRIKAANSE POLISIE.

Mags-nommer of rang.	Naam.	Tydperk van Onderbreking.	Bedrag wat terugbetaal moet word.
			£ s. d.
27016	Bodenstein, J. R. ...	24 Augustus 1942 tot 31 Julie 1949 ..	40 18 7
27017	Engelbrecht, F. J. ...	24 Augustus 1942 tot 31 Julie 1949 ..	1 0 0
27018	Retief, G. v. W. ..	24 Augustus 1943 tot 31 Julie 1949 ..	180 2 2
Ond./Insp.	Willers, W. A. ..	24 Augustus 1943 tot 31 Julie 1949 ..	152 11 9
27020	Joubert, C. J. ..	26 Augustus 1942 tot 31 Julie 1949 ..	50 6 11
27022	Marais, P. S. ..	24 Augustus 1943 tot 31 Julie 1949 ..	211 11 11
27023	Kritzinger, I. M. ..	10 Augustus 1942 tot 31 Julie 1949 ..	139 12 5

Force No. or Rank.	Name.	Period of Break.	Amount to be Refunded.
			£ s. d.
27024	V. d. Merwe, C. R.	24th July, 1942, to 31st July, 1949	63 11 1
27025	Coetzee, H. C. ..	24th August, 1942, to 31st July, 1949. ..	93 10 11
27026	Truter, W. B. ..	31st July, 1942, to 31st July, 1949	118 18 5
27027	V. d. Merwe, T. F. D.	27th August, 1942, to 31st July, 1949 ..	56 16 0
27028	Scheepers, J. G. ..	27th August, 1942, to 31st July, 1949 ..	54 3 2
Sub-Insp.	V. d. Westhuizen, J. H.	24th August, 1943, to 31st July, 1949 ..	111 16 2
27030	V. Vollenhoven, K.	27th August, 1942, to 31st July, 1949 ..	58 2 0
Sub-Insp.	Brink, A. W. ..	7th July, 1942, to 31st July, 1949	108 8 9
27032	Grove, H. G. ..	26th August, 1942, to 31st July, 1949 ..	164 18 4
27033	Oosthuizen, E. J. .	26th August, 1942, to 31st July, 1949 ..	181 0 11
Sub-Insp.	Zietsman, P. H. ..	24th August, 1943, to 31st July, 1949. ..	118 0 10
27039	Fouché, C. J. H. ..	15th July, 1942, to 1st August, 1949	2 15 5
27042	Odendaal, W. A. .	27th August, 1942, to 31st July, 1949 ..	1 3 1
27043	Benade, G. F. ..	24th August, 1942, to 31st July, 1949 ..	2 8 3
Sub-Insp.	V. Wyk, G. J. ..	25th July, 1942, to 3rd August, 1949	115 5 11
27049	V. d. Ryst, H. S.	30th July, 1942, to 31st July, 1949	159 8 4
27050	Espach, J. W. ..	25th August, 1942, to 31st July, 1949 ..	69 9 6
27051	Jordaan, J. P. ..	24th August, 1942, to 2nd August, 1949 ..	32 18 7
27052	Snyman, K. N. ..	27th August, 1942, to 2nd August, 1949 ..	102 3 4
27053	Burger, H. S. ..	22nd August, 1942, to 1st August, 1949 ..	84 10 8
Sub-Insp.	De Wit, J. V. ..	24th August, 1943, to 3rd August, 1949 ..	116 15 11
27055	Von Solms, J. A. .	8th August, 1942, to 4th August, 1949 ..	116 5 11
27068	Ohlsen, H. W. ..	22nd August, 1942, to 31st July, 1949 ..	139 5 0
Sub-Insp.	Van den Bergh, H. J.	27th August, 1942, to 31st July, 1949 ..	95 4 2
27071	Le Roux, G. J. ..	26th August, 1942, to 31st July, 1949 ..	67 19 4
27072	Grundling, J. C. ..	27th August, 1942, to 31st July, 1949 ..	51 16 9
27073	Klopper, C. C. ..	27th August, 1942, to 31st July, 1949 ..	32 0 10
27074	Lubbe, H. A. ..	27th August, 1942, to 31st July, 1949 ..	51 2 10
Sub-Insp.	Venter, P. J. ..	31st July, 1942, to 31st July, 1949	94 2 3
27083	Geldenduys, A. P.	27th July, 1942, to 31st July, 1949	64 16 2
27084	Botha, H. S. ..	27th August, 1942, to 31st July, 1949 ..	60 2 3
27086	Cremer, C. W. ..	31st July, 1942, to 7th August, 1949	138 16 5
27087	Du Preez, A. J. ..	24th August, 1943, to 5th August, 1949 ..	93 17 1
Sub-Insp.	Oosthuizen, G. P.	2nd July, 1942, to 31st July, 1949	152 1 6
27091	Giliomee, L. G. ..	24th November, 1942, to 31st July, 1949 ..	28 9 9
27092	Venter, J. L. ..	24th July, 1942, to 31st July, 1949	42 12 3
27093	Spengler, A. C. ..	26th August, 1942, to 31st July, 1949 ..	18 12 8
27094	Labuschagne, C. D.	26th August, 1942, to 31st July, 1949 ..	81 6 4
27096	Greyling, J. J. ..	24th August, 1942, to 2nd August, 1949 ..	31 2 4
27098	De Bruyn, P. L. .	8th July, 1942, to 31st July, 1949	98 7 9
27121	Kraukamp, P. J. P.	26th July, 1944, to 31st July, 1949	81 1 4
27124	Lessing, A. J. S. .	24th August, 1943, to 19th August, 1949 ..	108 2 1
27152	Louw, P. J. D. ..	22nd August, 1942, to 18th August, 1949 ..	7 18 11
27156	Swanepoel, J. M. .	27th August, 1942, to 31st August, 1949 ..	21 16 3
27327	Fouchee, P. H. ..	13th November, 1942, to 9th October, 1949	80 12 10
27503	Ferreira, J. A. ..	31st July, 1942, to 14th November, 1949 ..	50 4 1
27534	Pieterse, P. H. S. .	23rd January, 1942, to 27th November, 1949	52 8 9

Mags- nommer of rang.	Naam.	Tydperk van Onderbreking.	Bedrag wat terugbetaal moet word.
			£ s. d.
27024	V. d. Merwe, C. R.	24 Julie 1942 tot 31 Julie 1949	63 11 1
27025	Coetzee, H. C. ..	24 Augustus 1942 tot 31 Julie 1949	93 10 11
27026	Truter, W. B. ..	31 Julie 1942 tot 31 Julie 1949	118 18 5
27027	V. d. Merwe, T. F. D.	27 Augustus 1942 tot 31 Julie 1949	56 16 0
27028	Scheepers, J. G. ..	27 Augustus 1942 tot 31 Julie 1949	54 3 2
Ond./Insp.	V. d. Westhuizen, J. H.	24 Augustus 1943 tot 31 Julie 1949	111 16 2
27030	V. Vollenhoven, K.	27 Augustus 1942 tot 31 Julie 1949	58 2 0
Ond./Insp.	Brink, A. W. ..	7 Julie 1942 tot 31 Julie 1949	108 8 9
27032	Grove, H. G. ..	26 Augustus 1942 tot 31 Julie 1949	164 18 4
27033	Oosthuizen, E. J. ..	26 Augustus 1942 tot 31 Julie 1949	181 0 11
Ond./Insp.	Zietsman, P. H. ..	24 Augustus 1943 tot 31 Julie 1949	118 0 10
27039	Fouché, C. J. H. ..	15 Julie 1942 tot 1 Augustus 1949	2 15 5
27042	Odendaal, W. A. ..	27 Augustus 1942 tot 31 Julie 1949	1 3 1
27043	Benade, G. F. ..	24 Augustus 1942 tot 31 Julie 1949	2 8 3
Ond./Insp.	V. Wyk, G. J. ..	25 Julie 1942 tot 3 Augustus 1949	115 5 11
27049	V. d. Ryst, H. S. ..	30 Julie 1942 tot 31 Julie 1949	159 8 4
27050	Espach, J. W. ..	25 Augustus 1942 tot 31 Julie 1949	69 9 6
27051	Jordaan, J. P. ..	24 Augustus 1942 tot 2 Augustus 1949	32 18 7
27052	Snyman, K. N. ..	27 Augustus 1942 tot 2 Augustus 1949	102 3 4
27053	Burger, H. S. ..	22 Augustus 1942 tot 1 Augustus 1949	84 10 8
Ond./Insp.	De Wit, J. V. ..	24 Augustus 1943 tot 3 Augustus 1949	116 15 11
27055	Von Solms, J. A. ..	8 Augustus 1942 tot 4 Augustus 1949	116 5 11
27068	Ohlsen, H. W. ..	22 Augustus 1942 tot 31 Julie 1949	139 5 0
Ond./Insp.	Van den Bergh, H. J.	27 Augustus 1942 tot 31 Julie 1949	95 4 2
27071	Le Roux, G. J. ..	26 Augustus 1942 tot 31 Julie 1949	67 19 4
27072	Grundling, J. C. ..	27 Augustus 1942 tot 31 Julie 1949	51 16 9
27073	Klopper, C. C. ..	27 Augustus 1942 tot 31 Julie 1949	32 0 10
27074	Lubbe, H. A. ..	27 Augustus 1942 tot 31 Julie 1949	51 2 10
Ond./Insp.	Venter, P. J. ..	31 Julie 1942 tot 31 Julie 1949	94 2 3
27083	Geldenhuis, A. P. ..	27 Julie 1942 tot 31 Julie 1949	64 16 2
27084	Botha, H. S. ..	27 Augustus 1942 tot 31 Julie 1949	60 2 3
27086	Cremer, C. W. ..	31 Julie 1942 tot 7 Augustus 1949	138 16 5
27087	Du Preez, A. J. ..	24 Augustus 1943 tot 5 Augustus 1949	93 17 1
Ond./Insp.	Oosthuizen, G. P. ..	2 Julie 1942 tot 31 Julie 1949	152 1 6
27091	Giliomee, L. G. ..	24 November 1942 tot 31 Julie 1949	28 9 9
27092	Venter, J. L. ..	24 Julie 1942 tot 31 Julie 1949	42 12 3
27093	Spengler, A. C. ..	26 Augustus 1942 tot 31 Julie 1949	18 12 8
27094	Labuschagne, C. D.	26 Augustus 1942 tot 31 Julie 1949	81 6 4
27096	Greyling, J. J. ..	24 Augustus 1942 tot 2 Augustus 1949	31 2 4
27098	De Bruyn, P. L. ..	8 Julie 1942 tot 31 Julie 1949	98 7 9
27121	Kraukamp, P. J. P.	26 Julie 1944 tot 31 Julie 1949	81 1 4
27124	Lessing, A. J. S. ..	24 Augustus 1943 tot 19 Augustus 1949	108 2 1
27152	Louw, P. J. D. ..	22 Augustus 1942 tot 18 Augustus 1949	7 18 11
27156	Swanepoel, J. M. ..	27 Augustus 1942 tot 31 Augustus 1949	21 16 3
27327	Fouchee, P. H. ..	13 November 1942 tot 9 Oktober 1949	80 12 10
27503	Ferreira, J. A. ..	31 Julie 1942 tot 14 November 1949	50 4 1
27534	Pieterse, P. H. S. ..	23 Januarie 1942 tot 27 November 1949	52 8 9

Force No. or Rank.	Name.	Period of Break.	Amount to be Refunded.
			£ s. d.
27538	Cronje, C. A. ..	11th September, 1942, to 27th November, 1949	192 6 2
27568	Ferreira, I. J. ..	24th August, 1942, to 5th December, 1949	195 8 3
27615	Van Dalen, W. J. ..	27th August, 1942, to 16th December, 1949	223 3 1
Insp.	Kruger, W. H. ..	30th July, 1942, to 31st August, 1949	276 9 7
27683	Marais, P. D. ...	21st February, 1942, to 30th September, 1947	43 16 7
29287	Du Plessis, W. P. ...	24th August, 1942, to 24th August, 1952..	74 16 1
29361	V. d. Westhuizen, G. J. ..	10th August, 1942, to 30th September, 1952	244 12 0

PRISONS SERVICE.

Number.	Name.	Period of Break.	Amount to be Refunded.
			£ s. d.
3832	Bothma, S. J. ..	31st August, 1942, to 4th September, 1949	152 1 6
3957	Marais, L. J. ..	8th July, 1942, to 31st October, 1952 ..	154 17 10
4165	De Klerk, W. A. C.	24th July, 1942, to 31st October, 1949 ..	104 3 0
4268	Vosloo, J. N. ...	31st August, 1942, to 4th August, 1953 ..	83 4 0
4362	Schoeman, J. B. ..	8th July, 1942, to 29th December, 1949 ..	88 3 5
4458	Van Niekerk, R. F.	8th July, 1942, to 30th September, 1949 ..	74 3 2
4513	Fourie, W. A. J. ...	31st August, 1942, to 30th November, 1949	59 19 0
4605	Coetzee, C. P. ..	8th July, 1942, to 30th June, 1949 ..	49 14 10
4686	Swart, R. A. ...	8th July, 1942, to 3rd August, 1949 ..	35 7 1
4698	Zeelie, J. H. A. ..	8th July, 1942, to 31st January, 1949 ..	33 9 3
4702	Human, L. P. ...	9th April, 1944, to 29th September, 1949 ..	52 13 7
4715	Byleveld, J. A. J. ...	8th July, 1942, to 7th December, 1949 ..	33 14 8
4732	Bredenhann, J. E.	9th July, 1942, to 18th November, 1949 ..	25 18 8
4734	Coetzee, G. J. ..	9th April, 1944, to 5th December, 1948 ..	52 3 11
4824	Malan, J. C. ...	9th April, 1944, to 30th December, 1949 ..	47 9 0
4907	Burger, A. J. ...	9th April, 1944, to 18th July, 1949 ..	26 15 7
4999	Vosloo, C. ...	17th May, 1944, to 18th December, 1949 ..	15 19 10
5074	Gouws, R. F. ...	9th April, 1944, to 28th April, 1953 ..	9 8 5

OTHER GOVERNMENT DEPARTMENTS.

Name.	Period of Break.	Amount to be Refunded.
		£ s. d.
Cochrane, H. G. D. ...	1st March, 1946, to 1st January, 1953 ..	18 13 7
Coetzee, F. A. ...	16th May, 1946, to 4th October, 1949 ..	528 13 1
Louw, J. E. ...	3rd January, 1945, to 30th July, 1952 ..	46 12 8
Ludwig, U. E. ...	1st January, 1948, to 31st January, 1952 ..	290 12 6
Pienaar, J. J. ...	16th December, 1942, to 31st October, 1952 ..	21 2 3
Pretorius, M. C. ...	1st March, 1945, to 1st September, 1952 ..	62 19 9
Riekert, P. J. ...	7th April, 1945, to 31st August, 1949 ..	63 7 3
Vosloo, D. ...	1st January, 1943, to 1st January, 1953 ..	64 9 6

- (b) There may be advanced to the Union Public Service Pension Fund or the Union Widows' Pension Fund out of the Consolidated Revenue Fund a sum not exceeding the amount to be repaid by any person in terms of sub-paragraph (ii) of paragraph (a) or the contributions due by any person in terms of sub-paragraph (v) of paragraph (a), and the sum so advanced shall be recovered by deductions from that person's salary or wages in such instalments as the Commissioner of Pensions

Mags- nommer of rang.	Naam.	Tydperk van Onderbreking.	Bedrag wat terugbetaal moet word.
27538	Cronje, C. A. ..	11 September 1942 tot 27 November 1949	£ s. d. 192 6 2
27568	Ferreira, I. J. ..	24 Augustus 1942 tot 5 Desember 1949..	195 8 3
27615	Van Dalen, W. J. ..	27 Augustus 1942 tot 16 Desember 1949	223 3 1
Insp.	Kruger, W. H. ..	30 Julie 1942 tot 31 Augustus 1949 ..	276 9 7
27683	Marais, P. D. ..	21 Februarie 1942 tot 30 September 1947	43 16 7
29287	Du Plessis, W. P. ..	24 Augustus 1942 tot 24 Augustus 1952	74 16 1
29361	V. d. Westhuizen, G. J.	10 Augustus 1942 tot 30 September 1952	244 12 0

GEVANGENISDIENS.

Nommer.	Naam.	Tydperk van Onderbreking.	Bedrag wat terugbetaal moet word.
3832	Bothma, S. J. ..	31 Augustus 1942 tot 4 September 1949..	£ s. d. 152 1 6
3957	Marais, L. J. ..	8 Julie 1942 tot 31 Oktober 1952 ..	154 17 10
4165	De Klerk, W. A. C.	24 Julie 1942 tot 31 Oktober 1949 ..	104 3 0
4268	Vosloo, J. N. ..	31 Augustus 1942 tot 4 Augustus 1953 ..	83 4 0
4362	Schoeman, J. B. ..	8 Julie 1942 tot 29 Desember 1949 ..	88 3 5
4458	Van Niekerk, R. F.	8 Julie 1942 tot 30 September 1949 ..	74 3 2
4513	Fourie, W. A. J. ..	31 Augustus 1942 tot 30 November 1949	59 19 0
4605	Coetzee, C. P. ..	8 Julie 1942 tot 30 Junie 1949 ..	49 14 10
4686	Swart, R. A. ..	8 Julie 1942 tot 3 Augustus 1949 ..	35 7 1
4698	Zeelie, J. H. A. ..	8 Julie 1942 tot 31 Januarie 1949 ..	33 9 3
4702	Human, L. P. ..	9 April 1944 tot 29 September 1949 ..	52 13 7
4715	Byleveld, J. A. J. ..	8 Julie 1942 tot 7 Desember 1949 ..	33 14 8
4732	Bredenhann, J. E. A.	9 Julie 1942 tot 18 November 1949 ..	25 18 8
4734	Coetzee, G. J. ..	9 April 1944 tot 5 Desember 1948 ..	52 3 11
4824	Malan, J. C. ..	9 April 1944 tot 30 Desember 1949 ..	47 9 0
4907	Burger, A. J. ..	9 April 1944 tot 18 Julie 1949 ..	26 15 7
4999	Vosloo, C. ..	17 Mei 1944 tot 18 Desember 1949 ..	15 19 10
5074	Gouws, R. F. ..	9 April 1944 tot 28 April 1953 ..	9 8 5

ANDER STAATSDEPARTEMENTE.

Naam.	Tydperk van Onderbreking.	Bedrag wat terugbetaal moet word.
Cochrane, H. G. D. ...	1 Maart 1946 tot 1 Januarie 1953	£ s. d. 18 13 7
Coetzee, F. A. ..	16 Mei 1946 tot 4 Oktober 1949	528 13 1
Louw, J. E. ..	3 Januarie 1945 tot 30 Julie 1952	46 12 8
Ludwig, U. E. ..	1 Januarie 1948 tot 31 Januarie 1952 ..	290 12 6
Pienaar, J. J. ..	16 Desember 1942 tot 31 Oktober 1952 ..	21 2 3
Pretorius, M. C. ..	1 Maart 1945 tot 1 September 1952 ..	62 19 9
Riekert, P. J. ..	7 April 1945 tot 31 Augustus 1949	63 7 3
Vosloo, D. ..	1 Januarie 1943 tot 1 Januarie 1953 ..	64 9 6

- (b) Daar kan uit die Gekonsolideerde Inkomstefonds aan die Unie-staatsdienspensioenfonds of die Unie-weduweespensioenfonds voorgesket word 'n bedrag van hoogstens die bedrag wat kragtens sub-paragraaf (ii) van paragraaf (a) deur iemand terugbetaal moet word of die bydraes wat kragtens sub-paragraaf (v) van paragraaf (a) deur iemand verskuldig word, en die bedrag wat aldus voorgesket word, word verhaal by wyse van aftrekkings van so iemand se salaris of loon in sulke paaielemente as wat die Kommissaris van Pensioene bepaal: Met dien ver-

shall direct: Provided that if the employment of such person is terminated for any reason whatever before the total amount so advanced has been fully recovered, the amount which is still unrecovered shall be deducted from any benefit payable under the Government Service Pensions Act, 1936.

- (c) Contributions which have been paid from the Consolidated Revenue Fund on behalf of any person in terms of sub-paragraph (iii) or (iv) of paragraph (a) shall be regarded for the purposes of the Government Service Pensions Act, 1936, as having been paid by such person himself: Provided that if such person retires or is retired or discharged in circumstances mentioned in sub-section (2), (3), (4) or (7) of section *twenty-one* of the Government Service Pensions Act, 1936, there shall be deducted from the appropriate benefit (if any) payable to him under the said Act, and repaid to the Consolidated Revenue Fund, an amount equal to the amount which in terms of this paragraph is regarded as having been paid by such person himself.
 - (d) There shall be paid from the Consolidated Revenue Fund to the Union Public Service Pension Fund interest on the amount indicated opposite the name of a person mentioned in paragraph (a) at the rate of four per cent. per annum, compounded annually on the thirty-first day of March of each year, from the date on which such amount was paid from the Union Public Service Pension Fund to the date on which that amount is advanced in terms of paragraph (b), or to the date or dates on which that amount, or portion thereof, was repaid by such person, whether in instalments or otherwise, in terms of paragraph (a) of item No. 1 of the Schedule to the Pensions (Supplementary) Act, 1950, or item No. 47 of the Schedule to the Pensions (Supplementary) Act, 1951, or item No. 1 of the Schedule to the Pensions (Supplementary) Act, 1952.
 - (e) There shall be paid from the Consolidated Revenue Fund to the Union Widows' Pension Fund in respect of the contributions paid in terms of sub-paragraph (iv) of paragraph (a) or advanced in terms of paragraph (b), interest on such contributions at the rate of five per cent. per annum, compounded annually on the thirty-first day of March of each year and calculated according to the dates upon which the contributions would have been payable had the person concerned remained a member of the said Widows' Pension Fund, and such interest shall be calculated up to the date on which the said contributions are paid in terms of sub-paragraph (iv) of paragraph (a) or are advanced in terms of paragraph (b).
 - (f) Paragraph (a) of item No. 1 of the Schedule to the Pensions (Supplementary) Act, 1950, item No. 47 of the Schedule to the Pensions (Supplementary) Act, 1951, and items Nos. 1 and 44 of the Schedule to the Pensions (Supplementary) Act, 1952, shall cease to apply to or in respect of any person whose name appears in this item and any amounts (including interest) paid by such a person in terms of one or other of the said items shall be utilized to reduce his liabilities under this item in such manner as the Commissioner of Pensions shall direct.
 - (g) Any contributions paid to the Union Public Service Pension Fund by a Department in terms of Regulation No. 29 of the regulations contained in the Annexure to War Measure No. 4 of 1941 on behalf of a person mentioned in this item during any period of internment of such person in terms of Regulation 15 of the regulations promulgated under Proclamation No. 201 of 1939, and subsequently refunded to that Department, shall, if they have not already been repaid to the said Pension Fund in terms of paragraph (b) of item No. 1 of the Schedule to the Pensions (Supplementary) Act, 1950, be repaid to that Fund from the Consolidated Revenue Fund on behalf of the person concerned.
 - (h) There shall be paid from the Consolidated Revenue Fund to the Union Public Service Pension Fund interest on the amount of the contributions which are repaid to the said Pension Fund in terms of paragraph (g) or which were repaid to that Fund in terms of paragraph (b) of item No. 1 of the Schedule to the Pensions (Supplementary) Act, 1950, and such interest shall be calculated at the rate of four per cent. per annum, compounded annually on the thirty-first day of March of each year, from the dates on which such contributions were refunded to the Department concerned to the dates on which the said contributions are again paid into the said Pension Fund in terms of paragraph (g) of this item or were again so paid in terms of paragraph (b) of item No. 1 of the Schedule to the Pensions (Supplementary) Act, 1950.
 - (i) For the purposes of sub-paragraph (iv) of paragraph (a) the service of No. 27683, constable P. D. Marais, South African Police, from 1st October, 1947, to 28th December, 1949, shall be regarded as service in respect of which he has elected to contribute in terms of sub-section (1) of section *fifteen* of the Government Service Pensions Act, 1936.
2. (a) The break in service of each of the undermentioned members of the South African Police Force for the period indicated opposite his name shall be condoned for pension purposes subject to the following terms and conditions:
 - (i) he shall be permitted to contribute to the Union Public Service Pension Fund in respect of his continuous employment in the said Force (including any period of internment in terms of Regulation 15 of the regulations promulgated under Proclamation No. 201 of 1939) prior to the commencing date of the period indicated opposite his name.
 - (ii) contributions in respect of the period indicated opposite his name shall be due by him to the said Fund in accordance with the scale set forth in sub-section (2) of section *twelve* of the Government Service Pensions Act, 1936, and the contributions so due shall be based on his annual pension-

- stande dat ingeval die diens van so iemand op watter grond ook al beëindig word voordat die totaalbedrag aldus voorgeskiet ten volle verhaal is, die alsdan nog onverhaalde bedrag van enige voordeel wat kragtens die Regeringsdiens Pensioenwet, 1936, betaalbaar mag wees, afgetrek word.
- (c) Bydraes wat ooreenkomstig sub-paragraaf (iii) of (iv) van paragraaf (a) ten behoeve van iemand uit die Gekonsolideerde Inkomstefonds betaal is, word vir die doeleindes van die Regeringsdiens Pensioenwet, 1936, geag deur so iemand self betaal te gewees het: Met dien verstande dat as so iemand uit die diens tree of afgedank of ontslaan word onder omstandighede in sub-artikel (2), (3), (4) of (7) van artikel *een-en-twintig* van die Regeringsdiens Pensioenwet, 1936, vermeld, daar van die toepaslike voordeel (as daar is) wat kragtens bedoelde Wet aan hom betaalbaar is, 'n bedrag afgetrek en aan die Gekonsolideerde Inkomstefonds terugbetaal word, gelyk aan die bedrag wat ingevolge hierdie paragraaf geag word deur so iemand self betaal te gewees het.
- (d) Daar word uit die Gekonsolideerde Inkomstefonds aan die Unie-staatsdienspensioenfonds rente betaal op die bedrag wat teenoor die naam van 'n in paragraaf (a) vermelde persoon aangedui word teen vier persent per jaar jaarliks saamgestel op die een-en-dertigste dag van Maart van elke jaar, vanaf die datum waarop sodanige bedrag uit die Unie-staatsdienspensioenfonds betaal is tot die datum waarop daardie bedrag kragtens paragraaf (b) voorgeskiet word of tot die datum of datums waarop daardie bedrag, of gedeelte daarvan, deur so iemand terugbetaal was, hetsy in paaielemente of andersins, kragtens paragraaf (a) van item No. 1 van die Bylae by die Wet tot Aanvulling van Pensioene, 1950, of item No. 47 van die Bylae by die Wet tot Aanvulling van Pensioene, 1951, of item No. 1 van die Bylae by die Wet tot Aanvulling van Pensioene, 1952.
- (e) Ten opsigte van die bydraes wat kragtens sub-paragraaf (iv) van paragraaf (a) betaal word, of wat kragtens paragraaf (b) voorgeskiet word, word daar uit die Gekonsolideerde Inkomstefonds aan die Unie-weduweespensioenfonds rente betaal op sodanige bydraes teen vyf persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart van elke jaar en bereken volgens die datums waarop die bydraes betaalbaar sou gewees het indien die betrokke persoon 'n lid van bedoelde weduweespensioenfonds gebly het, en sodanige rente word bereken tot die datum waarop bedoelde bydraes kragtens sub-paragraaf (iv) van paragraaf (a) betaal word of kragtens paragraaf (b) voorgeskiet word.
- (f) Paragraaf (a) van item No. 1 van die Bylae by die Wet tot Aanvulling van Pensioene, 1950, item No. 47 van die Bylae by die Wet tot Aanvulling van Pensioene, 1951, en items Nos. 1 en 44 van die Bylae by die Wet tot Aanvulling van Pensioene, 1952, hou op om van toepassing te wees op of ten aansien van iemand wie se naam in hierdie item voorkom en enige bedrae (insluitende rente) wat kragtens een of ander bedoelde items deur so iemand betaal was, word gebruik om sy aanspreeklikhede onder hierdie item, op so 'n wyse as wat die Kommissaris van Pensioene bepaal, te verminder.
- (g) Enige bydraes wat kragtens Regulasie No. 29 van die regulasies vervat in die Aanhangsel by Oorlogsmaatreël No. 4 van 1941 deur 'n Departement ten behoeve van iemand in hierdie item bedoel in die Unie-staatsdienspensioenfonds gestort is gedurende 'n tydperk van internering van so iemand ingevolge Regulasie No. 15 van die regulasies afgekondig kragtens Proklamasie No. 201 van 1939, en wat daarna aan daardie Departement terugbetaal is, word, indien hulle nie reeds kragtens paragraaf (b) van item No. 1 van die Bylae by die Wet tot Aanvulling van Pensioene, 1950, aan bedoelde pensioenfonds terugbetaal is nie, ten behoeve van die betrokke persoon aan daardie fonds uit die Gekonsolideerde Inkomstefonds terugbetaal.
- (h) Daar word uit die Gekonsolideerde Inkomstefonds aan die Unie-staatsdienspensioenfonds rente betaal op die bedrag van die bydraes wat kragtens paragraaf (g) aan bedoelde pensioenfonds terugbetaal word, of wat kragtens paragraaf (b) van item No. 1 van die Bylae by die Wet tot Aanvulling van Pensioene, 1950, aan daardie fonds terugbetaal was, en sodanige rente word bereken teen vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart van elke jaar, vanaf die datums waarop sodanige bydraes aan die betrokke Departement terugbetaal was tot die datums waarop bedoelde bydraes kragtens paragraaf (g) van hierdie item weer in bedoelde pensioenfonds betaal word of kragtens paragraaf (b) van item No. 1 van die Bylae by die Wet tot Aanvulling van Pensioene, 1950, weer aldus betaal was.
- (i) Vir die doeleindes van sub-paragraaf (iv) van paragraaf (a) word die diens van No. 27683, konstabel P. D. Marais, Suid-Afrikaanse Polisie, vanaf 1 Oktober 1947 tot 28 Desember 1949 geag diens te wees ten opsigte waarvan hy kragtens sub-artikel (1) van artikel *vyftien* van die Regeringsdiens Pensioenwet, 1936, gekies het om by te dra.
2. (a) Die diensonderbreking van elkeen van die onderstaande lede van die Suid-Afrikaanse Polisiemag vir die tydperk teenoor sy naam aangedui, word vir pensioendoeleindes verskoon onderworpe aan die volgende voorskrifte en voorwaardes—
- dat hy toegelaat word om ten opsigte van sy ononderbroke diens in bedoelde mag (met inbegrip van 'n tydperk van internering ingevolge Regulasie No. 15 van die regulasies afgekondig kragtens Proklamasie No. 201 van 1939) voor die aanvangsdatum van die tydperk teenoor sy naam aangedui tot die Unie-staatsdienspensioenfonds by te dra;
 - dat bydraes ten opsigte van die tydperk teenoor sy naam aangedui deur hom aan bedoelde fonds verskuldig word ooreenkomstig die skaal wat in sub-artikel (2) van artikel *twaalf* van die Regeringsdiens Pensioenwet, 1936, uiteengesit word en dat die bydraes aldus verskuldig op sy

able emoluments immediately prior to the commencing date of that period and shall be regarded as "arrear contributions" for the purposes of the said Act.

Force No.	Name.	Period of Break.
27081	Espach, C. H. ..	24th August, 1942, to 31st July, 1949.
27082	Coetzee, G. J. ..	8th July, 1942, to 31st July, 1949.
27095	Kloppers, T. J. ..	24th August, 1942, to 1st August, 1949.
27155	Scholtz, J. H. ..	1st January, 1941, to 29th August, 1949.
27448	Pienaar, C. J. ..	25th January, 1942, to 31st October 1949.

- (b) A sum not exceeding the total amount of the contributions due by any member in terms of sub-paragraph (ii) of paragraph (a) shall be paid from the Consolidated Revenue Fund on his behalf and the amount of the contributions so paid shall be regarded for the purposes of the Government Service Pensions Act, 1936, as having been paid by such member himself: Provided that if any such member retires or is retired or discharged in circumstances mentioned in sub-section (2), (3), (4) or (7) of section *twenty-one* of the Government Service Pensions Act, 1936, there shall be deducted from any benefit payable to him under the said Act, and repaid to the Consolidated Revenue Fund, an amount equal to the amount which in terms of this paragraph is regarded as having been paid by such member himself.

- (c) Item No. 2 of the Schedule to the Pensions (Supplementary) Act, 1950, shall cease to apply to or in respect of any member whose name appears in this item.

3. (a) The break in service of each of the undermentioned persons for the period indicated opposite his name shall be condoned for pension purposes subject to the following terms and conditions—

- (i) his membership of the Government Employees' Provident Fund shall be deemed not to have terminated and he shall repay to that Fund the amount indicated in the second column opposite his name;
- (ii) contributions shall be due by him to the said Fund in respect of the said period and such contributions shall be based on his annual pensionable emoluments immediately prior to the commencing date of that period;
- (iii) the amount indicated in the third column opposite his name shall be transferred from the contingency account referred to in section *sixty-nine* of the Government Service Pensions Act, 1936, to his credit in the said Fund.

Name.	Period of Break.	Amount to be Refunded by Employee.	Amount to be Repaid from Contingency Account.
Bekker, J. J. S. A.	19th June, 1943, to 8th March, 1944 ..	£ s. d. 29 6 2	£ s. d. 39 12 3
Booyesen, C. J. . .	19th June, 1943, to 14th June, 1944 ..	19 0 6	24 14 9
Behrens, A. W. . .	1st August, 1940, to 14th December, 1948	75 15 3	—

- (b) There may be advanced to the Government Employees' Provident Fund out of the Consolidated Revenue Fund a sum not exceeding the amount to be repaid by any person in terms of sub-paragraph (i) of paragraph (a) and the sum so advanced shall be recovered by deductions from that person's salary or wages in such instalments as the Commissioner of Pensions shall direct: Provided that if the employment of any such person is terminated for any reason whatever before the total amount so advanced has been fully recovered, the amount which is still unrecovered shall be deducted from any benefit payable under the Government Service Pensions Act, 1936.

- (c) A sum not exceeding the total amount of the contributions due by any person in terms of sub-paragraph (ii) of paragraph (a) shall be paid from the Consolidated Revenue Fund on his behalf and the amount of the contributions so paid shall be regarded for the purposes of the Government Service Pensions Act, 1936, as having been paid by such person himself: Provided that if any such person retires or is retired or discharged in circumstances mentioned in sub-section (2) or (3) of section *seventy* of the Government Service Pensions Act, 1936, there shall be deducted from any benefit payable to him under the said Act, and repaid to the Consolidated Revenue Fund, an amount equal to the amount which in terms of this paragraph is regarded as having been paid by such person himself.

- (d) There shall be paid from the Consolidated Revenue Fund to the Government Employees' Provident Fund—

jaarlikse pensioengewende verdienste onmiddellik voor die aanvangsdatum van daardie tydperk gebaseer word en vir die doeleindes van bedoelde Wet as „agterstallige bydraes” beskou word.

Mags-nommer.	Naam.	Tydperk van Diens onderbreking.
27081	Espach, C. H.	24 Augustus 1942 tot 31 Julie 1949.
27082	Coetzee, G. J.	8 Julie 1942 tot 31 Julie 1949.
27095	Kloppers, T. J.	24 Augustus 1942 tot 1 Augustus 1949.
27155	Scholtz, J. H.	1 Januarie 1941 tot 29 Augustus 1949.
27448	Pienaar, C. J.	25 Januarie 1942 tot 31 Oktober 1949.

- (b) 'n Bedrag van hoogstens die totaal van bydraes wat kragtens sub-paragraaf (ii) van paragraaf (a) deur 'n lid verskuldig word, word ten behoeve van hom uit die Gekonsolideerde Inkomstefonds betaal, en die bedrag van die aldus betaalde bydraes word vir die doeleindes van die Regeringsdiens Pensioenwet, 1936, geag deur sodanige lid self betaal te gewees het: Met dien verstande dat as sodanige lid uit die diens tree of afgedank of ontslaan word onder omstandighede in sub-artikel (2), (3), (4) of (7) van artikel een-en-twintig van die Regeringsdiens Pensioenwet, 1936, vermeld, daar van enige voordeel wat kragtens bedoelde Wet aan hom betaalbaar is, 'n bedrag afgetrek word en aan die Gekonsolideerde Inkomstefonds terugbetaal word gelyk aan die bedrag wat ingevolge hierdie paragraaf geag word deur sodanige lid self betaal te gewees het.
- (c) Item No. 2 van die Bylae by die Wet tot Aanvulling van Pensioene, 1950, hou op om van toepassing te wees op of ten aansien van 'n lid wie se naam in hierdie item voorkom.
3. (a) Die diensonderbreking van elkeen van die onderstaande persone vir die tydperk teenoor sy naam aangedui, word vir pensioendoeleindes verskoon onderworpe aan die volgende voorskrifte en voorwaardes—
- dat sy lidmaatskap van die Regerings-werknemersondersteuningsfonds geag word nie beëindig te gewees het nie en dat hy die bedrag wat in die tweede kolom teenoor sy naam aangedui word, aan daardie fonds terugbetaal;
 - dat bydraes ten opsigte van bedoelde tydperk deur hom aan bedoelde fonds verskuldig word en dat sodanige bydraes op sy jaarlikse pensioengewende verdienste onmiddellik voor die aanvangsdatum van daardie tydperk gebaseer word;
 - dat die bedrag wat in die derde kolom teenoor sy naam aangedui word uit die gebeurlikheidsrekening in artikel ses-en-negentig van die Regeringsdiens Pensioenwet, 1936, bedoel, tot sy krediet in bedoelde fonds oorgedra word.

Naam.	Tydperk van onderbreking.	Bedrag wat deur werknemer terugbetaal moet word.	Bedrag wat uit gebeurlikheidsrekening terugbetaal moet word.
Bekker, J. J. S. A.	19 Junie 1943 tot 8 Maart 1944	£ s. d. 29 6 2	£ s. d. 39 12 3
Booyesen, C. J...	19 Junie 1943 tot 14 Junie 1944	19 0 6	24 14 9
Behrens, A. W...	1 Augustus 1940 tot 14 Desember 1948	75 15 3	—

- (b) Daar kan uit die Gekonsolideerde Inkomstefonds aan die Regerings-werknemersondersteuningsfonds voorgesket word 'n bedrag van hoogstens die bedrag wat kragtens sub-paragraaf (i) van paragraaf (a) deur iemand terugbetaal moet word en die bedrag wat aldus voorgesket word, word verhaal by wyse van aftrekkings van so iemand se salaris of loon in sulke paaieimente as wat die Kommissaris van Pensioene bepaal: Met dien verstande dat ingeval die diens van so iemand op watter grond ook al beëindig word voordat die totaalbedrag aldus voorgesket, ten volle verhaal is, die aldan nog onverhaalde bedrag van enige voordeel wat kragtens die Regeringsdiens Pensioenwet, 1936, betaalbaar mag wees, afgetrek word.
- (c) 'n Bedrag van hoogstens die totaal van bydraes wat deur iemand verskuldig word kragtens sub-paragraaf (ii) van paragraaf (a), word ten behoeve van hom uit die Gekonsolideerde Inkomstefonds betaal, en die bedrag van die aldus betaalde bydraes word vir die doeleindes van die Regeringsdiens Pensioenwet, 1936, geag deur so iemand self betaal te gewees het: Met dien verstande dat as so iemand uit die diens tree of afgedank of ontslaan word onder omstandighede in sub-artikel (2) of (3) van artikel sewentig van die Regeringsdiens Pensioenwet, 1936, vermeld, daar van enige voordeel wat kragtens bedoelde Wet aan hom betaalbaar mag wees, 'n bedrag afgetrek en aan die Gekonsolideerde Inkomstefonds terugbetaal word, gelyk aan die bedrag wat ingevolge hierdie paragraaf geag word deur so iemand self betaal te gewees het.
- d) Daar word uit die Gekonsolideerde Inkomstefonds aan die Regerings-werknemersondersteuningsfonds rente betaal op—

- (i) interest on the amounts indicated opposite the name of a person mentioned in paragraph (a) at the rate of four per cent. per annum, compounded annually on the thirty-first day of March of each year, from the date on which such amounts were paid from the said Provident Fund to the date on which such amounts are again paid into that Fund in terms of sub-paragraph (iii) of paragraph (a) or paragraph (b);
 - (ii) interest on twice the amount of the contributions which are due by any person in terms of sub-paragraph (ii) of paragraph (a) at the rate of four per cent. per annum, compounded annually on the thirty-first day of March of each year, and calculated according to the dates upon which the said contributions would have been payable had the person concerned remained a member of the said Provident Fund, and such interest shall be calculated to the date on which the said contributions are paid from the Consolidated Revenue Fund in terms of paragraph (c).
 - (e) In addition to the terms and conditions set out in paragraph (a), A. W. Behrens shall repay in such instalments as the Commissioner of Pensions shall direct, the service gratuity of £100 paid to him on his discharge in 1940: Provided that if his employment is terminated for any reason whatever before the total amount of the gratuity to be so repaid by him has been fully repaid, the amount still unpaid shall be deducted from any benefit payable under the Government Service Pensions Act, 1936, or from any further service gratuity which may become payable.
4. (a) Item No. 6 of the Schedule to the Pensions (Supplementary Act, 1951, shall cease to apply to and in respect of J. O. Swartz, inspector of land tenure, Department of the Interior, and the break in his service from 27th July, 1942, to 31st October, 1951, shall be condoned for pension purposes subject to the following terms and conditions—
- (i) his membership of both the Union Public Service Pension Fund and the Union Widows' Pension Fund shall be deemed not to have terminated;
 - (ii) he shall repay to the Union Public Service Pension Fund the sum of £196 15s. 10d.;
 - (iii) contributions shall be paid to the Union Public Service Pension Fund from the Consolidated Revenue Fund on his behalf in respect of the period 27th July, 1942, to 10th August, 1952, in accordance with the scale set forth in sub-section (2) of section *twelve* of the Government Service Pensions Act, 1936, and such contributions shall be based on his annual pensionable emoluments immediately prior to 27th July, 1942, and shall be regarded for the purposes of the said Act as "arrear contributions" due by him;
 - (iv) contributions shall be paid to the Union Widows' Pension Fund from the Consolidated Revenue Fund on his behalf in respect of the period 27th July, 1942, to 10th August, 1952, and such contributions shall be based on his annual pensionable emoluments immediately prior to 27th July, 1942;
 - (v) contributions shall be due by him to the Union Widows' Pension Fund in respect of the period 11th August, 1952, to 10th August, 1953;
 - (vi) he shall repay in such instalments as the Commissioner of Pensions may determine, the annuity (£64) and the balance of the gratuity (£156 5s. 9d.) paid to him with effect from 1st April, 1950, in terms of item No. 6 of the Schedule to the Pensions (Supplementary) Act, 1951: Provided that if his employment is terminated for any reason whatever before the total amount to be so repaid by him has been fully repaid, the amount still unpaid shall be deducted from any benefit payable under the Government Service Pensions Act, 1936.
- (b) The provisions of paragraphs (b) to (h) of item No. 1 of this Schedule, shall apply *mutatis mutandis* in respect of him.

5. Subject to such conditions as the Commissioner of Pensions may determine and to the repayment by the undermentioned members of the South African Police Force of the amounts which are indicated opposite their respective names and which were paid to them from the Union Public Service Pension Fund on their discharge, together with interest on such amounts at the rate of four per cent. per annum compounded annually as at 31st March, from dates of payment to dates of repayment, the breaks in their service for the periods indicated opposite their respective names to be condoned for the purpose of their membership of the said Fund as if they were not discharged from the said Force, such breaks being regarded as special leave of absence without pay not counting as service for any purpose but preserving to them the benefit of their previous pensionable service: Provided that any arrear contributions due but unpaid by any such member as at the commencing date of the period mentioned opposite his name shall be paid by him in accordance with the provisions of sub-section (2) of section *twenty-four* of the Government Service Pensions Act, 1936.

- (i) die bedrae wat teenoor die naam van 'n in paragraaf (a) vermelde persoon aangedui word teen vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart van elke jaar, vanaf die datum waarop sodanige bedrae uit die Regerings-werknemersondersteuningsfonds betaal is tot die datum waarop daardie bedrae kragtens sub-paragraaf (iii) van paragraaf (a) of paragraaf (b) weer in daardie fonds betaal word;
 - (ii) tweemaal die bedrag van die bydraes wat kragtens sub-paragraaf (ii) van paragraaf (a) deur iemand verskuldig is, teen vier persent per jaar, jaarliks saamgestel op die een-en-dertigste dag van Maart van elke jaar, en bereken volgens die datums waarop die bydraes betaalbaar sou gewees het indien die betrokke persoon 'n lid van bedoelde ondersteuningsfonds gebly het, en sodanige rente word bereken tot die datum waarop bedoelde bydraes kragtens paragraaf (c) uit die Gekonsolideerde Fonds betaal word.
 - (e) Benewens die voorskrifte en voorwaardes uiteengesit in paragraaf (a), moet A. W. Behrens die diensgratifikasie van £100 wat by sy ontslag in 1940 aan hom betaal is, terugbetaal in sulke paaiemente as wat die Kommissaris van Pensioene bepaal: Met dien verstande dat ingeval sy diens op watter grond ook al beëindig word voordat die totale bedrag van die gratifikasie wat aldus deur hom terugbetaal moet word, ten volle terugbetaal is, die alsdan nog onbetaalde bedrag van enige voordeel wat kragtens die Regeringsdiens Pensioenwet, 1936, betaalbaar mag wees, of van enige verdere diensgratifikasie wat betaalbaar mag word, afgetrek word.
4. (a) Item No. 6 van die Bylae by die Wet tot Aanvulling van Pensioene, 1951, hou op om van toepassing te wees op en ten opsigte van J. O. Swartz, inspekteur van grondbesit, Departement van Binnelandse Sake, en sy diensonderbreking vanaf 27 Julie 1942 tot 31 Oktober 1951, word vir pensioendoelindes verskoon onderworpe aan die volgende voorskrifte en voorwaardes—
- (i) dat sy lidmaatskap van beide die Unie-staatsdienspensioenfonds en die Unie-weduweespensioenfonds geag word nie beëindig te gewees het nie;
 - (ii) dat hy die bedrag van £196 15s. 10d. aan die Unie-staatsdienspensioenfonds terugbetaal;
 - (iii) dat bydraes ten behoeve van hom uit die Gekonsolideerde Inkomstefonds aan die Unie-staatsdienspensioenfonds betaal word ten opsigte van die tydperk 27 Julie 1942 tot 10 Augustus 1952 ooreenkomstig die skaal wat in sub-artikel (2) van artikel *twalf* van die Regeringsdiens Pensioenwet, 1936, uiteengesit word, en dat sodanige bydraes op sy jaarlikse pensioengewende verdienste onmiddellik voor 27 Julie 1942 gebaseer word en vir die doeleindes van bedoelde Wet as „agterstallige bydraes” deur hom verskuldig, beskou word;
 - (iv) dat bydraes ten behoeve van hom uit die Gekonsolideerde Inkomstefonds aan die Unie-weduweespensioenfonds betaal word ten opsigte van die tydperk 27 Julie 1942 tot 10 Augustus 1952, en dat sodanige bydraes op sy jaarlikse pensioengewende verdienste onmiddellik voor 27 Julie 1942, gebaseer word;
 - (v) dat bydraes deur hom aan die Unie-weduweespensioenfonds verskuldig word ten opsigte van die tydperk 11 Augustus 1952 tot 10 Augustus 1953;
 - (vi) dat hy die jaargeld (£64) en die balans van die gratifikasie (£156 5s. 9d.) wat kragtens item No. 6 van die Bylae by die Wet tot Aanvulling van Pensioene, 1951, met ingang van 1 April 1950 aan hom betaal is, terugbetaal in sulke paaiemente as wat die Kommissaris van Pensioene bepaal: Met dien verstande dat ingeval sy diens op watter grond ook al beëindig word voordat die totale bedrag wat aldus deur hom terugbetaal moet word, ten volle terugbetaal is, die alsdan nog onbetaalde bedrag van enige voordeel wat kragtens die Regeringsdiens Pensioenwet, 1936, betaalbaar mag wees, afgetrek word.
- (b) Die bepalinge van paragrawe (b) tot (h) van item No. 1 van hierdie Bylae is *mutatis mutandis* van toepassing ten aansien van hom.

5. Dat behoudens enige voorwaardes wat die Kommissaris van Pensioene mag bepaal, en op voorwaarde dat die onderstaande lede van die Suid-Afrikaanse Polisiemag die bedrae wat teenoor hulle onderskeie name aangedui word, en wat by hulle ontslag uit die Unie-staatsdienspensioenfonds aan hulle betaal is, terugbetaal tesame met rente op sodanige bedrae teen vier persent per jaar, jaarliks saamgestel op 31 Maart, vanaf die datums van betaling tot die datums van terugbetaling, hulle diensonderbrekings vir die tydperke teenoor hulle onderskeie name aangedui, vir die doeleindes van hulle lidmaatskap van bedoelde fonds verskoon word asof hulle nie uit bedoelde Mag ontslaan was nie en dat sodanige onderbrekings beskou word as spesiale afwesigheidsverlof sonder betaling wat nie vir enige doel as diens geld nie maar hulle die voordeel van hulle vorige pensioengewende diens laat behou: Met dien verstande dat enige agterstallige bydraes wat op die aanvangsdatum van die tydperk wat teenoor sy naam aangedui word, deur 'n lid verskuldig maar nog onbetaald was, ooreenkomstig die bepalinge van sub-artikel (2) van artikel *vier-en-twintig* van die Regeringsdiens Pensioenwet, 1936, deur hom betaal word.

Force No.	Name.	Period of Break.	Amount to be Refunded.		
			£	s.	d.
21063	Labuschagne, K. N.	20th June, 1940 to 14th January, 1946	98	4	9
27315	Laubscher, H. P. . .	9th June, 1940, to 30th September, 1949	56	13	1
27385	Burger, K. J. . . .	22nd July, 1940, to 16th October, 1949	97	9	10
27437	Prinsloo, A. C. . .	19th June, 1942, to 31st October, 1949	47	16	6
27499	Van Graan, C. C.	13th March, 1945, to 14th November, 1949	114	12	1
28143	Nel, D.	1st November, 1942, to 26th July, 1950	80	15	10

6. The award to H. O. Mönnig, formerly veterinary research officer, Department of Agriculture and Forestry, with effect from 29th January, 1945, of a pension of £331 14s. per annum, subject to recovery of an amount equal to the benefit (£1,451 18s. 11d.) already paid to him under the Government Service Pensions Act, 1936.

7. The annuity of W. C. du Plessis, formerly legation secretary, Department of External Affairs, to be increased from £127 to £211 14s. with effect from 22nd February, 1945.

8. The annuity of J. Combrink, formerly principal clerk, Department of Health, to be increased from £143 to £238 7s. with effect from 20th March, 1945.

9. The annuity of J. M. J. Cloete, formerly senior clerk, Department of Finance, to be increased from £92 12s. to £154 7s. with effect from 21st February, 1945.

10. The annuity of B. J. de Klerk, formerly inspector of agricultural training, Union Education Department, to be increased from £168 8s. to £280 14s. with effect from 7th May, 1945.

11. The annuity of B. G. Venter, formerly clerical assistant, Department of Agriculture and Forestry, to be increased from £91 17s. to £153 2s. with effect from 1st July, 1945.

12. The annuity of £44 awarded to G. G. du Plessis, formerly No. 12716, constable, South African Police, in terms of item No. 15 of the Schedule to the Pensions (Supplementary) Act, 1951, to be paid with effect from 31st July, 1942.

13. The annuity of £90 18s. awarded to J. Bosch, formerly No. 5786, constable, South African Police, in terms of item No. 1 of the Schedule to the Pensions (Supplementary) Act, 1951, to be paid with effect from 24th August, 1942.

14. The pension of H. Chamberlain, formerly No. 7784, detective constable, South African Police, to be increased from £60 to £82 1s. per annum, with effect from 30th July, 1942.

15. The pension of A. S. Boucher, formerly No. 8530, lance sergeant, South African Police, to be increased from £60 to £79 5s. per annum with effect from 24th August, 1942.

16. The retirement from the service of the Railway Administration, on 1st May, 1953, of Arthur Walter William Wilson, formerly employed by the said Administration as a driver of a steam locomotive, shall be deemed to have been lawfully effected, and the payment to the said former servant of retirement benefits from the New Railways and Harbours Superannuation Fund on the basis of his actual period of contributory service is hereby authorized and confirmed.

17. (a) That the break in service with the Railway Administration of each of the undermentioned servants and former servants for the period indicated opposite his name be condoned for pension purposes as if his service had been continuous, and that such break be regarded as special leave without pay, subject to the following conditions—

- (i) The amount paid to him from the New Railways and Harbours Superannuation Fund, when the said break in service occurred, shall be repaid to that Fund together with interest thereon at the rate of four-and-one-half per cent. per annum, compounded monthly, from the date of payment to the date of repayment. The aforementioned amount, including the interest thereon, shall be advanced to him from the Railway and Harbour Fund and shall be paid to the said Superannuation Fund on his behalf;
- (ii) the amount paid on his behalf to the said Superannuation Fund in terms of sub-paragraph (i) shall be repaid by him to the Railway Administration in such instalments as the Administration's Chief Accountant may direct, provided that, if his services are terminated for any reason, or he dies before the amount so advanced has been fully repaid or recovered, the amount still outstanding shall be deducted from benefits payable under the appropriate section of the Railways and Harbours Superannuation Fund Act, 1925 (No. 24 of 1925), to him, or, in the event of his death, to some other person. Any amount so deducted shall be refunded to the Railway and Harbour Fund;
- (iii) the amount of any gratuity paid to him from the New Railways and Harbours Superannuation Fund, in terms of section twenty-seven of the Railways and Harbours

Mags- nommer.	Naam.	Tydperk van Onder- breking.	Bedrag wat terugbetaal moet word.
			£ s. d.
21063	Labuschagne, K. N.	20 Junie 1940 tot 14 Januarie 1946 ..	98 4 9
27315	Laubscher, H. P. ..	9 Junie 1940 tot 30 September 1949 ..	56 13 1
27385	Burger, K. J. ..	22 Julie 1940 tot 16 Oktober 1949 ..	97 9 10
27437	Prinsloo, A. C. ..	19 Junie 1942 tot 31 Oktober 1949 ..	47 16 6
27499	Van Graan C. C. ..	13 Maart 1945 tot 14 November 1949 ..	114 12 1
28143	Nel, D.	1 November 1942 tot 26 Julie 1950	80 15 10

6. Die toekenning aan H. O. Mönnig, voorheen veeartsenykundige navorsingsbeampte, Departement van Landbou en Bosbou, met ingang van 29 Januarie 1945, van 'n pensioen van £331 14s. per jaar, onderworpe aan terugvordering van 'n bedrag gelyk aan die voordeel (£1,451 18s. 11d.) reeds aan hom betaal kragtens die Regeringsdiens Pensioenwet, 1936.

7. Dat die jaargeld van W. C. du Plessis, voorheen gesantskapssekretaris Departement van Buitelandse Sake, met ingang van 22 Februarie 1945 van £127 na £211 14s. verhoog word.

8. Dat die jaargeld van J. Combrink, voorheen eerste klerk, Departement van Gesondheid, met ingang van 20 Maart 1945, van £143 na £238 7s. verhoog word.

9. Dat die jaargeld van J. M. J. Cloete, voorheen seniorklerk, Departement van Finansies, met ingang van 21 Februarie 1945, van £92 12s. na £154 7s. verhoog word.

10. Dat die jaargeld van B. J. de Klerk, voorheen inspekteur van landbou-opleiding, Unie-onderwysdepartement, met ingang van 7 Mei 1945 van £168 8s. na £280 14s. verhoog word.

11. Dat die jaargeld van B. G. Venter, voorheen klerklike assistent, Departement van Landbou en Bosbou, met ingang van 1 Julie 1945, van £91 17s. na £153 2s. verhoog word.

12. Dat die jaargeld van £44 wat kragtens item No. 15 van die Bylae by die Wet tot Aanvulling van Pensioene, 1951, aan G. G. du Plessis, voorheen No. 12716, konstabel, Suid-Afrikaanse Polisie, toegeken is, met ingang van 31 Julie 1942 betaal word.

13. Dat die jaargeld van £90 18s. wat kragtens item No. 1 van die Bylae by die Wet tot Aanvulling van Pensioene, 1951, aan J. Bosch, voorheen No. 5786, konstabel, Suid-Afrikaanse Polisie, toegeken is, met ingang van 24 Augustus 1942 betaal word.

14. Dat die pensioen van H. Chamberlain, voorheen No. 7784, speurderkonstabel, Suid-Afrikaanse Polisie, met ingang van 30 Julie 1942, van £60 na £82 1s. per jaar verhoog word.

15. Dat die pensioen van A. S. Bouwer, voorheen No. 8530, ondersersant, Suid-Afrikaanse Polisie, met ingang van 24 Augustus 1942, van £60 na £79 5s. per jaar verhoog word.

16. Daar word beskou dat Arthur Walter William Wilson, voorheen 'n stoomlokomotiefdrywer in die diens van die Spoorwegadministrasie, op 1 Mei 1953 wettig uit die diens van genoemde Administrasie afgedank is, en die betaling aan genoemde gewese dienaar van uitdienstredingsvoordele uit die Nuwe Spoorweg- en Hawesuperannuasiefonds op grondslag van die werklike tydperk van sy bydraende diens word hierby gemagtig en bekragtig.

17. (a) Dat, in die geval van elk van die ondergenoemde dienare of voormalige dienare, die onderbreking in sy diens by die Spoorwegadministrasie vir die tydperk teenoor sy naam aangetoon, vir pensioendoeleindes verskoon word asof sy diens ononderbroke was, en dat sodanige onderbreking as spesiale verlof sonder besoldiging beskou word, onderworpe aan die volgende voorwaardes—

(i) die bedrag wat uit die Nuwe Spoorweg- en Hawesuperannuasiefonds aan hom betaal is toe bedoelde diensonderbreking plaasgevind het, moet aan daardie Fonds terugbetaal word tesame met rente daarop teen vier en 'n half persent per jaar, maandeliks saamgestel, vanaf die datum waarop dit betaal is tot die datum waarop dit terugbetaal word. Voormelde bedrag, met inbegrip van die rente daarop, word uit die Spoorweg- en Hawefonds aan hom voorgeskiet, en ten behoeve van hom aan bedoelde Superannuasiefonds betaal;

(ii) die bedrag wat ooreenkomstig sub-paragraaf (i) ten behoeve van hom aan bedoelde Superannuasiefonds betaal word, moet deur hom aan die Spoorwegadministrasie terugbetaal word in sodanige paaiemente soos die Administrasie se hoofrekenmeester mag bepaal, met dien verstande dat indien sy dienste om enige rede beëindig word, of hy te sterwe kom voordat die bedrag wat aldus voorgeskiet is, ten volle terugbetaal of verhaal is, die verskuldigde bedrag verhaal moet word uit voordele wat kragtens die toepaslike artikel van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (No. 24 van 1925), aan hom, of, in geval van sy dood, aan iemand anders betaalbaar mag wees. Enige bedrag wat aldus verhaal is, moet aan die Spoorweg- en Hawefonds terugbetaal word;

(iii) die bedrag van enige gratifikasie wat kragtens artikel sewe-en-twintig van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (No. 24 van 1925), uit die Nuwe

- Superannuation Fund Act, 1925 (No. 24 of 1925), in respect of any period of service subsequent to the said break in service, must be repaid by him to the said Fund;
- (iv) contributions to the New Railways and Harbours Superannuation Fund in respect of the period of the said break in his service shall be paid from the Railway and Harbour Fund on his behalf in accordance with the scales indicated in Section *eight* of the Railways and Harbours Superannuation Fund Act, 1925 (No. 24 of 1925), as amended, together with interest thereon at the rate of four-and-one-half per cent. per annum, compounded quarterly, up to date of payment. The contributions so payable shall be based on the pensionable emoluments received by him immediately prior to the commencing date of the said break in his service;
- (v) contributions due to the New Railways and Harbours Superannuation Fund in respect of any period of unpaid leave or suspension from duty without emoluments which was directly caused by the application of the National Emergency Regulations, and which preceded the break in his service and was directly connected therewith, shall be paid on his behalf from the Railway and Harbour Fund, together with interest thereon at the rate of four-and-one-half per cent. per annum, compounded quarterly, up to the date the amount due is so paid, and any such period shall be regarded as pensionable service;
- (vi) an amount paid in terms of sub-paragraph (iv) or (v) on behalf of a servant or former servant shall be regarded as having been paid by the servant or former servant himself, provided that, if such servant resigns or absconds from the Railway Service after such amount has been paid to the said Superannuation Fund on his behalf, the Minister of Transport shall have the right to direct, in his discretion, that such amount be deducted, wholly, or in part, from any benefit which may be payable from the New Railways and Harbours Superannuation Fund to the person concerned. Any amount so withheld shall be refunded to the Railway and Harbour Fund;
- (vii) such other additional conditions, which are not contrary to the conditions contained in sub-paragraphs (i) to (vi) as may be determined by the Minister of Transport in respect of all the persons concerned or in respect of one or other of them in particular.

Pension Number.	Name.	Period o. Break.
62510	Steenkamp, G. J. ..	19th September, 1942 to 7th July, 1946.
65430	Pretorius, S. J. ..	28th January 1942 to 12th February 1952.
67987	Westermeyer, C. F. A. ..	27th January, 1947, to 11th September 1950.
72973	Maree, J. P. H. ..	5th March, 1945, to 26th August, 1951.
73847	Mummbrauer, F. F. G. E. ..	12th August, 1942, to 10th July, 1951.
81385	Johnson, H. T. ..	13th February, 1944, to 10th June, 1951.
83847	Huth, E. F. A. ..	14th July, 1943, to 11th September, 1950.
95725	Smit, A. J. ..	30th July, 1945, to 1st February, 1951.
111183	Fick, W. J. ..	1st May, 1942, to 31st January, 1952.
134501	Du Preez, G. M. J. ..	6th March, 1945, to 22nd March, 1949.
135477	Wessels, N. F. B. ..	27th July, 1940, to 6th July, 1952.
141800	Hacker, E. ..	13th August, 1947, to 17th March, 1953.
142443	Pretorius, C. J. ..	13th August, 1942, to 27th May, 1953.
143207	Esterhuysen, J. A. J. ..	1st September, 1943, to 7th October, 1951.
146865	Pretorius, S. J. ..	28th January, 1942, to 12th August, 1951.
147425	Venter, P. J. ..	30th August, 1943, to 12th August, 1951.
148119	Swanepoel, S. J. D. ..	18th July, 1942, to 18th January, 1953.
149779	Mynhardt, S. C. B. ..	21st February, 1942, to 18th June, 1951.
159870	Joubert, R. J. A. ..	18th December, 1942, to 20th November, 1949.
160192	Rothmann, W. J. ..	24th February, 1942, to 1st January, 1952.
161160	Burger, B. F. ..	26th April, 1941, to 27th May, 1948.
163254	Fourie, J. L. ..	24th June, 1942, to 12th March, 1953.
165334	Ingram, G. J. ..	1st October, 1942, to 5th June, 1951.
167167	Nolte, B. F. ..	22nd July, 1943, to 14th April, 1952.
168855	Viljoen, H. ..	26th April, 1942, to 16th September, 1951.
172986	Kok, P. J. J. ..	3rd January, 1942, to 8th May, 1949.
174131	Snyman, W. J. ..	18th May, 1942, to 4th December, 1952.
174152	Storm, H. J. ..	10th August, 1942, to 5th September, 1948.
185562	Joubert, G. J. F. ..	1st July, 1942, to 4th November, 1952.
198142	Senekal, T. C. ..	21st July, 1942, to 1st September, 1952.

Spoorweg- en Hawesuperannuasiefonds aan hom betaal is ten opsigte van enige dien tydperk na die genoemde diensonderbreking, moet deur hom aan bedoelde Fonds terugbetaal word;

- (iv) bydraes verskuldig aan die Nuwe Spoorweg- en Hawesuperannuasiefonds ten opsigte van die tydperk van bedoelde onderbreking in sy diens, moet ten behoeve van hom uit die Spoorweg- en Hawefonds betaal word ooreenkomstig die skale neergelê in artikel *agt* van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (No. 24 van 1925), soos gewysig, tesame met rente daarop teen vier en ’n half persent per jaar, kwartaalliks saamgestel, tot die datum van betaling. Die bydraes aldus betaalbaar word bereken op die grondslag van die pensioendraende besoldiging wat hy onmiddellik voor die aanvangsdatum van die genoemde onderbreking in sy diens ontvang het;
- (v) bydraes verskuldig aan die Nuwe Spoorweg- en Hawesuperannuasiefonds ten opsigte van enige tydperk van verlof sonder besoldiging of skorsing van diens sonder besoldiging wat die regstreekse gevolg was van die toepassing van die Landsnoodtoestandregulasies, en wat die onderbreking in sy diens voorafgegaan en regstreeks daarmee in verband gestaan het, word ten behoeve van hom uit die Spoorweg- en Hawefonds betaal, tesame met rente daarop teen vier en ’n half persent per jaar, kwartaalliks saamgestel, tot die datum waarop die verskuldigde bedrag aldus betaal is, en enige sodanige tydperk sal as pensioendraende diens beskou word;
- (vi) ’n bedrag wat ooreenkomstig sub-paragraaf (iv) of (v) ten behoeve van ’n dienaar of voormalige dienaar betaal is, word beskou asof die dienaar of voormalige dienaar dit self betaal het, met dien verstande dat as so ’n dienaar uit die Spoorwegdiens bedank of dros nadat ’n sodanige bedrag ten behoeve van hom aan bedoelde Superannuasiefonds betaal is, die Minister van Vervoer die reg het om na sy goedgefinke te bepaal dat sodanige bedrag in geheel of ten dele afgetrek word van enige voordeel wat aan die betrokke persoon uit die Nuwe Spoorweg- en Hawesuperannuasiefonds betaalbaar mag wees. Enige bedrag wat aldus teruggehou is, sal aan die Spoorweg- en Hawefonds terugbetaal word;
- (vii) sodanige ander bykomende voorwaardes wat nie met die voorwaardes vervat in sub-paragrafe (i) tot (vi), in stryd is nie, en wat die Minister van Vervoer ten opsigte van al die betrokke persone, of van die een of die ander van hulle in besonder, mag bepaal.

Pensioen- nommer.	Naam.	Tydperk van Onderbreking.
62510	Steenkamp, G. J. ..	19 September 1942 tot 7 Julie 1946.
65430	Pretorius, S. J. ..	28 Januarie 1942 tot 12 Februarie 1952.
67987	Westermeyer, C. F. A. ..	27 Januarie 1947 tot 11 September 1950.
72973	Maree, J. P. H. ..	5 Maart 1945 tot 26 Augustus 1951.
73847	Mummbrauer, F. F. G. E. ..	12 Augustus 1942 tot 10 Julie 1951.
81385	Johnson, H. T. ..	13 Februarie 1944 tot 10 Junie 1951.
83847	Huth, E. F. A. ..	14 Julie 1943 tot 11 September 1950.
95725	Smit, A. J. ..	30 Julie 1945 tot 1 Februarie 1951.
111183	Fick, W. J. ..	1 Mei 1942 tot 31 Januarie 1952.
134501	Du Preez, G. M. J. ..	6 Maart 1945 tot 22 Maart 1949.
135477	Wessels, N. F. B. ..	27 Julie 1940 tot 6 Julie 1952.
141800	Hacker, E. ..	13 Augustus 1947 tot 17 Maart 1953.
142443	Pretorius, C. J. ..	13 Augustus 1942 tot 27 Mei 1953.
143207	Esterhuyzen, J. A. J. ..	1 September 1943 tot 7 Oktober 1951.
146865	Pretorius, S. J. ..	28 Januarie 1942 tot 12 Augustus 1951.
147425	Venter, P. J. ..	30 Augustus 1943 tot 12 Augustus 1951.
148119	Swanepoel, S. J. D. ..	18 Julie 1942 tot 18 Januarie 1953.
149779	Mynhardt, S. C. B. ..	21 Februarie 1942 tot 18 Junie 1951.
159870	Joubert, R. J. A. ..	18 Desember 1942 tot 20 November 1949.
160192	Rothmann, W. J. ..	24 Februarie 1942 tot 1 Januarie 1952.
161160	Burger, B. F. ..	26 April 1941 tot 27 Mei 1948.
163254	Fourie, J. L. ..	24 Junie 1942 tot 12 Maart 1953.
165334	Ingram, G. J. ..	1 Oktober 1942 tot 5 Junie 1951.
167167	Nolte, B. F. ..	22 Julie 1943 tot 14 April 1952.
168855	Viljoen, H. ..	26 April 1942 tot 16 September 1951.
172986	Kok, P. J. J. ..	3 Januarie 1942 tot 8 Mei 1949.
174131	Snyman, W. J. ..	18 Mei 1942 tot 4 Desember 1952.
174152	Storm, H. J. ..	10 Augustus 1942 tot 5 September 1948.
185562	Joubert, G. J. F. ..	1 Julie 1942 tot 4 November 1952.
198142	Senekal, T. C. ..	21 Julie 1942 tot 1 September 1952.

- (b) That authority hereby be granted for the application of the conditions contained in sub-paragraphs (i) to (vii) of paragraph (a) in the case of Edward Friedrich Arthur Huth, an Electrical Engineer (Communications) in the service of the Railway Administration, and for the period 14th July, 1943, to 11th September, 1950, to be regarded as a break in his service with the Administration for that purpose.
- (c) That for the purpose of the calculation of the annuity payable in terms of Section *thirty-one* of the Railways and Harbours Superannuation Fund Act, 1925 (No. 24 of 1925), as amended, to the widow of the late Nafthali Hierben Rautenbach, Coaling Master, South African Railways, who died on 30th June, 1953—
- (i) the pensionable service of the said Nafthali Hierben Rautenbach be regarded as covering the period 8th May, 1946, to 30th June, 1953, and that his pensionable emoluments be regarded as £788 5s. 0d. per annum in respect of the period 8th May, 1946, to 30th June, 1951, and £824 5s. 0d. per annum in respect of the period 1st July, 1951, to 30th June, 1953;
 - (ii) the contributions due to the New Railways and Harbours Superannuation Fund in respect of the period 8th May, 1946, to 16th January, 1949, plus interest thereon at the rate of four-and-one-half per cent. per annum, compounded quarterly, up to the date of payment, be paid on his behalf from the Railway and Harbour Fund; and
 - (iii) the contributions payable in terms of sub-paragraph (ii) of paragraph (c) be based on pensionable emoluments of £788 5s. 0d. per annum and that the contributions so payable on behalf of the deceased servant be regarded as having been paid by himself.
18. The award to Lydia M. Grobler, widow of the Hon. P. G. W. Grobler, of an annuity of £450, with effect from 1st October, 1953, payable during widowhood.
19. Katriena Maart, widow of M. Maart, No. C.287572 private, Cape Corps, to be regarded as having applied for a pension in respect of his death, within the period prescribed by sub-section (2) of section *forty-seven* of the War Pensions Act, 1942.
20. The annuity of J. C. Ross, formerly director of soil conservation and extension, Department of Agriculture, to be increased from £232 8s. 0d. to £450, with effect from 11th December, 1952.
21. The gratuity of £1,006 12s. 1d. and the annuity of £279 14s. awarded to C. P. van der Merwe, formerly professional officer, Department of Agriculture, to be increased to £1,101 4s. and £305 18s. respectively, with effect from 1st April, 1952.
22. For the purposes of section *four* of the War Special Pensions Act, 1919, the pre-war earnings of H. E. A. Coates, formerly No. 3644, private, 1st South African Infantry, to be accepted at £450 per annum with effect from 1st October, 1953.
23. For the purposes of section *four* of the War Special Pensions Act, 1919, the pre-war earnings of E. A. G. Filby, formerly No. 4896, private, 5th South African Infantry, to be accepted at £450 per annum with effect from 1st April, 1953.
24. For the purposes of section *four* of the War Special Pensions Act, 1919, the pre-war earnings of J. A. van Blerk, formerly No. 2413, private, 1st South African Infantry, to be accepted at £450 per annum with effect from 1st April, 1953.
25. The award to Evelyn E. J. Dowling, widow of H. F. Dowling, formerly chief clerk, Department of Lands, of a gratuity of £471 7s.
26. The award to Brunnie W. Higgs, widow of J. A. du P. Higgs, formerly medical officer, Department of Health, of a gratuity of £415 17s. 9d.
27. The award to Natalie C. Mundy, widow of W. H. Mundy, formerly chief superintendent, Department of Posts and Telegraphs, of a gratuity of £405 6s.
28. The award to Edith Uzzell, widow of F. J. Uzzell, formerly superintendent, Department of Posts and Telegraphs, of a gratuity of £340 4s.
29. The award to J. D. Dinwoodie, formerly engineer, Department of Posts and Telegraphs, of the bonus to which he would have been entitled in terms of the provisions of section *forty-seven* of the Pension Laws Amendment Act, 1943 (as amended), for the period 1st July, 1951, to 31st August, 1951, had application been made therefor within the prescribed period.
30. The award to C. W. Lehmkuhl, formerly burgher, Anglo-Boer War, with effect from 1st April, 1951, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1927.
31. The award to P. J. A. Spies, formerly burgher, Anglo-Boer War, with effect from 1st April, 1953, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1927.
32. The award to D. M. Botha, formerly No. 1935, private, 7th South African Infantry, with effect from 1st April, 1953, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, had application been made therefor prior to 1st April, 1932.
33. The award to E. J. Burgess, formerly major, 1st South African Infantry, with effect from 1st October, 1953, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of an injury to his right knee, had application been made therefor prior to 1st April, 1932.
34. B. H. Curnick, Aircraft Mechanic, South African Railways, to be regarded, for pension purposes, as having been transferred from the Public Service with effect from 11th June, 1948, and his pensionable

- (b) Dat magtiging hierby verleen word vir die toepassing van die voorwaardes vervat in sub-paragrafe (i) tot (vii) van paragraaf (a) in die geval van Edward Friedrich Arthur Huth, 'n elektrotegniese ingenieur (verbindings) in die diens van die Spoorweg-administrasie, en dat die tydperk 14 Julie 1943 tot 11 September 1950 vir daardie doel as 'n onderbreking in sy diens by die Administrasie beskou word.
- (c) Dat vir die doel van die berekening van die jaargeld wat kragtens artikel *een-en-dertig* van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (No. 24 van 1925), soos gewysig, betaalbaar is aan die weduwee van wyle Nafthali Hierben Rautenbach, steenkoolmeester, Suid-Afrikaanse Spoorweë, wat op 30 Junie 1953 oorlede is—
- (i) beskou word dat genoemde Nafthali Hierben Rautenbach se pensioendraende diens die tydperk 8 Mei 1946 tot 30 Junie 1953 behels het, en dat sy pensioendraende besoldiging £788 5s. per jaar ten opsigte van die tydperk 8 Mei 1946 tot 30 Junie 1951, en £824 5s. per jaar ten opsigte van die tydperk 1 Julie 1951 tot 30 Junie 1953 bedra het;
 - (ii) die bydraes verskuldig aan die Nuwe Spoorweg- en Hawesuperannuasiefonds ten opsigte van die tydperk 8 Mei 1946 tot 16 Januarie 1949, plus rente daarop teen vier en 'n half persent per jaar, kwartaalliks saamgestel, tot die datum van betaling, ten behoeve van hom uit die Spoorweg- en Hawefonds betaal word; en
 - (iii) die bydraes betaalbaar kragtens sub-paragraaf (ii) van paragraaf (c) op grondslag van 'n pensioendraende besoldiging van £788 5s. per jaar bereken word, en dat beskou word dat die bydraes wat aldus ten behoeve van die oorlede dienaar betaal word, deur homself betaal is.
18. Die toekenning aan Lydia M. Grobler, weduwee van Sy Edele P. G. W. Grobler, van 'n jaargeld van £450 met ingang van 1 Oktober 1953, betaalbaar gedurende weduweeskap.
19. Dat beskou word dat Katriena Maart, weduwee van M. Maart, No. C. 287572, manskap, Kaapse Korps, binne die tydperk deur sub-artikel (2) van artikel *sewe-en-veertig* van die Oorlogspensioenwet, 1942, voorgeskryf, om 'n pensioen ten opsigte van sy dood aansoek gedoen het.
20. Dat die jaargeld van J. C. Ross, voorheen direkteur van grondbewaring en voorligting, Departement van Landbou, met ingang van 11 Desember 1952, van £232 8s. tot £450 verhoog word.
21. Dat die gratifikasie van £1,006 12s. 1d. en die jaargeld van £279 14s. wat aan C. P. van der Merwe, voorheen vakkundige beampte, Departement van Landbou, toegeken is, onderskeidelik tot £1,101 4s. en £305 18s. verhoog word met ingang van 1 April 1952.
22. Dat vir doeleindes van artikel *vier* van die „Oorlogs Speciale Pensioenen Wet, 1919”, die vooroorlogse verdienste van H. E. A. Coates, voorheen No. 3644, manskap, 1ste Suid-Afrikaanse Infanterie, met ingang van 1 Oktober 1953, as £450 per jaar aanvaar word.
23. Dat vir die doeleindes van artikel *vier* van die „Oorlogs Speciale Pensioenen Wet, 1919”, die vooroorlogse verdienste van E. A. G. Filby, voorheen No. 4896, manskap, 5de Suid-Afrikaanse Infanterie, met ingang van 1 April 1953 as £450 per jaar aanvaar word.
24. Dat vir die doeleindes van artikel *vier* van die „Oorlogs Speciale Pensioenen Wet, 1919”, die vooroorlogse verdienste van J. A. van Blerk, voorheen No. 2413, manskap, 1ste Suid-Afrikaanse Infanterie, met ingang van 1 April 1953 as £450 per jaar aanvaar word.
25. Die toekenning aan Evelyn E. J. Dowling, weduwee van H. F. Dowling, voorheen hoofklerk, Departement van Lande, van 'n gratifikasie van £471 7s.
26. Die toekenning aan Brunnie W. Higgs, weduwee van J. A. du P. Higgs, voorheen mediese beampte, Departement van Gesondheid, van 'n gratifikasie van £415 17s. 9d.
27. Die toekenning aan Natalie C. Mundy, weduwee van W. H. Mundy, voorheen hoofsuperintendent, Departement van Pos- en Telegraafwese, van 'n gratifikasie van £405 6s.
28. Die toekenning aan Edith Uzzell, weduwee van F. J. Uzzell, voorheen superintendant, Departement van Pos- en Telegraafwese, van 'n gratifikasie van £340 4s.
29. Die toekenning aan J. D. Dinwoodie, voorheen ingenieur, Departement van Pos- en Telegraafwese, van die bonus waarop hy ingevolge die bepaling van artikel *sewe-en-veertig* van die Wysigingswet op die Pensioenwette, 1943 (soos gewysig), vir die tydperk 1 Julie 1951 tot 31 Augustus 1951 geregtig sou gewees het indien aansoek daarom binne die voorgeskrewe tydperk gedoen was.
30. Die toekenning aan C. W. Lehmkuhl, voorheen burger, Anglo-Boere-oorlog, met ingang van 1 April 1951, van die vergoeding waarop hy kragtens die bepaling van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1927 gedoen was.
31. Die toekenning aan P. J. A. Spies, voorheen burger, Anglo-Boere-oorlog, met ingang van 1 April 1953, van die vergoeding waarop hy kragtens die bepaling van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1927 gedoen was.
32. Die toekenning aan D. M. Botha, voorheen No. 1935, manskap, 7de Suid-Afrikaanse Infanterie, met ingang van 1 April 1953, van die vergoeding waarop hy kragtens die bepaling van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het indien aansoek daarom voor 1 April 1932 gedoen was.
33. Die toekenning aan E. J. Burgess, voorheen majoor, 1ste Suid-Afrikaanse Infanterie, met ingang van 1 Oktober 1953, van die vergoeding waarop hy kragtens die bepaling van die „Oorlogs Speciale Pensioenen Wet, 1919”, geregtig sou gewees het ten opsigte van 'n besering aan sy regterknie indien aansoek daarom voor 1 April 1932 gedoen was.
34. Dat vir pensioendoeleindes beskou word dat B. H. Curnick, Lugwerktuigkundige, Suid-Afrikaanse Spoorweë en Hawens, met ingang van 11 Junie 1948 uit die Staatsdiens verplaas is en dat sy pensioen-

service from 24th October, 1940, to 10th June, 1948, to be admitted as pensionable service under the Railways and Harbours Superannuation Fund Act, 1925, and his case to be dealt with on the basis of sub-sections (2) and (3) of section *forty* of that Act and sub-sections (2) and (3) of section *twenty-eight* of the Government Service Pensions Act, 1936.

35. G. J. Maree, supervising stock inspector, Department of Agriculture, to be permitted to contribute to the Union Public Service Pension Fund at the rate prescribed in sub-section (2) of section *twelve* of the Government Service Pensions Act, 1936, in respect of his service from 13th February, 1930, to 16th February, 1951, and his election in terms of sub-section (2) of section *seventy-two* of the said Act to be cancelled.

36. The break in service of Susanna S. M. Joubert, woman clerk Department of Customs and Excise, from 1st February, 1953, to 25th March, 1953, to be condoned for pension purposes, being regarded as special leave of absence without pay, not counting as service, but preserving to her the benefit of her previous pensionable service for such purposes.

37. The break in service of H. A. Ouzman, assistant road inspector, Natal Provincial Administration, from 2nd July, 1933, to 11th July, 1933, to be condoned for pension purposes, being regarded as special leave of absence without pay, not counting as service, and that he be permitted to contribute to the Union Public Service Pension Fund at the rate of six-and-one-half per cent. of his pensionable emoluments in respect of his service from 23rd April, 1930, to 1st July, 1933.

38. Subject to the repayment by S. J. du T. Potgieter, sergeant, South African Permanent Force, of the sum of £33 18s. 9d. paid to him in 1941, together with interest thereon at the rate of four per cent. per annum, compounded annually as at 31st March, from date of payment to date of repayment, and to the payment by him in terms of sub-section (2) of section *twenty-four* of the Government Service Pensions Act, 1936, of arrear contributions amounting to £18 6s. 2d. and outstanding at the date of his discharge, the break in his service from 6th July, 1941, to 1st November, 1946, to be condoned for the purpose of his membership of the Union Public Service Pension Fund, being regarded as special leave of absence without pay, not counting as service, but preserving to him the benefit of his previous pensionable service for such purpose.

39. Subject to the repayment by G. J. Rossouw, industrial inspector, Department of Labour, of the sum of £121 16s. paid to him in 1942, together with interest thereon at the rate of four per cent. per annum, compounded annually as at 31st March, from date of payment to date of repayment, the break in his service from 25th December, 1941, to 28th June, 1942, to be condoned for the purpose of his membership of the Union Public Service Pension Fund, being regarded as special leave of absence without pay, not counting as service, but preserving to him the benefit of his previous pensionable service for such purpose.

40. The breaks in service of L. S. Saaiman, inspector of works, Department of Public Works, from 17th September, 1922, to 5th February, 1923, from 10th February, 1924, to 28th August, 1924, from 1st May, 1925, to 23rd July, 1925, and from 22nd October, 1926, to 10th November, 1926, to be condoned for pension purposes being regarded as special leave of absence without pay, not counting as service, and that, subject to the provisions of paragraph (c) of section *sixteen* of the Government Service Pensions Act, 1936, he be permitted to contribute to the Union Public Service Pension Fund at the rate prescribed in sub-section (2) of section *twelve* of that Act, in respect of his service from 8th March, 1920, to 16th September, 1922, from 6th February, 1923, to 9th February, 1924, from 29th August, 1924, to 30th April, 1925, and from 24th July, 1925, to 21st October, 1926.

41. Subject to such conditions as the Commissioner of Pensions may determine and to the repayment by P. G. Thomas, constable, South African Police, of the sum of £136 8s. 6d. paid to him in 1948, together with interest thereon at the rate of four per cent. per annum, compounded annually as at 31st March, from date of payment to date of repayment, his service from 3rd September, 1934, to 30th April, 1948, to be revived for the purpose of his membership of the Union Public Service Pension Fund.

42. The break in the service of No. P.12666, corporal P. J. van der Merwe, South African Permanent Force, from 26th May, 1940, to 9th January, 1949, to be condoned for pension purposes, being regarded as special leave of absence without pay, not counting as service, and, subject to such conditions as the Commissioner of Pensions may determine, he be permitted to contribute to the Union Public Service Pension Fund in respect of his service from 16th October, 1939, to 25th May, 1940, at the rate prescribed in sub-section (2) of section *twelve* of the Government Service Pensions Act, 1936.

43. The award to J. J. Cameron, formerly fitter and turner, Department of Public Works, of a gratuity of £120.

44. The award to Elfriede A. S. Jooste, widow of J. P. Jooste, formerly commandant, Anglo-Boer War, with effect from 28th May, 1952, of the pension to which she would have been entitled under the provisions of the Old Age Pensions Act, 1928, had her case conformed to the requirements of paragraph (d) of section *one* of that Act.

45. The award to P. Mussmann, who was wounded in the left hip during the 1914 Rebellion, with effect from 1st April, 1952, of the compensation to which he would have been entitled under the provisions of the War Special Pensions Act, 1919, in respect of the wound had the circumstances of his case conformed to the requirements of that Act and had application been made therefor prior to 1st April, 1932.

46. Johanna I. Yeats, mother of the late S. V. Yeats, formerly No. 102278, warrant officer, South African Air Force, to be regarded as having applied for a pension in respect of his death within the period prescribed by sub-section (2) of section *forty-seven* of the War Pensions Act, 1942.

gewende diens vanaf 24 Oktober 1940 tot 10 Junie 1948 as pensioengewende diens ingevolge die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925”, erken word en dat sy geval op grondslag van sub-artikels (2) en (3) van artikel *veertig* van die Wet en sub-artikels (2) en (3) van artikel *agt-en-twintig* van die Regeringsdiens Pensioenwet, 1936, behandel word.

35. Dat G. J. Maree, toesighoudende vee-inspekteur, Departement van Landbou, toegelaat word om tot die Unie-staatsdienspensioenfonds ten opsigte van sy diens vanaf 13 Februarie 1930 tot 16 Februarie 1951 by te dra teen die skaal in sub-artikel (2) van artikel *twaalf* van die Regeringsdiens Pensioenwet, 1936, voorgeskryf en dat sy keuse kragtens sub-artikel (2) van artikel *twee-en-sewentig* van bedoelde Wet gekanselleer word.

36. Dat die dien: onderbreking van Susanna S. M. Joubert, vroulike klerk, Departement van Doeane en Aksyns, vanaf 1 Februarie 1953 tot 25 Maart 1953 vir pensioendoeleindes verskoon word en beskou word as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie maar wat haar vir sodanige doeleindes die voordeel van haar vorige pensioengewende diens laat behou.

37. Dat die diensonderbreking van H. A. Ouzman, assistent-pad-inspekteur, Natalse Provinsiale Administrasie, vanaf 2 Julie 1933 tot 11 Julie 1933 vir pensioendoeleindes verskoon word en beskou word as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, en dat hy toegelaat word om tot die Unie-staatsdienspensioenfonds by te dra teen ses en 'n half persent van sy pensioengewende verdienste ten opsigte van sy diens vanaf 23 April 1930 tot 1 Julie 1933.

38. Dat die diensonderbreking van S. J. du T. Potgieter, sersant, Suid-Afrikaanse Staande Mag, vanaf 6 Julie 1941 tot 1 November 1946 vir die doeleindes van sy lidmaatskap van die Unie-staatsdienspensioenfonds verskoon word en beskou word as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie maar wat hom die voordeel van sy vorige pensioengewende diens vir sodanige doeleindes laat behou, op voorwaarde dat hy die bedrag van £33 18s. 9d. wat in 1941 aan hom betaal is, terugbetaal saam met rente daarop teen vier persent per jaar, jaarliks saamgestel op 31 Maart, vanaf die datum van betaling tot die datum van terugbetaling en dat hy kragtens sub-artikel (2) van artikel *vier-en-twintig* van die Regeringsdiens Pensioenwet, 1936, agterstallige bydraes ten bedrae van £18 6s. 2d. wat op die datum van sy ontslag onbetaald was, betaal.

39. Dat die diensonderbreking van G. J. Rossouw, nywerheidsinspekteur, Departement van Arbeid, vanaf 25 Desember 1941 tot 28 Junie 1942 vir die doeleindes van sy lidmaatskap van die Unie-staatsdienspensioenfonds verskoon word en beskou word as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie maar wat hom die voordeel van sy vorige pensioengewende diens vir sodanige doeleindes laat behou, op voorwaarde dat hy die bedrag van £121 16s. wat in 1942 aan hom betaal is, terugbetaal saam met rente daarop teen vier persent per jaar, jaarliks saamgestel op 31 Maart, vanaf die datum van betaling tot die datum van terugbetaling.

40. Dat die diensonderbrekings van L. S. Saaiman, inspekteur van werke, Departement van Publieke Werke, vanaf 17 September 1922 tot 5 Februarie 1923, vanaf 10 Februarie 1924 tot 28 Augustus 1924, vanaf 1 Mei 1925 tot 23 Julie 1925 en vanaf 22 Oktober 1926 tot 10 November 1926 vir pensioendoeleindes verskoon word en beskou word as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, en dat, behoudens die bepalings van paragraaf (c) van artikel *sestien* van die Regeringsdiens Pensioenwet, 1936, hy toegelaat word om tot die Unie-staatsdienspensioenfonds by te dra teen die skaal in sub-artikel (2) van artikel *twaalf* van daardie Wet voorgeskryf ten opsigte van sy diens vanaf 8 Maart 1920 tot 16 September 1922, vanaf 6 Februarie 1923 tot 9 Februarie 1924, vanaf 29 Augustus 1924 tot 30 April 1925 en vanaf 24 Julie 1925 tot 21 Oktober 1926.

41. Dat, behoudens sodanige voorwaardes as wat die Kommissaris van Pensioene bepaal en op voorwaarde dat P. G. Thomas, konstabel, Suid-Afrikaanse Polisie, die bedrag van £136 8s. 6d. wat in 1948 aan hom betaal is, terugbetaal saam met rente daarop teen vier persent per jaar, jaarliks saamgestel op 31 Maart, vanaf die datum van betaling tot die datum van terugbetaling, sy diens vanaf 3 September 1934 tot 30 April 1948 vir die doeleindes van sy lidmaatskap van die Unie-staatsdienspensioenfonds herstel word.

42. Dat die diensonderbreking van No. P.12666, korporaal P. J. van der Merwe, Suid-Afrikaanse Staande Mag, vanaf 26 Mei 1940 tot 9 Januarie 1949 vir pensioendoeleindes verskoon word en beskou word as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie, en dat, behoudens sodanige voorwaardes as wat die Kommissaris van Pensioene bepaal, hy toegelaat word om tot die Unie-staatsdienspensioenfonds by te dra ten opsigte van sy diens vanaf 16 Oktober 1939 tot 25 Mei 1940 teen die skaal in sub-artikel (2) van artikel *twaalf* van die Regeringsdiens Pensioenwet, 1936, voorgeskryf.

43. Die toekenning aan J. J. Cameron, voorheen draaipasser, Departement van Publieke Werke, van 'n gratifikasie van £120.

44. Die toekenning aan Elfriede A. S. Jooste, weduwee van J. P. Jooste, voorheen kommandant, Anglo-Boere-oorlog, met ingang van 28 Mei 1952, van die pensioen waarop sy kragtens die bepalings van die Ouderdomspensioenwet, 1928, geregtig sou gewees het indien haar geval aan die vereistes van paragraaf (d) van artikel *een* van daardie Wet voldoen het.

45. Die toekenning aan P. Mussmann wat gedurende die rebellie van 1914 aan die linkerheup gewond is, met ingang van 1 April 1952, van die vergoeding waarop hy geregtig sou gewees het kragtens die bepalings van die „Oorlogs Speciale Pensioenen Wet, 1919”, ten opsigte van die wond indien die omstandighede van sy geval aan die vereistes van daardie Wet voldoen het en indien aansoek daarom voor 1 April 1932 gedoen was.

46. Dat beskou word dat Johanna I. Yeats, moeder van wyle S. V. Yeats, voorheen No. 102278, adjudant-onderoffisier, Suid-Afrikaanse Lugmag, binne die tydperk wat deur sub-artikel (2) van artikel *sewe-en-veertig* van die Oorlogspensioenwet, 1942, voorgeskryf word, aansoek om 'n pensioen ten opsigte van sy dood gedoen het.

47. For the purpose of section *sixteen* of the Pension Laws Amendment Act, 1948, D. E. Goldschmidt, formerly clerk, Public Works Department, to be regarded as having applied for a bonus under the provisions of section *forty-seven* of the Pension Laws Amendment Act, 1943 (as amended), prior to the first day of April, 1949.

48. Subject to such conditions as the Commissioner of Pensions may determine and to the repayment by L. E. Adendorff, instructor, Department of Education, Arts and Science, of the service gratuity of £43 7s. 11d. and the "full benefit" of £47 0s. 11d. paid to him in 1946, together with interest on the said full benefit at the rate of four per cent. per annum, compounded annually as at 31st March, from date of payment to date of repayment, he be permitted to contribute to the Union Public Service Pension Fund at the rate of seven and three-quarters per cent. of his pensionable emoluments in respect of his service from 19th August, 1940, to 31st October, 1944.

49. The break in service of L. J. Klootwyk, Commandant, South African Permanent Force, from 9th February, 1926, to 6th August, 1928, to be condoned for pension purposes, being regarded as special leave of absence without pay not counting as service, and he be permitted to contribute to the Union Public Service Pension Fund at the rate of six and one half per cent. of his pensionable emoluments in respect of his service from 5th August, 1924, to 8th February, 1926.

50. Subject to such conditions as the Commissioner of Pensions may determine and to the repayment by J. F. Truter, air sergeant, South African Permanent Force, of the sum of £55 16s. 3d. paid to him in 1941, together with interest thereon at the rate of four per cent. per annum, compounded annually as at 31st March, from date of payment to date of repayment, the break in his service from 6th July, 1940, to 18th November, 1951, to be condoned for the purpose of his membership of the Union Public Service Pension Fund, being regarded as special leave of absence without pay, not counting as service but preserving to him the benefit of his previous pensionable service for such purpose.

51. The award to Andries Jacobus Pienaar, Parliamentary Draftsman, Parliament of the Union, with effect from 1st August, 1953, of an annuity of £720.

52. The award to Laura Kellaway, widow of A. B. Kellaway, formerly Superintendent, Houses of Parliament, of a pension of £180 per annum with effect from the 20th September, 1952, payable during widowhood.

53. The award to Annie Mildred Solms, widow of J. R. Solms, formerly Cleaner, Houses of Parliament, of a pension of £90 per annum, with effect from 29th January, 1953, payable during widowhood.

47. Dat vir die doeleindes van artikel *sestien* van die Wysigingswet op die Pensioenwette, 1948, beskou word dat D. E. Goldschmidt, voorheen klerk, Departement van Publieke Werke, vóór die eerste dag van April 1949 aansoek gedoen het om 'n bonus ingevolge die bepalings van artikel *sewe-en-veertig* van die Wysigingswet op die Pensioenwette, 1943 (soos gewysig).

48. Dat, behoudens enige voorwaardes wat die Kommissaris van Pensioene mag bepaal en op voorwaarde dat L. E. Adendorff, instrukteur, Departement van Onderwys, Kuns en Wetenskap, die diensgratifikasie van £43 7s. 11d. en die „volle voordeel” van £47 0s. 11d. wat in 1946 aan hom betaal is, terugbetaal saam met rente op bedoelde volle voordeel teen vier persent per jaar, jaarliks saamgestel op 31 Maart, vanaf die datum van betaling tot die datum van terugbetaling, hy toegelaat word om tot die Unie-staatsdienspensioenfonds by te dra teen sewe en driekwart persent van sy pensioengewende verdienste ten opsigte van sy diens vanaf 19 Augustus 1940 tot 31 Oktober 1944.

49. Dat die diensonderbreking van L. J. Klootwyk, kommandant, Suid-Afrikaanse Staande Mag, vanaf 9 Februarie 1926 tot 6 Augustus 1928, vir pensioendoeleindes verskoon word en beskou word as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie en dat hy toegelaat word om tot die Unie-staatsdienspensioenfonds by te dra teen ses en 'n half persent van sy pensioengewende verdienste ten opsigte van sy diens vanaf 5 Augustus 1924 tot 8 Februarie 1926.

50. Dat, behoudens enige voorwaardes wat die Kommissaris van Pensioene mag bepaal en op voorwaarde dat J. F. Truter, lugtersant, Suid-Afrikaanse Staande Mag, die bedrag van £55 16s. 3d. wat in 1941 aan hom betaal is, terugbetaal saam met rente daarop teen vier persent per jaar, jaarliks saamgestel op 31 Maart, vanaf die datum van betaling tot die datum van terugbetaling, sy diensonderbreking vanaf 6 Julie 1940 tot 18 November 1951 vir die doeleindes van sy lidmaatskap van die Unie-staatsdienspensioenfonds verskoon word en beskou word as spesiale afwesigheidsverlof sonder betaling wat nie as diens geld nie maar wat hom die voordeel van sy vorige pensioengewende diens vir sodanige doeleindes laat behou.

51. Die toekenning aan Andries Jacobus Pienaar, Parlementêre Wetsopsteller, Unie-Parlement, met ingang van 1 Augustus 1953, van 'n jaargeld van £720.

52. Die toekenning aan Laura Kellaway, weduwee van A. B. Kellaway, voorheen Superintendent, Parlementsuis, van 'n pensioen van £180 per jaar, met ingang van 20 September 1952, betaalbaar gedurende weduweeskap.

53. Die toekenning aan Annie Mildred Solms, weduwee van J. R. Solms, voorheen Skoonmaker, Parlementsuis, van 'n pensioen van £90 per jaar, met ingang van 29 Januarie 1953, betaalbaar gedurende weduweeskap.

No. 47, 1953.]

ACT

To provide for the transfer of the administration and control of native education from the several provincial administrations to the Government of the Union, and for matters incidental thereto.

(English text signed by the Governor-General.)
(Assented to 5th October, 1953.)

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:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "Bantu" shall be synonymous with "native"; (ii)
 - (ii) "Department" means the Department of Native Affairs; (iii)
 - (iii) "education" means education other than "higher education" within the meaning of section *seventeen* of the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945); (viii)
 - (iv) "Minister" means the Minister of Native Affairs; (v)
 - (v) "native" means any person who is or is generally accepted as a member of any aboriginal race or tribe of Africa; (vi)
 - (vi) "native school" or "Bantu school" means any school, class, college, or institution for the education of Bantu children or persons, or for the instruction and training of Bantu persons who desire to become teachers or to improve their qualifications as teachers; (vii)
 - (vii) "officer" means an officer on the fixed establishment of the public service; (i)
 - (viii) "prescribed" means prescribed by regulation; (xi)
 - (ix) "regulation" means any regulation made under this Act; (ix)
 - (x) "Secretary" means the Secretary for Native Affairs and includes any Under-Secretary of the Department; (x)
 - (xi) "this Act" includes any regulation. (iv)

Transfer of control of native education from the provincial administrations to the Union Government.

2. As from the date of commencement of this Act—
 - (a) the control of native education shall vest in the Government of the Union subject to the provisions of this Act;
 - (b) there shall cease to be vested in the executive committee of a province any powers, authorities and functions, and the provincial council of a province shall cease to be competent to make ordinances, in relation to native education:

Provided that, subject to the provisions of section *eleven*—

 - (i) a provincial administration shall continue to administer any pension, retirement or provident fund established or conducted by such administration in connection with native education;
 - (ii) a provincial council shall continue to be competent to make ordinances for the proper administration of any such fund.

Administration.

3. (1) It shall be the function of the Department under the direction and control of the Minister, to perform all the work necessary for or incidental to the general administration of native education.
- (2) The Minister may, subject to the laws governing the public service, from time to time appoint such officers and employees as he may deem necessary for the proper performance by the Department of its functions under this Act.

No. 47, 1953.]

WET

Om voorsiening te maak vir die oorpasing van die administrasie van en beheer oor natuurle-onderwys van die onderskeie provinsiale administrasies na die Unie-regering, en vir daarmee in verband staande aangeleenthede.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 5 Oktober 1953.)

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

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

- (i) „amptenaar”, ’n amptenaar op die vaste diensstaat van die Staatsdiens; (vii)
- (ii) „Bantoe”, dieselfde as „naturel”; (i)
- (iii) „Departement”, die Departement van Naturellesake; (ii)
- (iv) „hierdie Wet”, ook enige regulasie; (xi)
- (v) „Minister”, die Minister van Naturellesake; (iv)
- (vi) „naturel”, iemand wat ’n lid van ’n inboorlingras of -stam van Afrika is of gewoonlik daarvoor deurgaang; (v)
- (vii) „naturelleskool” of „Bantoeskool”, enige skool, klas, kollege, of inrigting vir die onderwys van Bantoe-kindere of -persone, of vir die onderrig en opleiding van Bantoe-persone wat begerig is om onderwysers te word of om hul kwalifikasies as onderwysers te verbeter; (vi)
- (viii) „onderwys”, ander onderwys as „hoër onderwys” volgens die bedoeling van artikel *sewentien* van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945); (iii)
- (ix) „regulasie”, ’n regulasie kragtens hierdie Wet uitgevaardig; (ix)
- (x) „Sekretaris”, die Sekretaris van Naturellesake en ook ’n Ondersekretaris van die Departement; (x)
- (xi) „voorgeskryf”, by regulasie voorgeskryf. (viii)

2. Vanaf die datum van die inwerkingtreding van hierdie Wet—

- (a) berus die beheer oor natuurle-onderwys by die Unie-regering onderworpe aan die bepalings van hierdie Wet;
- (b) berus daar met betrekking tot natuurle-onderwys nie langer enige bevoegdhede, magte of werksaamhede by die uitvoerende komitee van ’n provinsie nie, en is die provinsiale raad van ’n provinsie nie langer bevoeg om in verband met bedoelde aangeleentheid ordonnansies aan te neem nie:

Met dien verstande dat, behoudens die bepalings van artikel *elf*—

- (i) ’n provinsiale administrasie aanhou om enige pensioen-, uitdienstredings- of voorsieningsfonds, ingestel of bestuur deur sodanige administrasie in verband met natuurle-onderwys, te administreer;
- (ii) ’n provinsiale raad bevoeg bly om ordonnansies vir die behoorlike administrasie van enige sodanige fonds te maak.

Oordrag van beheer oor natuurle-onderwys van die provinsiale administrasies na die Unie-regering.

3. (1) Die Departement, onder leiding en beheer van die Minister, is belas met die verrigting van al die werksaamhede wat nodig is vir, of in verband staan met, die algemene administrasie van natuurle-onderwys. **Administrasie.**

(2) Die Minister kan, met inagneming van die wette op die Staatsdiens, van tyd tot tyd die amptenare en werknemers wat hy nodig ag vir die behoorlike verrigting deur die Departement van sy werksaamhede ingevolge hierdie Wet, aanstel.

Transfer of officers employed by a province in connection with native education to the service of the Union Government.

4. Every officer who, on or after the first day of July, 1953, was serving under a provincial administration mainly in connection with native education, and who on the date of promulgation of this Act is still serving under a provincial administration, shall, as from the date of commencement of this Act, be transferred to the Department, unless any such officer, at the request or with the approval of the Minister, acting in consultation with the Administrator of the province concerned, is transferred to another post in the public service or is in like manner excluded from the operation of this section.

Transfer of certain employees of a province to the service of the Union Government.

5. (1) Every person, other than an officer or a teacher, who immediately prior to the date of commencement of this Act, was employed by a provincial administration mainly in connection with native education, shall, as from that date, become an employee of the Department, unless the Minister, acting in consultation with the Administrator of the province concerned, decides otherwise.

(2) The continuous employment by a provincial administration immediately prior to the commencement of this Act, of any person who becomes an employee of the Department in terms of sub-section (1), shall, except as hereinafter provided, be deemed to have been employment in the service of the Department.

(3) Notwithstanding any limitation in respect of age or educational qualifications prescribed by or under the Public Service Act, 1923 (Act No. 27 of 1923), any person who becomes an employee of the Department in terms of sub-section (1), who is a South African citizen and who has not attained the prescribed age of retirement, may, on the recommendation of the Public Service Commission, be appointed, on probation or otherwise, to a post in the public service.

(4) Any person appointed to the public service in terms of sub-section (3) shall be adjusted to the scale of salary applicable to the post to which he is appointed at such notch on that scale as may be recommended by the Public Service Commission: Provided that, except with his own consent or in accordance with the provisions of any law, the salary or the scale of salary at or in accordance with which any such person was remunerated immediately prior to the commencement of this Act, shall not be reduced.

(5) (a) Any person who becomes an employee of the Department in terms of sub-section (1) and who, immediately prior to the date of commencement of this Act, was subject to a law relating to pensions administered by a provincial administration, shall retain his rights and obligations under any such pensions law and shall continue to contribute to the pension, retirement, or provident fund to which he contributed prior to such date; and there shall be contributed to the said fund, out of moneys appropriated by Parliament for the purpose, in respect of every such person, an amount equal to the amount which the provincial administration would have contributed to that fund in respect of every such person if he had remained in its service.

(b) The provisions of section *forty-seven* of the Pension Laws Amendment Act, 1943 (Act No. 33 of 1943), shall *mutatis mutandis* apply to any person referred to in paragraph (a) or any dependant of any such person who becomes entitled to a pension under this sub-section.

Financial assistance to Bantu community schools.

6. (1) Subject to the provisions of this Act, the Minister may, on such special conditions as he may stipulate and in accordance with such general principles as he may determine in consultation with the Minister of Finance, out of moneys appropriated or set aside by Parliament for native education—

(a) subsidize any Bantu school established or maintained by any Bantu authority, or any native council, tribe or community (hereinafter called a Bantu community school); or

(b) assist in the establishment or maintenance of any such school.

(2) The Minister may, in his discretion, at any time suspend, reduce, or withdraw any subsidy or assistance granted to any such school under this section.

4. Iedere amptenaar wat op of na die eerste dag van Julie 1953 in diens van 'n provinsiale administrasie was hoofsaaklik in verband met natuurlike-onderwys, en wat op die datum van afkondiging van hierdie Wet nog in die diens van 'n provinsiale administrasie is, word vanaf die datum van die inwerking-treding van hierdie Wet na die Departement oorgeplaas, tensy enige sodanige amptenaar, op die versoek of met die goedkeuring van die Minister, handelende in oorlegpleging met die Administrateur van die betrokke provinsie, na 'n ander pos in die Staatsdiens oorgeplaas of op dergelike wyse van die werking van hierdie artikel uitgesluit word.

Oorplasing van amptenare in diens van 'n provinsie in verband met natuurlike-onderwys, na die diens van die Unie-regering.

5. (1) Iedere persoon, behalwe 'n amptenaar of 'n onderwyser, wat onmiddellik voor die datum van die inwerking-treding van hierdie Wet, in diens van 'n provinsiale administrasie was hoofsaaklik in verband met natuurlike-onderwys, word, vanaf daardie datum, 'n werknemer van die Departement, tensy die Minister, handelende in oorlegpleging met die Administrateur van die betrokke provinsie, anders besluit.

Oorplasing van sekere werknemers van 'n provinsie na die diens van die Unie-regering.

(2) Die onafgebroke indienshouding deur 'n provinsiale administrasie onmiddellik voor die inwerking-treding van hierdie Wet, van enige persoon wat ingevolge sub-artikel (1) 'n werknemer van die Departement word, word, behalwe soos hieronder bepaal word, geag indienshouding in diens van die Departement te gewees het.

(3) Ondanks enige beperking ten opsigte van ouderdom of opvoedkundige kwalifikasies deur of ingevolge die „Staatsdiens Wet, 1923” (Wet No. 27 van 1923), voorgeskryf, kan enige persoon wat ingevolge sub-artikel (1) 'n werknemer van die Departement word, wat 'n Suid-Afrikaanse burger is en wat die voorgeskrewe uitdienstredingsouderdom nog nie bereik het nie, op aanbeveling van die Staatsdienskommissie, in 'n pos in die Staatsdiens, op proef of andersins, aangestel word.

(4) Enige persoon wat ingevolge sub-artikel (3) in die Staatsdiens aangestel word, word aangepas by die salarisskaal wat toepaslik is op die pos waarin hy aangestel word, teen die kerf op daardie skaal wat deur die Staatsdienskommissie aanbeveel word: Met dien verstande dat, behalwe met sy eie toestemming of ooreenkomstig een of ander wetsbepaling, die salaris of die salarisskaal waarteen of waarvolgens enige sodanige persoon onmiddellik voor die inwerking-treding van hierdie Wet besoldig was, nie verminder mag word nie.

(5) (a) Enige persoon wat ingevolge sub-artikel (1) 'n werknemer van die Departement word en op wie onmiddellik voor die datum van die inwerking-treding van hierdie Wet, 'n deur 'n provinsiale administrasie geadministreerde wet met betrekking tot pensioene van toepassing was, behou sy regte en verpligtinge onder bedoelde pensioenwet en moet aanhou om tot die pensioen-, uitdienstredings-, of voorsieningsfonds by te dra waartoe hy voor daardie datum bygedra het; en daar word tot bedoelde fonds bygedra uit gelde wat deur die Parlement vir die doel beskikbaar gestel word, ten opsigte van ieder sodanige persoon, 'n bedrag gelykstaande aan die bedrag wat die provinsiale administrasie ten opsigte van ieder sodanige persoon tot daardie fonds sou bygedra het indien hy in diens van bedoelde administrasie gebly het.

(b) Die bepalings van artikel *sewe-en-veertig* van die Wysigingswet op die Pensioenwette, 1943 (Wet No. 33 van 1943), is *mutatis mutandis* van toepassing op enige in paragraaf (a) bedoelde persoon of enige afhanklike van so 'n persoon wat kragtens hierdie sub-artikel op 'n pensioen geregtig word.

6. (1) Behoudens die bepalings van hierdie Wet, kan die Minister, op sodanige spesiale voorwaardes as wat hy mag stel, en ooreenkomstig sodanige algemene beginsels as wat hy in oorleg met die Minister van Finansies mag bepaal, uit gelde wat deur die Parlement vir natuurlike-onderwys beskikbaar gestel of opsy gesit word—

Finansiële bystand aan Bantoe-gemeenskapskole.

(a) enige Bantoeskool deur een of ander Bantoe-owerheid, natuurelerraad, -stam, of -gemeenskap ingestel of in stand gehou (hieronder 'n Bantoe-gemeenskapskool genoem), subsidieer; of

(b) bystand verleen tot die instelling of instandhouding van enige sodanige skool.

(2) Die Minister kan te eniger tyd na goeëddunke die subsidie of bystand wat aan enige skool kragtens hierdie artikel verleen word, staak, verminder, of intrek.

Establishment of
Government
Bantu schools.

7. (1) The Minister may, out of moneys appropriated or set aside by Parliament for native education—

- (a) establish and maintain Bantu schools which shall be known as Government Bantu schools;
- (b) establish and maintain any hostel, teachers' quarters, school clinic, or any other accessory to a Government Bantu school.

(2) Every native school or accessory thereto which was established and maintained by a provincial administration and which is in existence on the date of commencement of this Act, shall, as from that date, be deemed to have been established in terms of sub-section (1) as a Government Bantu School or as an accessory to a Government Bantu School.

(3) The Minister may at any time, whenever he considers it expedient to do so, close or disestablish any such Government Bantu school, hostel, teachers' quarters, school clinic or other accessory to a Government Bantu school.

Grants-in-aid
to State-aided
native schools.

8. (1) Subject to the provisions of this Act, the Minister may, on such special conditions as he may stipulate and in accordance with such general principles as he may determine in consultation with the Minister of Finance, out of moneys appropriated or set aside by Parliament for native education, make grants-in-aid to any native school approved by him for the purposes of this section: Provided that before approving any such school the Minister may consider—

- (a) in respect of any native school situate in a scheduled native area or a released area referred to in the Native Trust and Land Act, 1936 (Act No. 18 of 1936), after consultation with the Bantu authority, or the native council, tribe, or community concerned; or
- (b) in respect of any native school situate outside a scheduled native area and a released area, with due regard to the interests of the Bantu people,

whether the establishment or existence of any such native school precludes, retards, or renders impracticable, or is likely to preclude, retard, or render impracticable, the establishment of a Bantu community school or a Government Bantu school for the area concerned.

(2) The Minister may, in his discretion, at any time suspend, reduce, or withdraw any grant made under this section or revoke his approval of any native school for the purposes of this section: Provided that before so exercising his discretion the Minister may cause an inquiry to be held at which the person or committee or other body in charge of the said school shall be entitled to be heard.

Registration of
Bantu or native
schools.

9. (1) As from a date to be fixed by the Minister by notice in the *Gazette*, no person shall establish, conduct, or maintain any Bantu or native school, other than a Government Bantu school, unless it is registered as prescribed.

(2) The registration of any such school shall be refused or cancelled if the Minister, acting on the advice and recommendation of the Native Affairs Commission constituted under the Native Affairs Act, 1920 (Act No. 23 of 1920), given after due enquiry by the said Commission is of opinion that its establishment or continued existence is not in the interests of the Bantu people or any section of such people or is likely to be detrimental to the physical, mental or moral welfare of the pupils or students attending or likely to attend such school.

(3) Any person who, after the date fixed under sub-section (1), admits any Bantu child or person to, or establishes, conducts or maintains, any Bantu or native school which is not registered in terms of this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds, or, in default of payment, to imprisonment for a period not exceeding six months.

Appointment,
conditions of
service and
retirement bene-
fits of teachers
in Government
Bantu schools.

10. (1) The teaching establishment at any Government Bantu school shall be determined by the Minister on a basis to be laid down from time to time in consultation with the Minister of Finance and on the recommendation of the Public Service Commission.

7. (1) Die Minister kan, uit gelde wat deur die Parlement vir natuurle-onderwys beskikbaar gestel of opsy gesit word—

Instelling van Staatsbantoeskole.

(a) Bantoeskole wat Staatsbantoeskole heet, instel en in stand hou;

(b) enige koshuis, kwartiere vir onderwysers, skoolkliniek, of enige ander toebehoorsel van 'n Staatsbantoeskool instel en in stand hou.

(2) Iedere natuurelskool of toebehoorsel daarvan wat deur 'n provinsiale administrasie ingestel en in stand gehou is en wat op die datum van die inwerkingtreding van hierdie Wet bestaan, word, vanaf daardie datum, geag kragtens sub-artikel (1) as 'n Staatsbantoeskool of as 'n toebehoorsel van 'n Staatsbantoeskool ingestel te gewees het.

(3) Die Minister kan te eniger tyd, so dikwels hy dit raadsaam ag sulks te doen, so 'n Staatsbantoeskool, koshuis, kwartier vir onderwysers, skoolkliniek of ander toebehoorsel van 'n Staatsbantoeskool sluit of die instelling daarvan intrek.

8. (1) Behoudens die bepalings van hierdie Wet, kan die Minister, op sodanige spesiale voorwaardes as wat hy mag stel, en ooreenkomstig sodanige algemene beginsels as wat hy in oorleg met die Minister van Finansies mag bepaal, uit gelde wat deur die Parlement vir natuurle-onderwys beskikbaar gestel of opsy gesit word, hulptoekenings maak aan enige natuurelskool wat deur hom vir die doeleindes van hierdie artikel goedgekeur word: Met dien verstande dat voordat hy enige sodanige skool goedkeur, die Minister in oorweging kan neem—

Hulptoekenings aan Staats-ondersteunde natuurelskole.

(a) ten opsigte van enige natuurelskool geleë binne 'n afgesonderde natuurelgebied of oopgestelde gebied waarna in die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), verwys word, na oorlegpleging met die betrokke Bantoe-owerheid, naturelleraad, -stam, of -gemeenskap, of

(b) ten opsigte van enige natuurelskool geleë buite 'n afgesonderde natuurelgebied en 'n oopgestelde gebied, met behoorlike inagneming van die belange van die Bantoebevolking,

of die instelling of bestaan van enige sodanige natuurelskool, die instelling van 'n Bantoe-gemeenskapskool of 'n Staatsbantoeskool in die betrokke gebied uitsluit, vertraag, of ondoenlik maak, of waarskynlik sal uitsluit, vertraag of ondoenlik maak.

(2) Die Minister kan te eniger tyd na goeëddunke enige hulptoekening wat kragtens hierdie artikel gemaak word, staak, verminder, of intrek, of sy goedkeuring van enige natuurelskool vir die doeleindes van hierdie artikel herroep: Met dien verstande dat, alvorens die Minister aldus na goeëddunke handel, hy 'n ondersoek kan laat instel waarby die persoon of komitee of ander liggaam in beheer van bedoelde skool geregtig is om aangehoor te word.

9. (1) Vanaf 'n datum wat die Minister by kennisgewing in die *Staatskoerant* bepaal, mag geen persoon enige Bantoe- of natuurelskool behalwe 'n Staatsbantoeskool instel, voortsit, of in stand hou nie, tensy dit geregistreer is soos voorgeskryf.

Registrasie van Bantoe- of natuurelskole.

(2) Die registrasie van enige sodanige skool moet geweer of gekanselleer word indien die Minister, handelende ooreenkomstig die advies en aanbeveling van die Naturellesakekommissie ingestel ingevolge die „Naturellezaken Wet, 1920” (Wet No. 23 van 1920), gegee na behoorlike ondersoek deur bedoelde Kommissie van oordeel is dat die instelling of voortbestaan van die skool nie in die belang van die Bantoebevolking of 'n deel van daardie bevolking is nie, of waarskynlik nadelig sal wees vir die liggaamlike, verstandelike, of sedelike welvaart van die leerlinge of studente wat die skool bywoon of waarskynlik sal bywoon.

(3) Enige persoon wat, na die kragtens sub-artikel (1) bepaalde datum, enige Bantoe-kind of -persoon toelaat tot enige Bantoe- of natuurelskool, wat nie ingevolge hierdie Wet geregistreer is nie, of enige Bantoe- of natuurelskool wat nie ingevolge hierdie Wet geregistreer is nie, instel, voortsit of in stand hou, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande.

10. (1) Die onderwysdiensstaat by enige Staatsbantoeskool word deur die Minister op 'n basis wat van tyd tot tyd in oorleg met die Minister van Finansies en op aanbeveling van die Staatsdienskommissie neergelê word bepaal.

Aanstelling, diensvoorwaardes en uitdiens-tredingsvoorrede van onderwysers in Staatsbantoeskole.

- (2) (a) The power of appointment, promotion, transfer, or discharge of teachers in Government Bantu schools shall, subject to the provisions of this Act, vest in the Minister, who may delegate any or all of the said powers to the Secretary.
- (b) In respect of any post designated by the Minister, he may delegate the power of appointment or discharge of any teacher to any officer of the Department.
- (3) Every person who immediately prior to the date of commencement of this Act was employed by a provincial administration as a teacher on the establishment of a native school referred to in sub-section (2) of section *seven*, shall, as from that date, be transferred to the service of the Department.
- (4) Unless and until the Minister prescribes otherwise, the conditions of service, including the emoluments and leave privileges, of any teacher referred to in sub-section (3), shall continue in force as if the said teacher had remained in the service of the provincial administration.
- (5) Unless and until the Minister prescribes otherwise—
- (a) the retirement or pension benefits of any teacher referred to in sub-section (3) shall continue in force as if such teacher had remained in the service of the provincial administration by which he was employed immediately prior to the coming into operation of this Act and the provisions of section *forty-seven* of the Pension Laws Amendment Act, 1943 (Act No. 33 of 1943), shall *mutatis mutandis* apply to any such teacher or any dependant of any such teacher who becomes entitled to a pension under this paragraph;
- (b) every such teacher shall continue to contribute to the pension, retirement, or provident fund which is administered by the provincial administration concerned and to which he contributed prior to the commencement of this Act, as if he had not been transferred to the service of the Department, and there shall be contributed to the said fund, out of moneys appropriated by Parliament for the purpose, in respect of every such teacher, an amount which the provincial administration concerned would have contributed to that fund in respect of every such teacher: Provided that, in the case of the pension fund established under Act No. 43 of 1887 (Cape), there may each year be contributed out of moneys similarly appropriated, towards pension benefits payable to retired native teachers, an amount determined by the Minister in consultation with the Minister of Finance.
- (6) Subject to the foregoing provisions of this section, the conditions of service, including the scales of salary, leave privileges, and retirement or pension benefits, of teachers in Government Bantu schools, shall be prescribed by the Minister in consultation with the Minister of Finance and on the recommendation of the Public Service Commission.
- (7) Any disciplinary proceedings in respect of misconduct committed by any teacher referred to in sub-section (3) before the date of commencement of this Act, may be continued or instituted by the Department as if such misconduct had been committed after the said date.

Transfer of
administration
of Natal non-
European
Teachers'
Provident Fund.

11. The Minister may, after consultation with the Minister of Finance and the Administrator of the Province of Natal, by notice in the *Gazette*, direct that subject to such conditions as he may determine, the moneys of the Natal non-European Teachers' Provident Fund, constituted by Ordinance No. 10 of 1930 (Natal), shall in respect of native teachers vest in and be administered *mutatis mutandis* by the Commissioner of Pensions in accordance with the provisions of the said Ordinance or as prescribed and thereafter, as from the date of the said notice, all contributions payable to the said Fund in terms of the said Ordinance or this Act by or in respect of native teachers shall be paid to the Commissioner of Pensions, who shall be responsible for the payment out of the said moneys and contributions of all liabilities of the said Fund arising, or which have arisen, in terms of the said Ordinance or this Act, in respect of native teachers.

- (2) (a) Die bevoegdheid om onderwysers in Staatsbantoe-skole aan te stel, te bevorder, te verplaas, of te ontslaan, berus, behoudens die bepalings van hierdie Wet, by die Minister, wat enigeen van of al die bedoelde bevoegdhede aan die Sekretaris kan delegeer.
 - (b) Ten opsigte van enige pos wat deur die Minister aangewys word, kan hy die bevoegdheid om 'n onderwyser aan te stel of te ontslaan, aan enige amptenaar van die Departement delegeer.
 - (3) Iedere persoon wat onmiddellik voor die datum van die inwerkingtreding van hierdie Wet in diens van 'n provinsiale administrasie was as 'n onderwyser in die personeel van 'n in sub-artikel (2) van artikel *sewe* bedoelde natuurelleskool, word, vanaf daardie datum, na die diens van die Departement oorgeplaas.
 - (4) Tensy en totdat anders deur die Minister voorgeskryf word, bly die diensvoorwaardes, met inbegrip van die besoldiging en verlofvoorregte, van enige in sub-artikel (3) bedoelde onderwyser van krag asof bedoelde onderwyser in diens van die provinsiale administrasie gebly het.
 - (5) Tensy en totdat anders deur die Minister voorgeskryf word—
 - (a) bly die uitdienstredings- of pensioenvoordele van enige in sub-artikel (3) bedoelde onderwyser van krag asof sodanige onderwyser in diens gebly het van die provinsiale administrasie wat hom onmiddellik voor die datum van die inwerkingtreding van hierdie Wet in diens gehad het en die bepalings van artikel *sewe-en-veertig* van die Wysigingswet op die Pensioenwette, 1943 (Wet No. 33 van 1943), is *mutatis mutandis* van toepassing op so 'n onderwyser of 'n afhanklike van so 'n onderwyser wat kragtens hierdie paragraaf op 'n pensioen geregtig word;
 - (b) moet ieder sodanige onderwyser aanhou om by te dra tot die pensioen-, uitdienstredings-, of voorsieningsfonds wat deur die betrokke provinsiale administrasie beheer word en waartoe hy voor die inwerkingtreding van hierdie Wet bygedra het, asof hy nie na die diens van die Departement oorgeplaas is nie, en daar word tot bedoelde fonds bygedra uit gelde wat deur die Parlement vir die doel beskikbaar gestel word, ten opsigte van ieder sodanige onderwyser, 'n bedrag wat die betrokke provinsiale administrasie ten opsigte van ieder sodanige onderwyser tot daardie fonds sou bygedra het: Met dien verstande dat, in die geval van die pensioenfonds ingestel kragtens Wet No. 43 van 1887 (Kaap), daar elke jaar bygedra kan word uit gelde op dieselfde manier beskikbaar gestel, tot pensioenvoordele betaalbaar aan afgetrede natuurellesonderwysers, 'n bedrag wat deur die Minister in oorleg met die Minister van Finansies bepaal word.
 - (6) Behoudens die voorgaande bepalings van hierdie artikel, word die diensvoorwaardes, met inbegrip van die salarisskale, verlofvoorregte en die uitdienstredings- of pensioenvoordele, van onderwysers in Staatsbantoe-skole deur die Minister voorgeskryf in oorleg met die Minister van Finansies en op aanbeveling van die Staatsdienskommissie.
 - (7) Enige dissiplinêre stappe ten opsigte van wangedrag wat deur 'n in sub-artikel (3) bedoelde onderwyser voor die datum van die inwerkingtreding van hierdie Wet gepleeg is, kan deur die Departement voortgesit of ingestel word asof die wangedrag na die genoemde datum gepleeg was.
11. Die Minister kan, na oorlegpleging met die Minister van Finansies en die Administrateur van die Provinsie van Natal, by kennisgewing in die *Staatskoerant*, gelas dat onderworpe aan die voorwaardes wat hy mag bepaal die gelde van die Spaarfonds vir Natalse nie-Europese Onderwysers ingestel deur Ordonnansie No. 10 van 1930 (Natal), ten opsigte van natuurellesonderwysers by die Kommissaris van Pensioene berus en dat bedoelde gelde deur die Kommissaris van Pensioene geadministreer word *mutatis mutandis* ooreenkomstig die bepalings van die bedoelde Ordonnansie of soos voorgeskryf en daarna vanaf die datum van bedoelde kennisgewing, word alle bydraes wat ingevolge bedoelde Ordonnansie of hierdie Wet aan bedoelde Spaarfonds betaalbaar word deur of ten opsigte van natuurellesonderwysers aan die Kommissaris van Pensioene betaal, en is die Kommissaris van Pensioene verantwoordelik vir die betaling uit bedoelde gelde en bydraes van alle verpligtings van die bedoelde Spaarfonds wat volgens die bepalings van bedoelde Ordonnansie of hierdie Wet ontstaan of ontstaan het ten opsigte van natuurellesonderwysers.
- Oordrag van administrasie van die Spaarfonds vir Natalse nie-Europese Onderwysers.

Management
of Government
Bantu schools.

12. (1) The Minister may, with due regard to the principle of providing for active participation by the Bantu people in the control and management of Government Bantu schools, establish such regional, local, and domestic councils, boards, or other bodies as he may deem expedient, or may for this purpose entrust the control and management of any Government Bantu school to any Bantu authority or native council established by or under any other law.

(2) The constitution, duties, powers, privileges, and functions of any such council, board, or body, or the duties, powers, privileges, and functions of any Bantu authority or native council to whom the control and management of any Government Bantu school is entrusted, shall be as prescribed.

Certain assets
and liabilities
transferred to
Union
Government.

13. As from the date of commencement of this Act—

- (a) all the property, movable or immovable, which immediately prior to the said date was used or had been acquired by a provincial administration solely for the purposes of or in connection with native education, shall vest in the Government of the Union, subject to any conditions or obligations upon or under which such property was held immediately prior to the said date in so far as such conditions or obligations do not lapse by merger as a result of this vesting;
- (b) all the liabilities lawfully incurred by a provincial administration for the purposes of or in connection with native education and existing immediately prior to the said date, including any liability to pay a bonus or allowance to any retired teacher or employee or any dependant of any such teacher or employee in supplementation of any pension payable to any such person, shall become the liabilities of the Government of the Union, subject to the provisions of this Act and to the conditions under which those liabilities were incurred:

Provided that, save as is provided in section *eleven*, the provisions of this section shall not be deemed to include any asset acquired or liability incurred in connection with any pension, retirement or provident fund administered by a provincial administration.

Power to
expropriate land
for native
education
purposes.

14. The Minister may expropriate any land required for the purposes of a Government Bantu school or any accessory thereto, and the Expropriation of Lands and Arbitration Clauses Proclamation, 1902 (Proclamation No. 5 of 1902), of the Transvaal, shall *mutatis mutandis* apply to any such expropriation in any part of the Union.

Regulations.

15. (1) The Minister may from time to time make regulations—

- (a) prescribing, subject to the laws governing the public service, the powers and duties of the Secretary and any other officer or employee of the Department in connection with the administration of native education;
- (b) prescribing the conditions of appointment and service, including the rights, duties and privileges, of teachers in Government Bantu schools;
- (c) prescribing a code of discipline for teachers in Government Bantu schools, the punishments which may be imposed for, and the procedure to be followed in connection with, any contravention of or failure to comply with the provisions of such code, and the circumstances in which the services of any such teacher may be terminated;
- (d) prescribing courses of training or instruction in Government Bantu schools and the fees, if any, payable in respect of such courses or any examination held by or under the supervision or control of the Department;
- (e) prescribing the medium of instruction in Government Bantu schools;
- (f) prescribing the conditions governing the establishment, control and maintenance of any hostel, school clinic, or other accessory to a Government Bantu school;

12. (1) Die Minister kan, met behoorlike inagneming van die beginsel dat daar vir die aktiewe deelname deur die Bantoebevolking in die beheer en bestuur van Staatsbantoeskole voorsiening gemaak word, sodanige streeks-, plaaslike en huishoudelike rade, besture of ander liggame, soos hy dienstig mag ag, instel, of hy kan, vir hierdie doel, die beheer en bestuur van enige Staatsbantoeskool toevertrou aan enige Bantoeowerheid of naturelleraad ingestel deur of ingevolge enige ander wet.

Bestuur van Staatsbantoeskole.

(2) Die samestelling, pligte, bevoegdhede, voorregte en werksaamhede van enige sodanige raad, bestuur of liggaam, of die pligte, bevoegdhede, voorregte en werksaamhede van enige Bantoeowerheid of naturelleraad aan wie die beheer en bestuur van 'n Staatsbantoeskool toevertrou word, is soos voorgeskryf.

13. Vanaf die datum van die inwerkingtreding van hierdie Wet—

Sekere bates en verpligtinge gaan oor op die Unie-regering.

(a) gaan alle goedere, roerende en onroerende, wat onmiddellik voor bedoelde datum deur 'n provinsiale administrasie uitsluitlik vir die doeleindes van of in verband met naturelle-onderwys gebruik of verkry is, oor op die Unie-regering, behoudens enige voorwaardes of verpligtinge wat onmiddellik voor bedoelde datum aan die besit daarvan verbonde was vir sover bedoelde voorwaardes of verpligtinge nie deur samevloeiing as gevolg van hierdie oorgang verval nie;

(b) word alle verpligtinge wat wettiglik deur 'n provinsiale administrasie vir die doeleindes van of in verband met naturelle-onderwys aangegaan is en wat onmiddellik voor daardie datum bestaan het, met inbegrip van enige verpligting om 'n bonus of toelae te betaal aan 'n afgetrede onderwyser of werknemer of 'n afhanklike van so 'n onderwyser of werknemer ter aanvulling van enige pensioen aan so 'n persoon betaalbaar, die verpligtinge van die Unie-regering, behoudens die bepalinge van hierdie Wet en die voorwaardes waaronder die verpligtinge aangegaan is:

Met dien verstande dat, behalwe soos in artikel *elf* bepaal word, die bepalinge van hierdie artikel nie geag word enige bate verkry of verpligting aangegaan in verband met 'n deur 'n provinsiale administrasie geadministreerde pensioen-, uitdiens-tredings-, of voorsieningsfonds, in te sluit nie.

14. Die Minister kan enige grond wat vir die doeleindes van 'n Staatsbantoeskool of enige toebehoorsel daarvan benodig word, onteien, en die „Expropriation of Lands and Arbitration Clauses Proclamation, 1902” (Proklamasie No. 5 van 1902), van Transvaal, is *mutatis mutandis* op ieder sodanige onteining in enige deel van die Unie van toepassing.

Bevoegdheid om grond vir doeleindes van naturelle-onderwys te onteien.

15. (1) Die Minister kan van tyd tot tyd regulasies uitvaardig—

Regulasies.

(a) wat, behoudens die wetsbepalinge op die Staatsdiens, die bevoegdhede en pligte van die Sekretaris en enige ander amptenaar of werknemer in diens van die Departement in verband met die administrasie van naturelle-onderwys, voorskryf;

(b) wat die voorwaardes van aanstelling en diens, met inbegrip van die regte, pligte en voorregte van onderwysers in Staatsbantoeskole, voorskryf;

(c) wat 'n tugkode vir onderwysers in Staatsbantoeskole, die strawwe wat opgelê kan word vir, en die prosedure wat gevolg moet word in verband met, enige oortreding van bedoelde kode of versuim om aan enige bepaling daarvan te voldoen, en die omstandighede waaronder die dienste van enige sodanige onderwyser beëindig kan word, voorskryf;

(d) wat die kursusse met betrekking tot opleiding of onder-rig in Staatsbantoeskole en die gelde, indien enige, betaalbaar ten opsigte van sodanige kursusse of enige eksamen gehou deur of onder toesig of beheer van die Departement, voorskryf;

(e) wat die medium van onderrig in Staatsbantoeskole voorskryf;

(f) wat die voorwaardes wat die instelling, beheer en instandhouding van enige koshuis, skoolkliniek, of ander toebehoorsel van 'n Staatsbantoeskool reël, voorskryf;

- (g) relating to the admission of pupils or students to, the control, and treatment of pupils or students at, and the discharge of pupils or students from, any Government Bantu school;
 - (h) providing for the medical examination of teachers, pupils or students in Government Bantu schools, including the particulars to be contained in medical certificates;
 - (i) providing for the control of funds collected for any Government Bantu school;
 - (j) providing for religious instruction in Government Bantu schools;
 - (k) prescribing the circumstances in which the suspension or expulsion of any pupil or student from any Government Bantu school may take place or any other punishment may be administered or imposed;
 - (l) prescribing the conditions under which Bantu community schools may be subsidized or assisted under section *six*;
 - (m) providing for the approval of State-aided native schools, under section *eight*, and prescribing the conditions under which grants-in-aid may be made;
 - (n) providing for the registration of Bantu community schools or other native schools;
 - (o) providing for the award of bursaries to Bantu pupils or students and prescribing the conditions under which such bursaries may be awarded;
 - (p) providing for the establishment of an advisory board or advisory boards on Bantu education for the Union and prescribing the constitution, duties, powers, privileges and functions of such a board and the fees and allowances, if any, payable to any member of a board who is not in the full-time employment of the State;
 - (q) providing for the constitution, duties, powers, privileges and functions of regional, local and domestic councils, boards or other bodies or the duties, powers, privileges and functions of any Bantu authority or native council to whom the control and management of a Government Bantu school is entrusted and prescribing the fees and allowances, if any, payable to any members thereof who are not in the full-time employment of the State;
 - (r) providing, subject to the approval of the Minister of Finance, for the establishment and management of a pension or provident fund or scheme for teachers in Government Bantu schools to be administered by the Commissioner of Pensions and prescribing the contributions to be made to such fund or scheme out of moneys appropriated by Parliament and by teachers;
 - (s) providing generally for any other matter relating to the establishment, maintenance, management and control of Government Bantu schools or which the Minister may deem necessary or expedient to prescribe for achieving the purposes of this Act, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.
- (2) Different regulations may be made in respect of different teachers, groups, classes or races of teachers, or different schools or areas.
- (3) The regulations may provide penalties for any contravention thereof or failure to comply therewith not exceeding a fine of fifty pounds or, in default of payment, imprisonment for a period not exceeding six months.
- (4) Until the Minister makes regulations, the laws in force in the respective provinces immediately prior to the date of commencement of this Act, other than the law repealed by section *seventeen*, shall, in so far as they relate to native education and are not inconsistent with the provisions of this Act, continue to apply *mutatis mutandis* in respect of native education: Provided that in any such law, any reference to the

- (g) betreffende die toelating van leerlinge of studente tot, die beheer en behandeling van leerlinge of studente by, en die ontslag van leerlinge of studente uit, enige Staatsbantoeskool;
- (h) wat voorsiening maak vir die mediese ondersoek van onderwysers, leerlinge of studente in Staatsbantoeskole, met inbegrip van die besonderhede wat in die mediese sertifikate vervat moet word;
- (i) wat voorsiening maak vir die beheer van fondse wat vir enige Staatsbantoeskool ingesamel word;
- (j) wat voorsiening maak vir godsdienstige onderrig in Staatsbantoeskole;
- (k) wat die omstandighede waaronder die skorsing of uitsetting van enige leerling of student uit enige Staatsbantoeskool kan plaasvind of enige ander straf toegedien of opgelê kan word, voorskryf;
- (l) wat die voorwaardes waarvolgens Bantoe-gemeenskap-skole kragtens artikel ses gesubsidieer of aan bedoelde skole bystand verleen mag word, voorskryf;
- (m) wat voorsiening maak vir die goedkeuring, kragtens artikel agt, van Staatsondersteunde naturelleskole, en wat die voorwaardes waarvolgens hulptoekennings verleen kan word, voorskryf;
- (n) wat voorsiening maak vir die registrasie van Bantoe-gemeenskap- of ander naturelleskole;
- (o) wat voorsiening maak vir die toekenning van beurse aan Bantoeleerlinge of -studente en wat die voorwaardes waarvolgens sodanige beurse toegeken kan word, voorskryf;
- (p) wat voorsiening maak vir die instelling van 'n adviesraad of adviesrade vir Bantoe-onderwys vir die Unie en wat die samestelling, pligte, bevoegdhede, voorregte en werksaamhede van so 'n raad voorskryf, asook die gelde en toelaes, indien enige, betaalbaar aan 'n raadslid wat nie in die voltydse diens van die Staat is nie;
- (q) wat voorsiening maak vir die samestelling, pligte, bevoegdhede, voorregte en werksaamhede van streeks-, plaaslike en huishoudelike rade, besture of ander liggame, of wat die pligte, bevoegdhede, voorregte en werksaamhede van enige Bantoe-owerheid of naturelleraad aan wie die beheer en bestuur van 'n Staatsbantoeskool toevertrou word, en die gelde en toelaes, indien enige, betaalbaar aan die lede van enige sodanige raad, bestuur, liggaam of owerheid wat nie in die voltydse diens van die Staat is nie voorskryf;
- (r) wat, onderhewig aan die goedkeuring van die Minister van Finansies, voorsiening maak vir die instelling en beheer van 'n pensioen- of voorsieningsfonds of -skema vir onderwysers in Staatsbantoeskole deur die Kommissaris van Pensioene beheer te word en wat die bydraes wat tot bedoelde fonds of skema uit gelde wat deur die Parlement beskikbaar gestel word en deur onderwysers gemaak moet word, voorskryf;
- (s) wat voorsiening maak in die algemeen vir enige ander aangeleentheid met betrekking tot die instelling, instandhouding, bestuur en beheer van Staatsbantoeskole of wat die Minister nodig of dienstig mag ag om voor te skryf vir die bereiking van die doeleindes van hierdie Wet. Die algemeenheid van die bevoegdheid wat deur hierdie paragraaf verleen word, word nie deur die bepalinge van die voorgaande paragrawe beperk nie.

(2) Verskillende regulasies kan ten opsigte van verskillende onderwysers, of onderwysers van verskillende groepe, klasse of rasse, of ten opsigte van verskillende skole of gebiede, uitgevaardig word.

(3) Die regulasies kan op enige oortreding daarvan of versuim om daaraan te voldoen, strawwe stel van 'n boete van hoogstens vyftig pond of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(4) Totdat die Minister regulasies uitvaardig, bly die wette wat onmiddellik voor die datum van die inwerkingtreding van hierdie Wet in die onderskeie provinsies van krag was, behalwe die wet deur artikel sewentien herroep in so verre hulle op naturelle-onderwys betrekking het en nie met die bepalinge van hierdie Wet onbestaanbaar is nie, *mutatis mutandis* ten opsigte van naturelle-onderwys van toepassing: Met dien verstande

"Governor" or the "Administrator" shall be construed as a reference to the Minister, and any reference to the "Superintendent-General", "Superintendent" or "Director" as a reference to the Secretary, and any reference to the "Department" as a reference to the Department, and any reference to the "Controller" as a reference to the Principal Accountant of the Department.

(5) Whenever the Minister makes regulations with regard to any of the matters referred to in sub-section (1), that part of the laws referred to in sub-section (4) relating to any matter dealt with in the regulations, shall then cease to apply to native education.

Amendment of
section 85 of
the South Africa
Act, 1909.

16. Section *eighty-five* of the South Africa Act, 1909, is hereby amended by the insertion in paragraph (iii) after the words "higher education" of the words "and native education".

Repeal of Act
29 of 1945.

17. The Native Education Finance Act, 1945 (Act No. 29 of 1945), is hereby repealed.

Short title and
date of
commencement.

18. This Act shall be called the Bantu Education Act, 1953, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

dat in enige sodanige wet, enige verwysing na die „Goewerneur” of die „Administrateur” as ’n verwysing na die Minister, enige verwysing na die „Superintendent-generaal”, „Superintendent” of „Direkteur” as ’n verwysing na die Sekretaris, enige verwysing na die „Departement” as ’n verwysing na die Departement, en enige verwysing na die „Kontroleur” as ’n verwysing na die Hoofrekenmeester van die Departement, uitgelê word.

(5) Wanneer die Minister regulasies met betrekking tot enige van die in sub-artikel (1) bedoelde aangeleenthede uitvaardig, dan is daardie gedeelte van die in sub-artikel (4) bedoelde wette wat betrekking het op enige aangeleentheid wat in die regulasies behandel word, nie langer op natuurlike-onderwys van toepassing nie.

16. Artikel vyf-en-tagtig van die „Zuid-Afrika Wet, 1909”, Wysiging van word hiermee gewysig deur in paragraaf (iii) na die woorde artikel 85 van die „Zuid-Afrika Wet, 1909”. „hoger onderwys” die woorde „en naturellenonderwys”, in te voeg.

17. Die Wet tot Finansiering van Naturelle-onderwys, 1945 (Wet No. 29 van 1945), word hiermee herroep. Herroeping van Wet 29 van 1945.

18. Hierdie Wet heet die Wet op Bantoe-onderwys, 1953, en tree in werking op ’n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal. Kort titel en datum van inwerkingtreding.

No. 48, 1953.]

ACT

To provide for the prevention and settlement of native labour disputes and for the regulation of conditions of employment of natives; to amend the Industrial Conciliation Act, 1937, and to provide for other incidental matters.

(Afrikaans text signed by the Governor-General.)
(Assented to 5th October, 1953.)

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:—

Definitions.

1. In this Act the expression "the Wage Act" means the Wage Act, 1937 (Act No. 44 of 1937), and, unless the context otherwise indicates, any expression to which in that Act a meaning has been assigned, bears, when used in this Act, the same meaning; further, unless the context otherwise indicates—

- (i) "board" means the central native labour board established under section *three*; (xi)
- (ii) "employee" means an employee who is a native; (xvi)
- (iii) "employer" means an employer of natives; (xv)
- (iv) "European" means a white person as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950); (iii)
- (v) "labour dispute" means any dispute between an employer or employers on the one hand and any two or more employees of such employer or employers on the other hand in connection with the employment or the conditions of employment of or refusal to re-employ any native, whether he is or was employed by the employer with whom the dispute arises or not, but shall not include—
 - (a) a dispute in regard to the termination of, or any other matter connected with, the employment of an individual employee, unless in the opinion of the Minister a matter of principle is involved;
 - (b) a dispute in connection with the interpretation of any provision of this Act or of any order which is binding under this Act, or with any other question of law; or
 - (c) a dispute arising during the period of operation of any order or any agreement negotiated by an industrial council under the Industrial Conciliation Act or any award made in terms of War Measure No. 145 of 1942 (Proclamation No. 318 of 1942), or any determination made under the Wage Act or under section *thirteen* of the Native Building Workers Act, 1951 (Act No. 27 of 1951), if such order, agreement, award or determination is binding upon the employers and employees concerned and contains provisions dealing with the matter in dispute and (in the case of any such agreement) has been the subject of a report under sub-section (4) of section *nine* conveying the concurrence of the board in the conditions of employment specified in that agreement and (in the case of any such determination) has been in operation for a period not exceeding two years; (ii)
- (vi) "Minister" means the Minister of Labour; (vi)
- (vii) "native" means a person who in fact is or is generally accepted as a member of any aboriginal race or tribe of Africa; (vii)
- (viii) "native commissioner" means a native commissioner appointed in terms of section *two* of the Native Administration Act, 1927 (Act No. 38 of 1927), and includes an additional and an assistant native commissioner; (ix)
- (ix) "native labour officer" means a native labour officer appointed in terms of section *eight*; (viii)

No. 48, 1953.]

WET

Om voorsiening te maak vir die voorkoming en beslegting van natuurlike-arbeidsgeskille en vir die reëling van diensvoorwaardes van natuurlike; tot wysiging van die Nywerheids- versoeningswet, 1937, en om voorsiening te maak vir ander sake wat daarmee in verband staan.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 5 Oktober 1953.)

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

1. In hierdie Wet beteken die uitdrukking „die Loonwet”, die Loonwet, 1937 (Wet No. 44 van 1937), en tensy uit die samehang anders blyk, het enige uitdrukking waaraan in daardie Wet ’n betekenis toegeskryf is, dieselfde betekenis waar dit in hierdie Wet gebesig word; voorts, tensy uit die samehang anders blyk, beteken—

Woordbepaling.

- (i) „amptenaar”, ’n amptenaar op die vaste diensstaat van die Staatsdiens; (x)
- (ii) „arbeidsgeskil”, ’n geskil tussen ’n werkgewer of werkgewers aan die een kant en twee of meer werknemers van daardie werkgewer of werkgewers aan die ander kant, in verband met die indiensneming of die diensvoorwaardes of weiering van herindiensneming van ’n naturel, hetsy hy in diens is of was by die werkgewer met wie die geskil ontstaan, al dan nie, maar nie ook—
 - (a) ’n geskil in verband met die beëindiging van of enige ander aangeleentheid met betrekking tot die diens of indiensneming van ’n enkele werknemer nie, tensy na die mening van die Minister ’n beginselsaak betrokke is;
 - (b) ’n geskil in verband met die uitleg van ’n bepaling van hierdie Wet of ’n order wat kragtens hierdie Wet bindend is of ’n ander regspraak nie; of
 - (c) ’n geskil wat ontstaan gedurende die tydperk waarvoor ’n order of ’n ooreenkoms deur ’n nywerheidsraad ingevolge die Nywerheids- versoeningswet tot stand gebring of ’n uitspraak kragtens Oorlogsmaatregel No. 145 van 1942 (Proklamasie No. 318 van 1942), gegee of ’n vasstelling kragtens die Loonwet of kragtens artikel dertien van die Wet op Naturelebouwerkers, 1951 (Wet No. 27 van 1951), gemaak, van krag is nie, indien daardie order, ooreenkoms, uitspraak of vasstelling bindend is vir die betrokke werkgewers en werknemers en bepalings bevat wat handel oor die geskilpunt en (in die geval van so ’n ooreenkoms) die onderwerp was van ’n verslag kragtens sub-artikel (4) van artikel nege waarby die raad sy instemming met die diensvoorwaardes in daardie ooreenkoms vermeld, te kenne gegee het, en (in die geval van so ’n vasstelling) nog nie vir ’n langer tydperk as twee jaar van krag is nie; (v)
- (iii) „blanke”, ’n blanke soos in artikel een van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), omskryf; (iv)
- (iv) „hierdie Wet”, ook enige regulasie ingevolge daarvan uitgevaardig; (xv)
- (v) „loonreëlende maatregel”, ’n ooreenkoms, kennisgewing of uitspraak wat ingevolge die Nywerheids- versoeningswet gepubliseer of gegee is of geag word gepubliseer of gegee te gewees het, ’n vasstelling wat ingevolge die Loonwet gemaak is of geag word te gemaak gewees het, of ’n vasstelling wat ingevolge die Wet op Naturelebouwerkers, 1951 (Wet No. 27 van 1951), gemaak is; (xvi)
- (vi) „Minister”, die Minister van Arbeid; (vi)
- (vii) „naturel”, iemand wat ’n lid van ’n inboorlingras of -stam van Afrika is of gewoonlik daarvoor deurgaan; (vii)

- (x) "officer" means an officer on the fixed establishment of the public service; (i)
- (xi) "order" means an order made under sub-section (4) or (5) of section *eleven*; (x)
- (xii) "prescribed" means prescribed by regulation; (xiv)
- (xiii) "regional committee" means a regional native labour committee established under section *four*; (xiii)
- (xiv) "regulation" means any regulation made under this Act; (xii)
- (xv) "this Act" includes any regulation made thereunder; (iv)
- (xvi) "wage regulating measure" means any agreement, notice or award published or made or deemed to have been published or made under the Industrial Conciliation Act, any determination made or deemed to have been made under the Wage Act, or any determination made under the Native Building Workers Act, 1951 (Act No. 27 of 1951). (v)

Application
of Act.

2. (1) This Act shall, subject to the provisions of sub-section (2), apply to every trade or section of trade.

(2) This Act shall not apply to natives in respect of their employment in farming operations, or in domestic service in private households, nor to natives employed by the Government of the Union (including the Railway Administration) or a provincial administration, in respect of their employment as such, nor to the performance of work in a charitable institution for which the persons performing it receive no remuneration, nor to work in or in connection with any university, college, school or other educational institution maintained wholly or partly from public funds as part of the education or training of the persons performing it, nor, subject to the provisions of sub-section (3), to natives employed in the gold or the coal mining industry.

(3) The Governor-General may, by proclamation in the *Gazette*, apply the provisions of this Act to natives in respect of their employment in the gold or the coal mining industry in any area with effect from a date to be specified in such proclamation, and may in like manner amend or withdraw any such proclamation.

Establishment
of Central
Native Labour
Board.

3. (1) As from a date to be fixed by the Governor-General by proclamation in the *Gazette*, there shall be established a body to be known as the Central Native Labour Board to perform the duties and functions assigned to it under this Act and to advise the Minister on any matter which the Minister may refer to it or on which, in the opinion of the board, advice should be submitted to the Minister in the interests of natives employed in any trade.

(2) The board shall consist of so many members as the Minister may determine from time to time, of whom—

- (a) one shall be a European appointed by the Minister to be chairman of the board; and
- (b) the remaining members shall be appointed by the Minister after consultation with the regional committees and shall be Europeans who, in the opinion of the Minister, are competent to represent the interests of employees.

(3) The Minister may from time to time appoint an officer in his department to be deputy-chairman of the board to act as chairman at any meeting of the board whenever the chairman is for any reason unable to act thereat, and shall assign to the board an officer in his department to act as secretary to the board.

(4) Members of the board shall be appointed for such periods as may be specified by the Minister upon their appointment and shall, in the case of members who are not in the full-time employment of the State, receive such remuneration or allowances as the Minister may from time to time after consultation with the Minister of Finance determine: Provided that the Minister may at any time cancel the appointment of any member of the board if in his opinion there are good grounds for doing so.

(5) Any vacancy that occurs on the board shall be filled by the appointment of another member in accordance with the provisions of sub-section (2).

(6) The decision of the majority of the members of the board who are present at a meeting thereof, shall constitute a decision of the board: Provided that in the event of an equality of votes the person presiding at the meeting shall have a casting vote.

- (viii) „naturelle-arbeidsamptenaar”, ’n naturelle-arbeidsamptenaar kragtens artikel *agt* aangestel; (ix)
- (ix) „naturellekommissaris”, ’n naturellekommissaris kragtens artikel *twee* van die Naturelle-administrasie Wet, 1927 (Wet No. 38 van 1927), aangestel, en ook ’n addisionele en ’n assistent-naturellekommissaris; (viii)
- (x) „order”, ’n order kragtens sub-artikel (4) of (5) van artikel *elf* gemaak; (xi)
- (xi) „raad”, die kragtens artikel *drie* ingestelde Sentrale Naturelle-arbeidsraad; (i)
- (xii) „regulasie”, ’n regulasie kragtens hierdie Wet uitgevaardig; (xiv)
- (xiii) „streekskomitee”, ’n streekskomitee vir naturelle-arbeid kragtens artikel *vier* ingestel; (xiii)
- (xiv) „voorgeskrif”, by regulasie voorgeskryf; (xii)
- (xv) „werkgewer”, ’n werkgewer van naturelle; (iii)
- (xvi) „werknemer”, ’n werknemer wat ’n naturel is. (ii)

2. (1) Behoudens die bepalings van sub-artikel (2), is hierdie Wet van toepassing op elke bedryf of onderdeel van ’n bedryf. Toepassing van Wet.

(2) Hierdie Wet is nie op naturelle ten opsigte van hul diens in verband met boerderywerksaamhede of huishoudelike diens in private huishoudings van toepassing nie, nog op naturelle in diens van die Unie-regering (insluitende die Spoorweg-administrasie) of ’n provinsiale administrasie, ten opsigte van hulle diens as sodanig, nog op die verrigting van werk in ’n liefdadigheidsinrigting waarvoor die persone wat dit verrig geen beloning ontvang nie, nog op werk in of in verband met ’n universiteit, kollege, skool of ander opvoedkundige inrigting wat geheel of gedeeltelik uit openbare fondse onderhou word as deel van die opvoeding of opleiding van die persone wat dit verrig, nog, behoudens die bepalings van sub-artikel (3), op naturelle in diens by die goud- of die steenkoolmynnywerheid.

(3) Die Goewerneur-generaal kan, by proklamasie in die *Staatskoerant*, die bepalings van hierdie Wet op naturelle ten opsigte van hul diens in die goud- of die steenkoolmynnywerheid in enige gebied toepas met ingang van ’n datum in daardie proklamasie bepaal, en kan so ’n proklamasie insgelyks wysig of herroep.

3. (1) Vanaf ’n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal, word daar ’n liggaam met die naam van die Sentrale Naturelle-arbeidsraad ingestel om die pligte en werksaamhede ingevolge hierdie Wet aan die raad toegewys, te verrig en die Minister van advies te dien in verband met enige aangeleentheid wat die Minister na die raad mag verwys of in verband waarmee daar volgens die raad se oordeel in die belang van naturelle in diens by enige bedryf, advies aan die Minister verstrek behoort te word. Instelling van Sentrale Naturelle-arbeidsraad.

(2) Die raad bestaan uit soveel lede as wat die Minister van tyd tot tyd mag bepaal, van wie—

- (a) een ’n blanke moet wees wat deur die Minister as voorsitter van die raad aangestel word; en
- (b) die ander lede deur die Minister na oorlegpleging met die streekskomitees aangestel word, en blankes moet wees wat na die mening van die Minister bevoeg is om die belange van werknemers te verteenwoordig.

(3) Die Minister kan van tyd tot tyd ’n amptenaar in sy departement as adjunk-voorsitter van die raad aanstel om as voorsitter by enige vergadering van die raad op te tree wanneer die voorsitter om een of ander rede nie aldaar kan optree nie, en moet aan die raad ’n amptenaar in sy departement toewys om as sekretaris van die raad op te tree.

(4) Lede van die raad word aangestel vir die tydperke deur die Minister by hul aanstelling vasgestel, en ontvang, in die geval van lede wat nie voltyds in diens van die Staat is nie, die besoldiging of toelaes wat die Minister van tyd tot tyd in oorlegpleging met die Minister van Finansies bepaal: Met dien verstande dat die Minister te eniger tyd die aanstelling van ’n lid van die raad kan intrek indien na sy mening grondige redes daartoe bestaan.

(5) Enige vakature wat in die raad ontstaan moet deur die aanstelling van ’n ander lid ooreenkomstig die bepalings van sub-artikel (2) gevul word.

(6) Die beslissing van die meerderheid van die lede van die raad wat op ’n vergadering daarvan teenwoordig is, maak ’n besluit van die raad uit: Met dien verstande dat in geval van ’n staking van stemme, die persoon wat op die vergadering voorsit ’n beslissende stem het.

Establishment
of regional
native labour
committees.

4. (1) The Minister may by notice in the *Gazette* establish a regional native labour committee in respect of any area, and may in like manner withdraw or amend any such notice.

(2) A regional committee shall consist of so many members, not being less than four, as the Minister may from time to time determine, of whom—

- (a) one shall be a native labour officer appointed by the Minister to be chairman of the committee; and
- (b) the remaining members shall be natives appointed by the Minister to represent the interests of employees in the area in respect of which the committee has been established.

(3) The provisions of sub-sections (3) to (6) inclusive of section three shall *mutatis mutandis* apply in respect of a regional committee.

(4) A regional committee may for the purpose of dealing with any matter affecting employees in any trade, co-opt as members of such committee one or more natives to represent the interests of employees in such trade at meetings of the committee at which such matter is to be considered, and any member so co-opted shall for the purpose of such meetings be deemed to be a member of the committee.

Meetings of
board and
regional
committees.

5. (1) The first meeting of the board or a regional committee shall be held at a time and place to be determined by the chairman thereof, and all subsequent meetings of the board or any such committee shall be held at such times and places as may be determined in accordance with rules made by the board or that committee, as the case may be.

(2) The board and any regional committee may make rules as to—

- (a) the calling and conduct of meetings of the board or such committee, and the quorum for and procedure at such meetings;
- (b) the admittance to meetings of the board or such committee of persons other than those entitled under this Act to be present thereat; and
- (c) such other matters as may be necessary or expedient for the proper functioning of the board or such committee.

(3) Any rules made under sub-section (2) shall be subject to the approval of the Secretary for Labour.

Duties and
functions of
regional
committees.

6. (1) A regional committee shall, in the area in respect of which it has been established, endeavour to further the interests of natives in relation to their employment, and for that purpose shall—

- (a) maintain contact with employees with a view to keeping itself informed as to the conditions of employment of employees in its area generally and in particular trades;
- (b) from time to time submit reports to the inspector defined by regulation in regard to any labour disputes which may exist or are in the opinion of the committee likely to arise;
- (c) in accordance with the provisions of sub-section (2) of section ten, assist in the settlement of labour disputes; and
- (d) from time to time submit to the board reports in regard to such matters as may be referred to it by the board.

(2) Any such committee may for the purpose of carrying out its functions receive such representations from employers and employees and make such enquiries in regard to any matter within its purview as it may deem necessary.

(3) Whenever in respect of any area no regional committee is in existence or any such committee established in respect of any area is for any reason unable to carry out its functions, the functions of a regional committee in that area shall be performed by the inspector defined by regulation.

Election and
functions of
works
committees.

7. (1) Whenever in any establishment there are employed not less than twenty employees and such employees advise their employer that they are desirous of electing a works committee, the employer shall forthwith notify the inspector defined by regulation accordingly and such inspector shall thereupon direct the native labour officer for the area in which

4. (1) Die Minister kan by kennisgewing in die *Staatskoerant* ten opsigte van enige gebied 'n streekskomitee vir natuurle-arbeid instel, en kan so 'n kennisgewing insgelyks herroep of wysig.

Instelling van streekskomitees vir natuurle-arbeid.

(2) 'n Streekskomitee moet bestaan uit soveel lede, maar minstens vier, as wat die Minister van tyd tot tyd mag bepaal, van wie—

(a) een 'n natuurle-arbeidsamptenaar moet wees wat deur die Minister as voorsitter van die komitee aangestel word; en

(b) die ander lede natuurle moet wees, deur die Minister aangestel om die belange van werknemers in die gebied ten opsigte waarvan die komitee ingestel is, te verteenwoordig.

(3) Die bepalings van sub-artikels (3) tot en met (6) van artikel drie is *mutatis mutandis* ten opsigte van 'n streekskomitee van toepassing.

(4) 'n Streekskomitee kan, by die behandeling van 'n aangeleentheid wat werknemers in 'n bedryf raak, een of meer natuurle as lede van die komitee koöpteer om die belange van werknemers in daardie bedryf by vergaderings van die komitee waar daardie aangeleentheid oorweeg moet word, te verteenwoordig, en 'n aldus gekoöpteerde lid word vir die doeleindes van sodanige vergaderings geag 'n lid van die komitee te wees.

5. (1) Die eerste vergadering van die raad of 'n streekskomitee word gehou op 'n tyd en plek wat die voorsitter daarvan bepaal, en alle daaropvolgende vergaderings van die raad of so 'n komitee word gehou op die tye en plekke bepaal ooreenkomstig die reëls wat al na die geval deur die raad of daardie komitee uitgevaardig word.

Vergaderings van raad en streekskomitees.

(2) Die raad en 'n streekskomitee kan reëls uitvaardig aangaande—

(a) die byeenroep en hou van vergaderings van die raad of bedoelde komitee en die kworum en prosedure by sulke vergaderings;

(b) die verlening van toegang tot vergaderings van die raad of bedoelde komitee aan ander persone as diegene wat ingevolge hierdie Wet geregtig is om daarop aanwesig te wees; en

(c) die ander aangeleenthede wat vir die behoorlike verrigting van die werksaamhede van die raad of bedoelde komitee nodig of dienstig mag wees.

(3) Reëls kragtens sub-artikel (2) uitgevaardig is onderworpe aan die goedkeuring van die Sekretaris van Arbeid.

6. (1) 'n Streekskomitee moet, in die gebied ten opsigte waarvan hy ingestel is, daarna streef om die belange van natuurle met betrekking tot hulle diens te bevorder, en vir daardie doel—

Pligte en werksaamhede van streekskomitees.

(a) in aanraking bly met werknemers ten einde op hoogte te wees met die diensvoorwaardes van werknemers in sy gebied oor die algemeen en in besondere bedrywe;

(b) van tyd tot tyd aan die by regulasie bepaalde inspekteur verslae voorlê in verband met arbeidsgeskille wat mag bestaan of, na die mening van die komitee, waarskynlik sal ontstaan;

(c) ingevolge die bepalings van sub-artikel (2) van artikel tien hulp verleen in verband met die beslegting van arbeidsgeskille; en

(d) van tyd tot tyd aan die raad verslae voorlê in verband met sake wat deur die raad na die komitee verwys word.

(2) So 'n komitee kan vir die verrigting van sy werksaamhede sodanige verstoë van werkgewers en werknemers ontvang en sodanige navrae doen in verband met enige aangeleentheid binne sy bestek, as wat hy nodig ag.

(3) Wanneer daar in 'n gebied geen streekskomitee bestaan nie of so 'n komitee wat ten opsigte van 'n gebied ingestel is om een of ander rede nie sy werksaamhede kan verrig nie, moet die werksaamhede van 'n streekskomitee in daardie gebied deur die inspekteur by regulasie bepaal, verrig word.

7. (1) Wanneer daar in 'n inrigting minstens twintig werknemers in diens is en bedoelde werknemers hul werkgewer in kennis stel dat hulle verlang om 'n werkekomitee te kies, moet die werkgewer die by regulasie bepaalde inspekteur onverwyld dienoreenkomstig in kennis stel en bedoelde inspekteur moet daarop aan die natuurle-arbeidsamptenaar vir die gebied waarin

Verkiesing en werksaamhede van werkekomitees.

the establishment is situated to convene as soon as practicable a meeting of the employees concerned to be held under the chairmanship of that officer.

(2) At any meeting convened in terms of sub-section (1) the employees concerned may elect from amongst their number a works committee consisting of not less than three and not more than five members.

(3) A works committee so elected may in the presence of the native labour officer concerned appoint one of its members (hereinafter referred to as a "liaison member") to maintain contact with any regional committee established for the area in question or where no such regional committee is in existence, with the inspector defined by regulation.

(4) If a vacancy occurs on a works committee or any liaison member ceases to act as such, the vacancy shall be filled in the manner prescribed in sub-section (2) or (3) whichever may be applicable.

(5) The native labour officer shall notify the regional committee for the area affected of the election of any such works committee and of any liaison member and any change in the membership of such committee and any new appointment of a liaison member.

(6) Whenever a labour dispute occurs in any establishment in respect of which a works committee has been elected, the regional committee, or the inspector defined by regulation, as the case may be, shall consult such works committee in regard to such dispute.

(7) Any employer who fails to comply with the requirements of sub-section (1) shall be guilty of an offence.

Appointment
and duties of
native labour
officers.

8. (1) The Minister may appoint any European officer as a native labour officer in respect of any area.

(2) Any such officer shall—

- (a) acquaint himself with the wishes, aspirations and requirements of employees in the area in respect of which he has been appointed;
- (b) maintain close contact with native commissioners and the inspector defined by regulation and keep them advised of any developments in that area in regard to native labour matters;
- (c) in collaboration with native commissioners, act as an intermediary between employees in that area and their employers;
- (d) keep the inspector defined by regulation and the regional committee concerned informed of any labour dispute which exists or may arise in that area and in collaboration with the said inspector endeavour to settle any such dispute;
- (e) act as chairman of a regional committee if so appointed in terms of this Act; and
- (f) perform such other functions as the Minister may from time to time assign to him.

Participation
in deliberations
affecting
employees.

9. (1) Whenever any industrial council proposes to determine conditions of employment to be incorporated in any agreement under the Industrial Conciliation Act in respect of an undertaking, industry, trade or occupation in which natives are employed in the area in which such agreement is intended to apply, the secretary of that council shall send to the board and any regional committee established in respect of the area or any portion of the area in which the agreement in question is intended to apply, a notice in the prescribed form of every meeting of the industrial council at which the matter is to be considered.

(2) The board may nominate one or more of its members, and the Secretary for Labour may at the request of the board designate an officer, to attend any meeting of an industrial council of which notice is required to be given in terms of sub-section (1), and the chairman of any regional committee established in respect of the area or any portion of the area in which the agreement in question is intended to apply, or, if there is more than one such committee, the chairmen of such of those committees as may be designated by the board, may likewise attend any such meeting.

(3) Any person who attends a meeting by virtue of the provisions of sub-section (2), may take part in the proceedings at that meeting in so far as those proceedings may affect the interests of employees to whom the provisions of this Act apply, but shall not have the right to vote at any such meeting.

(4) As soon as possible after the industrial council has reached a decision on conditions of employment such as are referred to in sub-section (1) which are to be applied to persons engaged in occupations in which natives are employed, the chairman of

die inrigting geleë is, opdrag gee om so gou doenlik 'n vergadering van die betrokke werknemers byeen te roep wat onder voorsitterskap van daardie amptenaar gehou moet word.

(2) By 'n vergadering ingevolge sub-artikel (1) byeengeroep, kan die betrokke werknemers uit hul midde 'n werkekomitee kies wat uit minstens drie en hoogstens vyf lede bestaan.

(3) 'n Aldus gekose werkekomitee kan, in aanwesigheid van die betrokke natuurlike-arbeidsamptenaar, een van sy lede (hieronder 'n „skakellid” genoem), aanstel om in aanraking te bly met enige streekskomitee vir die betrokke gebied ingestel of, waar daar nie so 'n streekskomitee bestaan nie, met die inspekteur by regulasie bepaal.

(4) Indien daar 'n vakature in 'n werkekomitee ontstaan of 'n skakellid ophou om as sodanig op te tree, word die vakature gevul op die wyse voorgeskryf in sub-artikel (2) of (3) na gelang van watter een van toepassing is.

(5) Die natuurlike-arbeidsamptenaar moet die streekskomitee vir die betrokke gebied in kennis stel van die verkiesing van so 'n werkekomitee en van enige skakellid en enige verandering in die lidmaatskap van so 'n komitee en enige nuwe aanstelling van 'n skakellid.

(6) Wanneer 'n arbeidsgeskil ontstaan in 'n inrigting ten opsigte waarvan 'n werkekomitee gekies is, moet die streekskomitee of die inspekteur by regulasie bepaal, al na die geval, daardie werkekomitee met betrekking tot bedoelde geskil raadpleeg.

(7) 'n Werkgewer wat versuim om aan die vereistes van sub-artikel (1) te voldoen is aan 'n misdryf skuldig.

8. (1) Die Minister kan ten opsigte van enige gebied 'n blanke amptenaar as 'n natuurlike-arbeidsamptenaar aanstel.

Aanstelling en pligte van natuurlike-arbeidsamptenare.

(2) So 'n amptenaar moet—

(a) homself op hoogte stel omtrent die wense, strewe en behoeftes van werknemers in die gebied ten opsigte waarvan hy aangestel is;

(b) in noue verbinding bly met natuurlikekommissaris en die inspekteur by regulasie bepaal en hulle op hoogte hou omtrent verwickelings in verband met natuurlike-arbeidsaangeleenthede in daardie gebied;

(c) in samewerking met natuurlikekommissaris as skakel tussen werknemers in daardie gebied en hul werk-gewers dien;

(d) die by regulasie bepaalde inspekteur en die betrokke streekskomitee op hoogte hou omtrent enige arbeidsgeskil wat bestaan of mag ontstaan in daardie gebied en in samewerking met bedoelde inspekteur pogings aanwend om so 'n geskil te besleg;

(e) as voorsitter van 'n streekskomitee optree indien ingevolge hierdie Wet daartoe aangestel; en

(f) die ander werksaamhede verrig wat die Minister van tyd tot tyd aan hom toewys.

9. (1) Wanneer 'n nywerheidsraad voornemens is om diensvoorwaardes te bepaal vir opname in 'n ooreenkoms kragtens die Nywerheid-versoeningswet ten opsigte van 'n onderneming, nywerheid, bedryf of beroep waarin natuurlike werksaam is in die gebied waarin die ooreenkoms bedoel is om van toepassing te wees, moet die sekretaris van daardie nywerheidsraad aan die raad en enige streekskomitee ingestel ten opsigte van die gebied of enige gedeelte van die gebied waarin daardie ooreenkoms bedoel is om toegepas te word, 'n kennisgewing in die voorgeskrewe vorm stuur van elke vergadering van die nywerheidsraad waar die aangeleentheid oorweeg staan te word.

Deelname in beraadslagings rakende werknemers.

(2) Die raad kan een of meer van sy lede nomineer en die Sekretaris van Arbeid kan op versoek van die raad 'n amptenaar aanwys om 'n vergadering van 'n nywerheidsraad waarvan kragtens sub-artikel (1) kennis gegee moet word, by te woon, en die voorsitter van 'n streekskomitee ingestel ten opsigte van die gebied of enige gedeelte van die gebied waarin die betrokke ooreenkoms bedoel is om toegepas te word, of indien daar meer as een so 'n komitee is, die voorsitters van sodanige van daardie komitees as wat die raad mag aanwys, kan insgelyks so 'n vergadering bywoon.

(3) Enige persoon wat uit hoofde van die bepalings van sub-artikel (2) 'n vergadering bywoon, kan aan die verrigtings op daardie vergadering deelneem vir sover daardie verrigtings die belange raak van werknemers op wie die bepalings van hierdie Wet van toepassing is, maar is nie geregtig om op so 'n vergadering te stem nie.

(4) So gou doenlik nadat die nywerheidsraad tot 'n besluit geraak het oor diensvoorwaardes soos in sub-artikel (1) bedoel wat toegepas moet word op persone wat in diens is in beroepe waarin natuurlike werksaam is, moet die voorsitter van die raad

the board shall submit to the Minister a report stating whether the board is in agreement with the industrial council's decision or whether, in its opinion, a recommendation should be obtained from the Wage Board in connection with any of the matters which formed the subject of the industrial council's decision.

(5) The provisions of sub-sections (1), (2), (3) and (4) shall *mutatis mutandis* apply in respect of the proceedings conducted by any conciliation board under the Industrial Conciliation Act, and for that purpose the reference in sub-section (1) to the secretary of an industrial council shall be deemed to be a reference to the inspector defined by regulation.

(6) Nothing contained in this section or in section *ten* shall affect the powers of the Minister to publish a notice in terms of sub-section (4) of section *forty-eight* of the Industrial Conciliation Act, or in terms of the said sub-section read with sub-section (3) of section *forty-nine* of the said Act, or the operation of any notice so published.

Settlement of
disputes.

10. (1) Whenever a native labour officer has reason to believe that in the area in respect of which he has been appointed or any portion of that area a labour dispute exists or may arise in any trade, he shall forthwith report thereon to the regional committee concerned, to the inspector defined by regulation and, where an industrial council has been registered under the Industrial Conciliation Act in respect of that trade and that area or any portion of that area, also to such industrial council.

(2) The native labour officer shall, with the assistance of the regional committee and in collaboration with the inspector referred to in sub-section (1), endeavour to effect a settlement of the matters which form or might form the subject of any such labour dispute, and shall, failing such a settlement, refer the matter to the board which shall thereupon endeavour in collaboration with such officer and such inspector to effect a settlement.

(3) Whenever a settlement cannot be effected under sub-section (2), the board shall report accordingly to the Minister and indicate whether in its opinion the matter should be referred to the Wage Board for a recommendation as to the conditions in accordance with which a settlement should be effected.

Procedure on
request for
reference to
Wage Board.

11. (1) Upon the receipt of a report from the board in terms of sub-section (4) of section *nine* or sub-section (3) of section *ten*, the Minister shall, if the board so recommends, request the Wage Board to submit to him a recommendation, in the case of a report under sub-section (4) of section *nine*, on such matters as in the opinion of the board should be determined, and, in the case of a report under sub-section (3) of section *ten*, on all matters which form or might form the subject matter of the labour dispute referred to in that report: Provided that any request made to the Wage Board in pursuance of a report under sub-section (4) of section *nine* may be withdrawn by the Minister if before the Wage Board has submitted to him a recommendation in connection with any matter forming the subject of that request, he is advised in writing by the chairman of the board that it agrees with any revised decision arrived at by the industrial council concerned in regard to that matter after the date of the decision to which the report relates.

(2) Every request to the Wage Board for a recommendation under this section and every withdrawal of such a request, either wholly or in part, shall be notified in the *Gazette* by the Secretary for Labour.

(3) The Wage Board shall, as soon as possible after the receipt of a request under sub-section (1), and after consultation with such persons or bodies, including employers or employees or representatives of any regional committee or the board, as in its opinion ought to be consulted and, where an industrial council has been registered under the Industrial Conciliation Act in respect of the trade and area or any portion of the trade or area to which such request relates, also with that industrial council, submit to the Minister a recommendation.

(4) The Minister may after consideration of any such recommendation make an order in accordance therewith or refer it back to the Wage Board for reconsideration in such respects as he may indicate.

aan die Minister 'n verslag voorlê waarin te kenne gegee word of die raad met die besluit van die nywerheidsraad saamstem of die mening toegedaan is dat 'n aanbeveling van die Loonraad verkry behoort te word in verband met enige aangeleentheid wat die onderwerp van die nywerheidsraad se besluit uitmaak het.

(5) Die bepalings van sub-artikels (1), (2), (3) en (4) is *mutatis mutandis* van toepassing ten opsigte van die verrigtings van 'n versoeningsraad ingevolge die Nywerheid-versoeningswet, en vir dié doel word die verwysing in sub-artikel (1) na die sekretaris van 'n nywerheidsraad geag 'n verwysing te wees na die inspekteur by regulasie bepaal.

(6) Die bepalings van hierdie artikel of artikel *tien* maak op die bevoegdheid van die Minister om 'n kennisgewing kragtens sub-artikel (4) van artikel *agt-en-veertig* van die Nywerheid-versoeningswet of kragtens genoemde sub-artikel gelees saam met sub-artikel (3) van artikel *nege-en-veertig* van genoemde Wet, te publiseer, of op die toepassing van 'n aldus gepubliseerde kennisgewing, geen inbreuk nie.

10. (1) Wanneer 'n natuurlike-arbeidsamptenaar rede het om te vermoed dat in die gebied ten opsigte waarvan hy aangestel is, of in enige gedeelte van daardie gebied, 'n arbeidsgeskil in 'n bedryf bestaan of mag ontstaan, moet hy onverwyld daaromtrent aan die betrokke streekskomitee, die inspekteur by regulasie bepaal en, indien ingevolge die Nywerheid-versoeningswet 'n nywerheidsraad ten opsigte van daardie bedryf en daardie gebied of gedeelte van daardie gebied geregistreer is, ook aan bedoelde nywerheidsraad verslag doen. Beslegting van geskille.

(2) Die natuurlike-arbeidsamptenaar moet met behulp van die streekskomitee en in samewerking met die inspekteur in sub-artikel (1) bedoel, pogings aanwend om 'n skikking in verband met die aangeleenthede wat die onderwerp van so 'n arbeidsgeskil uitmaak of kan uitmaak, teweeg te bring, en moet by ontstentenis van so 'n skikking die aangeleentheid na die raad verwys wat daarop in samewerking met bedoelde amptenaar en bedoelde inspekteur pogings moet aanwend om tot 'n skikking te geraak.

(3) Wanneer daar nie ingevolge sub-artikel (2) 'n skikking teweeggebring kan word nie, moet die raad dienooreenkomstig aan die Minister verslag doen en meld of die aangeleentheid volgens die raad se mening na die Loonraad verwys behoort te word vir 'n aanbeveling insake die voorwaardes waarvolgens tot 'n skikking geraak behoort te word.

11. (1) By ontvangs van 'n verslag van die raad ingevolge sub-artikel (4) van artikel *nege* of sub-artikel (3) van artikel *tien*, moet die Minister, indien die raad aldus aanbeveel, die Loonraad versoek om aan hom 'n aanbeveling voor te lê, in geval van 'n verslag ingevolge sub-artikel (4) van artikel *nege*, oor sodanige aangeleenthede as wat na die mening van die raad vasgestel behoort te word, en, in geval van 'n verslag ingevolge sub-artikel (3) van artikel *tien*, oor al die aangeleenthede wat die onderwerp van die in daardie verslag vermelde arbeidsgeskil uitmaak of kan uitmaak: Met dien verstande dat 'n versoek ingevolge 'n verslag kragtens sub-artikel (4) van artikel *nege* aan die Loonraad gerig, deur die Minister teruggetrek kan word indien hy, alvorens die Loonraad in verband met enige aangeleentheid wat die onderwerp van daardie versoek uitmaak aan hom 'n aanbeveling voorgelê het, deur die voorsitter van die raad skriftelik in kennis gestel word dat die raad saamstem met enige hersiene besluit in verband met daardie aangeleentheid deur die betrokke nywerheidsraad geneem na die datum van die besluit waarop die verslag betrekking het. Prosedure by versoek om opdrag aan Loonraad.

(2) Elke versoek aan die Loonraad om 'n aanbeveling ingevolge hierdie artikel en elke terugtrekking van so 'n versoek, hetsy geheel of ten dele, moet deur die Sekretaris van Arbeid in die *Staatskoerant* bekendgemaak word.

(3) Die Loonraad moet so gou doenlik na ontvangs van 'n versoek ingevolge sub-artikel (1), en na oorlegpleging met sodanige persone of liggame, met inbegrip van werkgewers of werknemers of verteenwoordigers van enige streekskomitee of die raad, wat na die mening van die raad geraadpleeg behoort te word en, indien ingevolge die Nywerheid-versoeningswet 'n nywerheidsraad ten opsigte van die bedryf en gebied of 'n gedeelte van die bedryf of gebied waarop die versoek betrekking het, geregistreer is, ook met daardie nywerheidsraad, aan die Minister 'n aanbeveling voorlê.

(4) Die Minister kan na oorweging van so 'n aanbeveling 'n order daarvolgens maak of dit na die Loonraad terugverwys vir heroorweging in die opsigte deur hom vermeld.

(5) The Wage Board shall after reconsideration of any recommendation which has been referred back to it under sub-section (4), reaffirm and resubmit that recommendation to the Minister or amend it in such respects as the Wage Board may deem fit and submit it to the Minister as so amended, and the Minister shall thereupon make an order in accordance with the reaffirmed or amended recommendation.

(6) After making an order under sub-section (4) or (5), the Minister shall cause to be published in the *Gazette* a notice setting forth the provisions of that order and specifying the area in which it shall apply, as determined by the Minister, and the period, as so determined, but not exceeding a period of three years, for which those provisions shall be binding upon the persons affected thereby, and the said provisions shall thereupon be binding upon those persons within that area for the period so specified.

Collection of
information.

12. (1) Every person engaged in or connected with any trade in respect of which a recommendation is required to be submitted by the Wage Board under section *eleven*, or who possesses or has the custody or control of any book, document or thing relating thereto or to any establishment connected therewith, shall furnish to the best of his ability such information relating to the said trade or to any establishment therein, as the Wage Board may require and at the request of the Wage Board produce any such book, document or thing for examination, and the Wage Board may retain any book, document or thing so produced until such time as it is able to complete its examination thereof.

(2) Any person who fails to comply with any requirement of the Wage Board made under sub-section (1) or who, being required under that sub-section to furnish any information, furnishes to the Wage Board any information which he knows to be false, shall be guilty of an offence.

(3) The Wage Board may summon or direct to be summoned any person who in its opinion may be able to give material information concerning the subject of any recommendation which the Wage Board is required to submit, or who it suspects or believes has in his possession or custody or under his control any book, document or thing which has any bearing on the subject of any recommendation, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and may retain for examination any book, document or thing so produced.

(4) A summons issued in the exercise of the powers conferred by sub-section (3) shall be signed by a member of the Wage Board or by an officer directed by the Wage Board to do so.

(5) The person presiding at any meeting of the Wage Board may call and administer an oath to any person present at the meeting who was or might have been summoned in terms of sub-section (3), and the person so presiding and any other member of the Wage Board may interrogate him and require him to produce any book, document or thing in his possession or custody or under his control: Provided that the person presiding at the meeting may in his discretion disallow any question which in his opinion is not relevant to the investigation which is being carried out by the Wage Board.

(6) If any person, being duly summoned under sub-section (3), fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until excused by the Wage Board from further attendance, or if any person called in terms of sub-section (5) refuses to be sworn as a witness, or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him or to produce any book, document or thing in his possession or custody or under his control, he shall be guilty of an offence: Provided that in connection with the interrogation of any such person by, or the production of any such book, document or thing before the Wage Board, the law relating to privilege, as applicable to a witness summoned to give evidence or produce any book, document or thing before a court of law, shall apply.

(7) Any witness who, after having been sworn, gives a false answer to any question put to him by the Wage Board, or makes a false statement on any matter, knowing that answer or statement to be false, shall be guilty of an offence and liable

(5) Die Loonraad moet na heroorweging van 'n aanbeveling wat ingevolge sub-artikel (4) na hom terugverwys is, daardie aanbeveling herbevestig, en weer aan die Minister voorlê, of wysig in die opsigte wat die Loonraad goetvind en soos aldus gewysig aan die Minister voorlê, en die Minister moet daarop 'n order ooreenkomstig die herbevestigde of gewysigde aanbeveling maak.

(6) Nadat hy ingevolge sub-artikel (4) of (5) 'n order gemaak het, moet die Minister 'n kennisgewing in die *Staatkoerant* laat publiseer wat die bepalings van daardie order uiteensit en die gebied, soos deur die Minister bepaal, waarin die order van toepassing sal wees, en die tydperk soos aldus bepaal, maar hoogstens drie jaar, waarvoor bedoelde bepalings bindend is vir die persone wat daardeur geraak word, vermeld, en genoemde bepalings is daarop vir die aldus vermelde tydperk bindend vir daardie persone binne bedoelde gebied.

12. (1) Elke persoon betrokke by of verbonde aan 'n bedryf ten opsigte waarvan ingevolge artikel *elf* 'n aanbeveling deur die Loonraad voorgelê moet word, of wat 'n boek, geskrif of saak wat daarop of op 'n daarby betrokke inrigting betrekking het, in sy besit of bewaring of onder sy beheer het, moet na sy beste vermoë sodanige inligting as wat die Loonraad mag verlang met betrekking tot bedoelde bedryf of enige inrigting daarin verstrek, en moet op versoek van die Loonraad so 'n boek, geskrif of saak vir ondersoek oorgelê, en die Loonraad kan 'n boek, geskrif of saak wat aldus oorgelê is, behou totdat hy in staat is om sy ondersoek daarvan te voltooi. Inwin van inligting.

(2) Iemand wat versuim om aan 'n vereiste van die Loonraad ingevolge sub-artikel (1) te voldoen, of wat wanneer hy ingevolge daardie sub-artikel vereis word om inligting te verstrek, wetens aan die Loonraad valse inligting verstrek, is aan 'n misdryf skuldig.

(3) Die Loonraad kan enigeen wat na sy mening in staat mag wees om inligting van belang te verstrek omtrent die onderwerp van 'n aanbeveling wat die Loonraad moet voorlê, of wat na die Loonraad se vermoede of geloof 'n boek, geskrif of saak in sy besit of bewaring of onder sy beheer het wat met die onderwerp van 'n aanbeveling in verband staan, dagvaar of gelas dat hy gedagvaar word om op 'n tyd en plek in die dagvaarding vermeld voor die Loonraad te verskyn, om ondervra te word of om daardie boek, geskrif of saak oor te lê, en kan enige boek, geskrif of saak aldus oorgelê vir ondersoek behou.

(4) 'n Dagvaarding uitgereik by die uitoefening van die deur sub-artikel (3) verleende bevoegdhede moet deur 'n lid van die Loonraad of deur 'n amptenaar wat die Loonraad daartoe gelas, onderteken word.

(5) Die persoon wat by 'n vergadering van die Loonraad voorsit, kan enige persoon wat by die vergadering aanwesig is en kragtens sub-artikel (3) gedagvaar is of kon geword het, oproep en hom 'n eed oplê, en die persoon wat aldus voorsit en enige ander lid van die Loonraad kan hom ondervra en van hom verlang om enige boek, geskrif of saak in sy besit of bewaring of onder sy beheer oor te lê: Met dien verstande dat die persoon wat by die vergadering voorsit, na goeddunke 'n vraag kan belet wat na sy mening nie op die ondersoek wat deur die Loonraad gedoen word, betrekking het nie.

(6) As 'n persoon wat kragtens sub-artikel (3) behoorlik gedagvaar is, sonder voldoende rede versuim om op die in die dagvaarding vermelde tyd en plek te verskyn, of om aanwesig te bly totdat die Loonraad hom van verdere bywoning vrystel, of as 'n persoon wat kragtens sub-artikel (5) opgeroep is, weier om as 'n getuie ingesweer te word, of sonder voldoende rede versuim om alle wettiglik aan hom gestelde vrae ten volle en op bevredigende wyse na sy beste wete en geloof te beantwoord, of om 'n boek, geskrif of saak in sy besit of bewaring of onder sy beheer oor te lê, is hy aan 'n misdryf skuldig: Met dien verstande dat die regsreëls betreffende privilegie, soos toepaslik op 'n getuie wat gedagvaar is om in 'n geregshof getuie af te lê of 'n boek, geskrif of saak oor te lê, van toepassing is in verband met die ondervraging van so 'n persoon deur, of die oorlegging van so 'n boek, geskrif of saak aan die Loonraad.

(7) 'n Getuie wat na beëdiging 'n valse antwoord gee op 'n vraag deur die Loonraad aan hom gestel, of 'n valse verklaring doen aangaande enige aangeleentheid, met wete dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig.

upon conviction to the penalties prescribed by law for the crime of perjury.

(8) The interrogation of any witness by the Wage Board shall be conducted in public unless the Wage Board otherwise decides: Provided that at the request of any witness the interrogation of that witness shall be conducted in private: Provided further, that the Wage Board may, in its discretion, and with the consent of the witness, authorize the presence of any specified person at the interrogation of that witness.

(9) Any person summoned to appear before the Wage Board may, if the Wage Board is satisfied that he has by reason of his appearance in obedience to the summons suffered any pecuniary loss or been put to any expense, be paid out of public moneys any allowances that may be prescribed by regulation, or the amount of such loss and such expense, whichever is the less.

(10) Any person who wilfully hinders or insults the Wage Board in the exercise of any of the powers conferred upon it by this section shall be guilty of an offence, and, if he is a witness, the Wage Board may order that no payment or only a reduced payment shall be made to him under sub-section (9).

Matters that
may be dealt
with in
recommendations.

13. (1) A recommendation under section *eleven* may—

- (a) include provisions as to all or any of the matters for which a wage regulating measure may lawfully provide;
- (b) provide for the administration of any order made in pursuance of the recommendation by a body constituted in such manner as may be specified in the recommendation, of which all the members shall be Europeans;
- (c) define the powers, duties and functions to be exercised or performed by any such body and empower any such body or any person designated by the Minister to grant exemption from any provision of such order and to determine in each case the conditions subject to which such exemption will be granted;
- (d) provide for the payment of contributions by employers and employees towards the expenses of administration of any such order or the attainment of the objects thereof;
- (e) prescribe the circumstances under which any such body shall be dissolved, and the manner in which its assets shall be disposed of on its dissolution, and provide for the disposal of any amounts contributed in pursuance of provision made under paragraph (d); and
- (f) provide for such other matters as the Minister may deem necessary.

(2) Any body established in pursuance of provision made under paragraph (b) of sub-section (1) may, subject to the approval of the Secretary for Labour, make rules relating to the calling and conduct of meetings of such body, the quorum for and procedure at such meetings, the keeping of minutes of the proceedings at such meetings, the keeping and audit of accounts of income and expenditure and the maintenance of records of the activities of such body and such other matters as may be specified in the relevant order or determined by the said Secretary (if authorized thereto by that order), and upon the publication of such rules by the said Secretary by notice in the *Gazette*, such body shall under a name to be determined by the said Secretary and specified in the notice, become a body corporate capable of suing and being sued in its corporate name, of acquiring, holding and alienating movable or immovable property and of performing all such acts as may be necessary for or incidental to the effective performance of its functions.

(3) The inspector defined by regulation or an officer nominated by him shall be entitled to attend any meeting of any body which administers an order, and to take part in the proceedings, but without the power to vote thereat, and such inspector shall be notified in writing by such body or any person authorized by it to do so, of the date, place and time of and the business to be discussed at every meeting of that body not less than four days before the date of the meeting in the case of ordinary meetings and, in the case of special meetings,

en by skuldigbevinding strafbaar met die strawwe by wet vir die misdaad van meened voorgeskryf.

(8) Die ondervraging van 'n getuie deur die Loonraad moet in die openbaar plaasvind tensy die Loonraad anders besluit: Met dien verstande dat op versoek van 'n getuie die ondervraging van daardie getuie privaat moet plaasvind: Met dien verstande verder dat die Loonraad na goeëdunke en met toestemming van die getuie, die aanwesigheid van enige vermelde persoon by die ondervraging van daardie getuie kan magtig.

(9) Daar kan aan enige persoon wat gedagvaar is om voor die Loonraad te verskyn, as die Loonraad oortuig is dat hy as gevolg van sy verskyning ooreenkomstig die dagvaarding enige geldelike verlies gely het, of enige onkoste moes aangaan, uit staatsgelde enige toelaes wat by regulasie voorgeskrewe mag wees of die bedrag van sodanige verlies of onkoste, na gelang watter die minste is, betaal word.

(10) Iemand wat die Loonraad by die uitoefening van 'n bevoegdheid deur hierdie artikel aan hom verleen, opsetlik hinder of beledig, is aan 'n misdryf skuldig en, as hy 'n getuie is, kan die Loonraad gelas dat geen betaling of slegs 'n verminderde betaling kragtens sub-artikel (9) aan hom gemaak word.

13. (1) 'n Aanbeveling ingevolge artikel elf kan—

- (a) bepalings bevat aangaande enige van of al die aangeleenthede waarvoor wettiglik in 'n loonreëlende maatreël voorsiening gemaak kan word;
- (b) voorsiening maak vir die uitvoering, deur 'n liggaam saamgestel op 'n wyse in die aanbeveling vermeld en waarvan al die lede blankes moet wees, van 'n order ingevolge die aanbeveling gemaak;
- (c) die bevoegdhede, pligte en werksaamhede bepaal wat deur so 'n liggaam uitgeoefen of verrig moet word, en so 'n liggaam of 'n deur die Minister aangewese persoon magtig om vrystelling van enige bepaling van bedoelde order te verleen en om in elke geval die voorwaardes te bepaal waarop so 'n vrystelling verleen sal word;
- (d) vir die betaling van bydraes deur werkgewers en werknemers tot die koste van uitvoering van bedoelde order of die bereiking van die oogmerke daarvan voorsiening maak;
- (e) die omstandighede waaronder so 'n liggaam ontbind moet word en die wyse waarop by sy ontbinding oor sy bates beskik moet word, voorskrywe, en vir die beskikking van gelde bygedra ingevolge 'n bepaling kragtens paragraaf (d) voorsiening maak; en
- (f) voorsiening maak vir die ander aangeleenthede wat die Minister nodig ag.

Aangeleenthede wat in 'n aanbeveling behandel kan word.

(2) Enige liggaam ingevolge 'n bepaling kragtens paragraaf (b) van sub-artikel (1) ingestel kan, onderworpe aan die goedkeuring van die Sekretaris van Arbeid, reëls uitvaardig aangaande die byeenroep en hou van vergaderings van daardie liggaam, die kworum en prosedure by sodanige vergaderings, die hou van notules van die verrigtings by sodanige vergaderings, die hou van ouditering van rekenings van inkomste en uitgawes, en die hou van aantekenings oor die werksaamhede van daardie liggaam en sodanige ander aangeleenthede as wat in die betrokke order vermeld of deur genoemde Sekretaris (indien daartoe kragtens die order gemagtig) bepaal word, en by afkondiging deur genoemde Sekretaris van sodanige reëls by kennisgewing in die *Staatskoerant* word bedoelde liggaam onder die naam wat deur genoemde Sekretaris bepaal en in die kennisgewing vermeld word, 'n regspersoon en bevoeg om in sy naam as regspersoon as eiser en verweerder in regte op te tree, om los- of vasgoed te verkry, te besit of te vervreem, en om alle sodanige handelinge te verrig as wat nodig mag wees vir of in verband mag staan met die doeltreffende verrigting van sy werksaamhede.

(3) Die inspekteur by regulasie bepaal of 'n amptenaar deur hom genomineer, is geregtig om enige vergadering van 'n liggaam wat 'n order uitvoer, by te woon en aan die verrigtings deel te neem, maar sonder die reg om aldaar 'n stem uit te bring, en so 'n inspekteur moet skriftelik deur so 'n liggaam, of iemand deur die liggaam daartoe gemagtig, van die datum, plek en tyd van, en die besigheid wat bespreek moet word by, elke vergadering van daardie liggaam, in kennis gestel word, in die geval van gewone vergaderings nie minder as vier dae voor die datum van die vergadering nie, en, in die geval van buitengewone vergaderings, lank genoeg vooruit om die

in sufficient time to enable the inspector or the officer nominated by him to attend.

(4) Where provision is made in any order for the grant of exemption from any provision thereof, any person who is dissatisfied with the decision on an application made by him for such exemption, may at any time appeal from that decision to the Secretary for Labour who may, after considering any reasons which may be advanced in support of or against such decision, confirm that decision or give such other decision as in his opinion ought to have been given.

(5) A recommendation may provide for the award to employees of the cash equivalent of any or all of the benefits to which such employee will become entitled under an order made in pursuance of such recommendation in respect of any period prior to the date of commencement of such order, but commencing not earlier than the date on which the request to the Wage Board for a recommendation was notified in the *Gazette* in terms of sub-section (2) of section eleven.

Extension of
application
of orders.

14. (1) If, in the opinion of the Minister, any object of an order is likely to be defeated by the employment in occupations in which natives are employed in the undertaking, industry, trade or occupation to which the order relates at rates of remuneration and under conditions of employment other than those specified in the order of persons not included in the definition of "employee" contained in section one, he may in any notice published by him under sub-section (6) of section eleven or by a further notice in the *Gazette*, declare that as from a date and for a period specified in the notice, all the provisions of the order or such provisions thereof as he may specify, shall *mutatis mutandis* apply in respect of persons who are employees as defined in the Industrial Conciliation Act, and thereupon the provisions of the order or the provisions so specified shall be binding upon every employer (as so defined) of any such person and upon all such persons.

(2) Whenever any of the provisions of a wage regulating measure are inconsistent with any provision of an order, or any provision thereof which has by notice under sub-section (1) been declared to be applicable to persons who are employees as defined in the Industrial Conciliation Act, that wage regulating measure shall, in so far as it is in operation in the area or any portion of the area in which such order applies, and so long as such order or such notice, as the case may be, remains in operation, be applied as if the said provision of the order had been inserted in that wage regulating measure in the stead of such inconsistent provision thereof.

(3) The Minister may, by notice in the *Gazette*, from time to time suspend the application of any order or of any specified provisions thereof to persons bound by a specified wage regulating measure which the Minister considers to be not less favourable to the employees concerned than the said order or the said provisions, as the case may be.

Failure to
observe orders
or provisions
of exemption.

15. (1) Any person who—

(a) contravenes or fails to comply with any provision of any order or exemption granted under such order which is binding upon him under this Act; or

(b) obstructs or hinders the board or the Wage Board in the exercise of its powers or the performance of its duties under this Act,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

(2) If an employer is convicted under sub-section (1) of an offence which consisted of the contravention of or failure to comply with any provision of any order or exemption relating to the payment of remuneration due to an employee, the court convicting him shall enquire into and determine the difference between the amount which he paid and the amount which he would have paid if the contravention or failure of which he has been convicted had not occurred, which difference is in this section and in sections sixteen and twenty-two referred to as the amount underpaid, and whether the employee concerned

inspekteur of die deur hom genomineerde amptenaar in staat te stel om die vergadering by te woon.

(4) Indien 'n order vir die verlening van vrystelling van die bepalings daarvan voorsiening maak, kan enige persoon wat ontevrede is met die beslissing op 'n aansoek om sodanige vrystelling deur hom gemaak, te eniger tyd teen daardie beslissing appél aanteken by die Sekretaris van Arbeid wat, na oorweging van enige redes wat ten gunste van of teen so 'n beslissing aangevoer mag word, daardie beslissing kan bekragtig of sodanige ander beslissing kan gee as wat na sy mening behoort gegee te gewees het.

(5) Daar kan in 'n aanbeveling voorsiening gemaak word vir die toekenning aan 'n werknemer, ten opsigte van enige tydperk voor die datum van inwerkingtreding van daardie order, maar wat nie vroeër begin as die datum waarop die versoek aan die Loonraad om 'n aanbeveling kragtens sub-artikel (2) van artikel elf in die *Staatskoerant* bekend gemaak was nie, van 'n bedrag in kontant gelykwaardig aan enige van of al die voordele waarop so 'n werknemer geregtig sal word uit hoofde van 'n order kragtens so 'n aanbeveling gemaak.

14. (1) Indien volgens die oordeel van die Minister enige oogmerk van 'n order waarskynlik verydel sal word deur die indiensneming in beroepe waarin naturelle werksaam is in die onderneming, nywerheid, bedryf of beroep waarop die order betrekking het van persone wat nie by die woordoms krywing „werknemer” in artikel een ingesluit word nie, teen ander skale van beloning en diensvoorwaardes as wat in die order aangewys word, kan hy in enige kennisgewing kragtens sub-artikel (6) van artikel elf deur hom gepubliseer, of by 'n verdere kennisgewing in die *Staatskoerant*, verklaar dat vanaf 'n datum en vir die tydperk in die kennisgewing vermeld, al die bepalings van 'n order of sodanige bepalings daarvan as wat hy aandui, *mutatis mutandis* van toepassing is ten opsigte van persone wat werknemers (soos in die Nywerheid-versoeningswet omskrywe) is, en die bepalings van die order of die aldus aangeduide bepalings daarvan is dan bindend vir elke werkgewer (soos aldus omskrywe) van so 'n persoon en vir al daardie persone.

Uitbreiding van toepassing van orders.

(2) Wanneer bepalings van 'n loonreëlende maatregel onbestaanbaar is met die bepalings van 'n order of enige bepaling daarvan wat by kennisgewing kragtens sub-artikel (1) van toepassing verklaar is op persone wat werknemers (soos in die Nywerheid-versoeningswet omskrywe) is, word daardie loonreëlende maatregel, vir sover dit van krag is in die gebied of enige gedeelte van die gebied waarin die order van toepassing is, en solank as daardie order of, al na die geval, daardie kennisgewing van krag bly, toegepas asof bedoelde bepalings van die order in die plek van sodanige onbestaanbare bepalings in daardie loonreëlende maatregel opgeneem was.

(3) Die Minister kan by kennisgewing in die *Staatskoerant* van tyd tot tyd die toepassing van 'n order of enige vermelde bepalings daarvan op persone gebind deur 'n vermelde loonreëlende maatregel wat volgens die Minister se oordeel vir die betrokke werknemers nie minder gunstig as bedoelde order of, al na die geval, bedoelde bepalings is nie, opskort.

15. (1) Iemand wat—

- (a) 'n bepaling van 'n order of vrystelling kragtens sodanige order verleen, wat ingevolge hierdie Wet vir hom bindend is, oortree of versuim om daaraan te voldoen; of
- (b) die raad of die Loonraad by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte ingevolge hierdie Wet belemmer of hinder,

Versuim om orders of bepalings van vrystellings na te kom.

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sodanige gevangenisstraf sonder die keuse van 'n boete of met beide sodanige boete en sodanige gevangenisstraf.

(2) Indien 'n werkgewer ingevolge sub-artikel (1) skuldig bevind word weens 'n misdryf wat bestaan het uit die oortreding van of die versuim om te voldoen aan 'n bepaling van 'n order of vrystelling betreffende die betaling van beloning wat aan 'n werknemer verskuldig is, moet die hof wat hom skuldig bevind deur ondersoek die verskil (in hierdie artikel en in artikels *sestien* en *twee-en-twintig* die onderbetaalde bedrag genoem) tussen die bedrag wat hy betaal het en die bedrag wat hy sou betaal het as die oortreding of versuim waaraan hy skuldig bevind is nie plaasgevind het nie, vasstel, en bepaal of die betrokke werknemer ingestem het, al dan nie, om minder te ontvang as die beloning waarop hy kragtens die

did or did not agree to accept less than the remuneration which under the provisions of the relevant order or exemption he was entitled to receive, and whether, if he did so agree, he did or did not know of his rights under those provisions, and if he did know of those rights, the circumstances under which he so agreed, and if the court is unable on all the evidence, whether given before or after conviction, to determine that difference exactly, it shall to the best of its ability estimate that difference, and if no amount has been paid, the amount which would have been paid if the contravention or failure had not occurred, shall, for the purposes of this sub-section, be deemed to be the difference.

(3) The court shall, when acting under sub-section (2), give to the employer and the employee concerned an opportunity of submitting evidence regarding the amount underpaid and the circumstances under which the underpayment took place.

(4) The proceedings of the court under the provisions of sub-sections (2) and (3) shall be taken before sentence is passed, and shall be deemed to form part of the trial.

(5) Whenever in the case of an offence such as is referred to in sub-section (2), the amount underpaid is greater than the maximum amount of the fine prescribed by section *thirty-two*, the maximum amount of the fine to which the person convicted shall be liable in terms of that section shall be increased to an amount equal to the amount underpaid.

(6) It shall not be a defence to any charge of a contravention or failure such as is referred to in sub-section (2), to prove that the act or omission with which the accused is charged was due to lack of means.

Order upon
employer to
pay to
specified officer
amount under-
paid.

16. (1) Whenever any person has been convicted under sub-section (1) of section *fifteen* in respect of an offence such as is referred to in sub-section (2) of that section, the court convicting him shall, after it has, in terms of that section, determined the amount underpaid, order him to pay an amount equal to the amount underpaid to an officer specified by the court (hereinafter referred to as the specified officer) within a period fixed by the court, in instalments or otherwise, as fixed by the court.

(2) The court may at any time, upon the application of the person convicted, for good cause shown, extend the period within which any such amount must be paid to the specified officer or vary the amounts of the instalments.

(3) An order made under the provisions of this section shall have all the effects of, and may be executed as if it were, a civil judgment in favour of the Government of the Union.

Disposal of
amounts paid
to specified
officer.

17. (1) Whenever an order is made under section *sixteen* against an employer in respect of a contravention or failure such as is referred to in sub-section (2) of section *fifteen*, the court making the order shall direct that so much of the amount, which in terms of the order is paid to the specified officer, as the court, having regard to the circumstances under which the contravention or failure occurred, deems equitable, shall be paid to the employee in respect of whom the contravention or failure occurred: Provided that—

(a) if the court finds that the employee concerned did not agree to accept less than the minimum remuneration which under the provisions of the relevant order or exemption he was entitled to receive, or that if he did so agree, he so agreed not knowing of his rights under those provisions, the court shall direct that the whole of the amount so paid to the specified officer shall be paid to that employee;

(b) if the court, having regard to the circumstances under which the contravention or failure occurred, deems it equitable to do so, it may, except in the circumstances referred to in paragraph (a), direct that no portion of the amount so paid to the specified officer shall be paid to the employee concerned;

(c) if the court directs that any portion of the amount so paid to the specified officer shall be paid to the

bepalings van die betrokke order of vrystelling geregtig was, en, indien hy aldus ingestem het, of hy bewus was, al dan nie, van sy regte kragtens daardie bepaling, en, indien hy van daardie regte bewus was, onder watter omstandighede hy aldus ingestem het, en indien die hof uit al die getuienis, hetsy voor of na die skuldigbevinding afgelê, nie in staat is om bedoelde verskil presies vas te stel nie, moet hy die verskil na die beste van sy vermoë raam, en as geen bedrag betaal is nie, moet die bedrag wat betaal sou gewees het indien die oortreding of versuim nie plaasgevind het nie, by die toepassing van hierdie sub-artikel geag word die verskil te wees.

(3) Die hof moet, wanneer hy kragtens sub-artikel (2) optree, aan die werkgewer en die werknemer wat daarby betrokke is, die geleentheid gee om getuienis voor te lê aangaande die onderbetaalde bedrag en die omstandighede waaronder die onderbetaling plaasgevind het.

(4) Die verrigtings van die hof ingevolge die bepaling van sub-artikels (2) en (3) moet plaasvind voordat die vonnis uitspraak word en word geag deel van die verhoor uit te maak.

(5) Wanneer die onderbetaalde bedrag in die geval van 'n oortreding in sub-artikel (2) bedoel groter is as die maksimum bedrag van die geldboete in artikel *twee-en-dertig* voorgeskryf, word die maksimum bedrag van die boete waarmee die veroordeelde persoon volgens daardie artikel strafbaar is, tot 'n bedrag gelyk aan die onderbetaalde bedrag verhoog.

(6) Dit is geen verweer teen 'n aanklag weens 'n oortreding of versuim in sub-artikel (2) bedoel, om te bewys dat die handeling of versuim waarvan die beskuldigde aangekla word, aan gebrek aan middele te wyte was nie.

16. (1) Wanneer iemand ingevolge sub-artikel (1) van artikel *vyftien* skuldig bevind is aan 'n oortreding in sub-artikel (2) van daardie artikel bedoel, moet die hof wat hom skuldig bevind, nadat die hof ingevolge daardie artikel die onderbetaalde bedrag vasgestel het, so iemand beveel om binne 'n tydperk deur die hof bepaal 'n bedrag gelyk aan die onderbetaalde bedrag aan 'n deur die hof aangewese amptenaar (hieronder die aangewese amptenaar genoem) te betaal, by wyse van paaielemente of andersins, soos deur die hof bepaal.

Bevel aan werkgewer om onderbetaalde bedrag aan aangewese amptenaar te betaal.

(2) Die hof kan te eniger tyd, indien die veroordeelde persoon daarom aansoek doen en voldoende gronde daartoe aanvoer, die tydperk waarin so 'n bedrag aan die aangewese amptenaar betaal moet word, verleng of die bedrae van die paaielemente verander.

(3) 'n Bevel wat kragtens die bepaling van hierdie artikel uitgevaardig is, het in alle opsigte die uitwerking van en kan ten uitvoer gelê word soos 'n siviele vonnis ten gunste van die Unie-regering.

17. (1) Wanneer kragtens artikel *sestien* 'n bevel teen 'n werkgewer uitgevaardig word, ten opsigte van 'n oortreding of versuim in sub-artikel (2) van artikel *vyftien* bedoel, moet die hof wat die bevel uitvaardig, gelas dat soveel van die bedrag wat ingevolge die bevel aan die aangewese amptenaar betaal word, as wat die hof met inagneming van die omstandighede waaronder die oortreding of versuim plaasgevind het, billik ag, betaal moet word aan die werknemer ten opsigte van wie die oortreding of versuim plaasgevind het: Met dien verstande dat—

Beskikking oor bedrae aan aangewese amptenaar betaal.

- (a) as die hof bevind dat die betrokke werknemer nie ingestem het om minder aan te neem as die minimum beloning wat hy kragtens die bepaling van die betrokke order of vrystelling geregtig was om te ontvang nie, of, indien hy aldus ingestem het, dat hy aldus ingestem het terwyl hy onbewus was van sy regte ingevolge daardie bepaling, die hof moet gelas dat die hele aldus aan die aangewese amptenaar betaalde bedrag aan daardie werknemer betaal moet word;
- (b) as die hof, met inagneming van die omstandighede waaronder die oortreding of versuim plaasgevind het, dit billik ag, die hof, behalwe onder die omstandighede in paragraaf (a) gemeld, kan gelas dat geen deel van die aldus aan die aangewese amptenaar betaalde bedrag aan die betrokke werknemer betaal moet word nie;
- (c) as die hof gelas dat enige deel van die aldus aan die aangewese amptenaar betaalde bedrag aan die be-

employee concerned, that portion shall not be less than one-fourth thereof.

(2) So much of the amount so paid to the specified officer as is not in terms of sub-section (1) paid to the employee concerned, shall be paid into the Consolidated Revenue Fund.

**Prohibition
of strikes and
lock-outs.**

18. (1) No employee or other person shall instigate or take part in a strike or in the continuation of a strike and no employer or other person shall instigate or take part in a lock-out of employees or in the continuation of any such lock-out.

(2) Any person who contravenes the provisions of sub-section (1) or who commits any of the acts referred to in paragraph (a) or (b) of the definition of "strike" or paragraph (a), (b), (c) or (d) of the definition of "lock-out", with the object of lending support to or expressing sympathy with persons who are instigating or taking part in a strike or lock-out or in the continuation of a strike or lock-out, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds or imprisonment for a period not exceeding three years or such imprisonment without the option of a fine or both such fine and such imprisonment.

(3) Whenever any employee or other person is charged under sub-section (1) with having instigated or taken part in a strike or in the continuation of a strike, on an indictment or charge which avers that the employee or other person charged was guilty of a refusal, failure, retardation, obstruction, breach or termination referred to in the definition of the term "strike", in consequence of a dispute and in pursuance of a combination, agreement or understanding and for a purpose referred to in that definition, and the refusal, failure, retardation, obstruction, breach or termination by the employee or other person charged is proved, it shall be presumed until the contrary is proved, that that refusal, failure, retardation, obstruction, breach or termination was in consequence of the dispute and in pursuance of the combination, agreement or understanding and for the purpose stated in the charge.

(4) Whenever any employer or other person is charged under sub-section (1) with having instigated or taken part in a lock-out or in the continuation of a lock-out, on an indictment or charge which avers that the employer or other person charged was guilty of an exclusion, discontinuance, breach, termination, refusal or failure referred to in the definition of the term "lock-out", in consequence of the dispute, and for a purpose referred to in that definition, and the exclusion, discontinuance, breach, termination, refusal or failure by the employer or other person charged is proved, it shall be presumed, until the contrary is proved, that that exclusion, discontinuance, breach, termination, refusal or failure was in consequence of the dispute, and for the purpose stated in the charge.

(5) In this section the terms "strike" and "lock-out" bear the meanings assigned thereto in section one of the Industrial Conciliation Act, and for that purpose the references therein to disputes, employers and employees respectively shall be construed as references to labour disputes, employers and employees as defined in this Act.

**Appointment
and powers of
inspectors.**

19. (1) The Minister may, subject to the laws governing the public service, appoint any person as an inspector under this Act.

(2) There shall be issued to every inspector appointed in terms of sub-section (1) a certificate signed by an officer designated by the Minister and stating that he has been appointed as an inspector under this Act.

(3) Every person who has been appointed or is deemed to have been appointed as an inspector under the Wage Act shall be deemed to have been appointed as an inspector under this section.

(4) Any inspector may, without previous notice, at any time enter any premises whatsoever and may, while he is upon or in the premises or at any other time, question any person who is or has been upon or in the premises, in the presence of or apart from others, and may require from any such person the production then and there, or at a time and place fixed by the inspector, of all books and documents which are or have been upon or in the premises or in the possession or custody or under

trokke werknemer betaal moet word, daardie deel minstens een-vierde daarvan moet wees.

(2) Soveel van die bedrag aldus aan die aangewese amptenaar betaal as wat nie ingevolge sub-artikel (1) aan die betrokke werknemer betaal word nie, moet in die Gekonsolideerde Inkomstefonds gestort word.

18. (1) Geen werknemer of ander persoon mag 'n staking aanstig of aan 'n staking of aan die voortsetting van 'n staking deelneem nie, en geen werkgewer of ander persoon mag 'n uitsluiting van werknemers aanstig of aan so 'n uitsluiting of aan die voortsetting van so 'n uitsluiting deelneem nie. Verbod op stakings en uitsluitings.

(2) Iemand wat die bepalings van sub-artikel (1) oortree of wat enige van die dade genoem in paragraaf (a) of (b) van die woordomskriving van „staking” of paragraaf (a), (b), (c) of (d) van die woordomskriving van „uitsluiting” pleeg met die doel om hulp te verleen aan of eensgesindheid te betuig met persone wat 'n staking of uitsluiting aanstig of aan 'n staking of uitsluiting of die voortsetting van 'n staking of uitsluiting deelneem, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd pond of gevangenisstraf vir 'n tydperk van hoogstens drie jaar of daardie gevangenisstraf sonder die keuse van 'n boete of beide daardie boete en daardie gevangenisstraf.

(3) Wanneer 'n werknemer of ander persoon ingevolge sub-artikel (1) aangekla word weens die aanstigting van of deelname aan 'n staking of aan die voortsetting van 'n staking op 'n akte van beskuldiging of aanklag wat beweer dat die aangeklaagde werknemer of ander persoon skuldig was aan 'n weiering, versuim, terughouding, belemmering, verbreking of beëindiging, bedoel in die woordomskriving van „staking”, ingevolge 'n geskil en na aanleiding van 'n samespanning, ooreenkoms of verstandhouding en vir 'n doel in daardie omskriving vermeld, en die weiering, versuim, terughouding, belemmering, verbreking of beëindiging deur die aangeklaagde werknemer of ander persoon bewys word, word dit vermoed totdat die teendeel bewys word, dat daardie weiering, versuim, terughouding, belemmering, verbreking of beëindiging plaasgevind het as gevolg van die geskil en na aanleiding van die in die aanklag vermelde samespanning, ooreenkoms of verstandhouding en doel.

(4) Wanneer 'n werkgewer of ander persoon ingevolge sub-artikel (1) aangekla word weens die aanstigting van of deelname aan 'n uitsluiting of aan die voortsetting van 'n uitsluiting, op 'n akte van beskuldiging of aanklag wat beweer dat die aangeklaagde werkgewer of ander persoon skuldig was aan 'n nie-toelating, stopsit, verbreking, beëindiging, weiering of versuim bedoel in die woordomskriving van „uitsluiting”, ingevolge 'n geskil en met 'n doel in daardie woordomskriving vermeld, en die nie-toelating, stopsit, verbreking, beëindiging, weiering of versuim van die aangeklaagde werkgewer of ander persoon bewys word, word dit vermoed totdat die teendeel bewys word, dat daardie nie-toelating, stopsit, verbreking, beëindiging, weiering of versuim plaasgevind het ingevolge die geskil en met die doel in die aanklag vermeld.

(5) In hierdie artikel het die uitdrukking „staking” en „uitsluiting” die betekenisse in artikel een van die Nywerheidsversoeningswet daaraan toegeskryf, en vir dié doel word die verwysings daarin na geskille, werkgewers en werknemers onderskeidelik uitgelê as verwysings na arbeidsgeskille, werkgewers en werknemers soos in hierdie Wet omskryf.

19. (1) Die Minister kan met inagneming van die wette op die Staatsdiens, enige persoon as 'n inspekteur ingevolge hierdie Wet aanstel. Aanstelling en bevoegdhede van inspekteurs.

(2) Aan elke inspekteur kragtens sub-artikel (1) aangestel, moet 'n sertifikaat uitgereik word wat onderteken is deur 'n amptenaar deur die Minister aangewys en waarin verklaar word dat hy as 'n inspekteur ingevolge hierdie Wet aangestel is.

(3) Elke persoon aangestel of geag aangestel te gewees het as 'n inspekteur ingevolge die Loonwet, word geag as 'n inspekteur kragtens hierdie artikel aangestel te gewees het.

(4) 'n Inspekteur kan te eniger tyd sonder voorafgaande kennisgewing enige perseel hoegenaamd betree, en kan, terwyl hy op of in die perseel is of op enige ander tyd, enige persoon, wat op of in die perseel is of was, in die teenwoordigheid of afgesonder van andere ondervra, en kan eis dat daardie persoon daar en dan, of op 'n tyd en plek wat die inspekteur bepaal, alle boeke en geskifte oorlê wat op of in die perseel

the control of any employer by whom the premises are occupied or used, or of any employee of that employer, or may at any time and at any place require from any person who has the possession or custody or control of any book or document relating to the business of any person who is or was an employer the production then and there, or at a time and place fixed by the inspector, of that book or document, and may examine and make extracts from and copies of all such books and documents, and may require an explanation of any entries in any such books or documents, and may seize any such books or documents as in his opinion may afford evidence of any offence under this Act.

(5) An inspector may take with him into or on to any premises any interpreter or other assistant or any member of the police force.

(6) Any employer in connection with whose business any premises are occupied or used, and every person employed by him, shall at all times furnish such facilities as are required by the inspector for entering the premises or for inspecting or examining the books and documents upon or in the premises or for making any enquiry in relation thereto.

(7) Any inspector may require any employee to produce to him any container in which any money paid or to be paid to him by way of remuneration was or is contained, and any statement furnished or to be furnished to him by his employer concerning the payment, and may examine the contents of the container and retain the container and the statement.

(8) Any inspector may require any employee to appear before him at any time and place fixed by the inspector and may then and there question that employee.

(9) Any inspector may require any employer to make all payments due to any of his employees in the presence of an inspector.

(10) Whenever any work has been given out on contract to any person by a principal or contractor, any inspector may exercise in relation to that principal or contractor all the powers conferred upon an inspector by this section in relation to an employer.

(11) Any inspector exercising any power or performing any duty conferred or imposed upon him by this Act shall, on demand, produce the certificate furnished to him in terms of sub-section (2).

(12) Any person who falsely holds himself out to be an inspector shall be guilty of an offence.

(13) Any person who—

- (a) makes any statement to an inspector, which is false in any material particular, knowing the same to be false; or
 - (b) refuses or fails to answer to the best of his power any question which an inspector in the exercise of his functions has put to him; or
 - (c) refuses or fails to comply to the best of his power with any requirement made by an inspector in the exercise of his functions; or
 - (d) hinders an inspector in the exercise of his functions,
- shall be guilty of an offence.

(14) For the purpose of this section an interpreter shall, while acting under the lawful directions of the inspector he accompanies, be deemed to be an inspector and any question put through, reply made to, requirement made by or hindering of an interpreter while so acting, shall be deemed to be a question put by, reply made to, requirement made by or hindering of an inspector.

Appointment
and powers of
designated
agents.

20. (1) The Minister may at the request of any body established for the purpose of administering an order, and in his discretion, appoint any person nominated by such body as its designated agent to assist in carrying out its functions.

(2) Every designated agent appointed in terms of sub-section (1) shall be furnished with a certificate signed by the Secretary for Labour stating that he has been so appointed.

(3) Any such designated agent shall, in respect of the trade and in the area to which the relevant order relates, have all the powers conferred upon an inspector by section *nineteen*, and the provisions of that section shall *mutatis mutandis* apply

of in besit of bewaring of onder beheer van enige werkgewer deur wie die perseel geokkupeer of gebruik word, of van enige werknemer van daardie werkgewer, is of was, of kan te eniger tyd en op enige plek van iemand wat 'n boek of geskrif betreffende die besigheid van iemand wat 'n werkgewer is of was, in sy besit of bewaring of onder sy beheer het, daar en dan of op 'n tyd en plek deur die inspekteur bepaal, die oorlegging van daardie boek of geskrif eis, en kan al sulke boeke en geskrifte ondersoek en daarvan uittreksels en afskrifte maak, en kan 'n uitleg vorder van inskrywings in sulke boeke of geskrifte en beslag lê op sulke boeke of geskrifte wat na sy oordeel bewys mag lewer van 'n misdryf ingevolge hierdie Wet.

(5) 'n Inspekteur kan 'n tolk of ander assistent of lid van die polisiemag met hom meeneem in of op 'n perseel.

(6) 'n Werkgewer in verband met wie se besigheid 'n perseel geokkupeer of gebruik word, en elke persoon by hom in diens, moet te alle tye sodanige fasiliteite verskaf as wat die inspekteur verlang om die perseel te betree of om die boeke en geskrifte op of in die perseel te besigtig of te ondersoek of om enige navraag daaromtrent te doen.

(7) 'n Inspekteur kan van 'n werknemer vereis om enige houer waarin daar geld is of was wat by wyse van beloning aan hom betaal is of moet word, asook enige staat wat in verband met die betaling deur sy werkgewer aan hom verstrek is of moet word, aan hom oor te lê, en kan die inhoud van die houer ondersoek en die houer en die staat behou.

(8) 'n Inspekteur kan van 'n werknemer vereis om op 'n deur die inspekteur bepaalde tyd en plek voor hom te verskyn, en kan daardie werknemer daar en dan ondervra.

(9) 'n Inspekteur kan van 'n werkgewer vereis om alle betalings wat aan enigeen van sy werknemers verskuldig is, in die teenwoordigheid van 'n inspekteur te doen.

(10) Wanneer werk deur 'n prinsipaal of aannemer aan iemand op kontrak uitgegee is, kan 'n inspekteur met betrekking tot daardie prinsipaal of aannemer al die bevoegdhede uitoefen wat deur hierdie artikel aan 'n inspekteur met betrekking tot 'n werkgewer verleen word.

(11) 'n Inspekteur wat 'n bevoegdheid uitoefen of 'n plig uitvoer wat deur hierdie Wet aan hom verleen of opgedra word, moet op aanvraag die kragtens sub-artikel (2) aan hom uitgereikte sertifikaat oorlê.

(12) Enigeen wat valslik voorgee dat hy 'n inspekteur is, is aan 'n misdryf skuldig.

(13) Enigeen wat—

(a) aan 'n inspekteur 'n verklaring maak wat in enige wesenlike besonderheid vals is, wetende dat dit vals is; of

(b) weier of versuim om enige vraag wat 'n inspekteur by die verrigting van sy werksaamhede aan hom gestel het, na sy beste vermoë te beantwoord; of

(c) weier of versuim om na sy beste vermoë te voldoen aan 'n voorskrif deur 'n inspekteur by die verrigting van sy werksaamhede gestel; of

(d) 'n inspekteur by die verrigting van sy werksaamhede hinder,

is aan 'n misdryf skuldig.

(14) By die toepassing van hierdie artikel word 'n tolk, terwyl hy optree volgens wettige opdrag van die inspekteur wat hy vergesel, geag 'n inspekteur te wees, en enige vraag gestel deur, of antwoord gegee aan, of vereiste gestel deur, of belemmering van 'n tolk terwyl hy aldus optree, word geag 'n vraag gestel deur, antwoord gegee aan, vereiste gestel deur of belemmering van 'n inspekteur te wees.

20. (1) Die Minister kan op versoek van 'n liggaam ingestel om 'n order uit te voer, en na goeddunke, enige deur daardie liggaam genomineerde persoon as aangewese agent van daardie liggaam aanstel om hom by die verrigting van sy werksaamhede behulpsaam te wees.

Aanstelling en bevoegdhede van aangewese agente.

(2) Aan elke aangewese agent kragtens sub-artikel (1) aangestel, moet 'n sertifikaat wat deur die Sekretaris van Arbeid onderteken is en waarin vermeld word dat die agent aldus aangestel is, verstrek word.

(3) So 'n aangewese agent het ten opsigte van die bedryf en in die gebied waarop die betrokke order betrekking het, al die bevoegdhede wat kragtens artikel *negentien* aan 'n inspekteur verleen is, en die bepalinge van daardie artikel is *mutatis*

to the exercise of those powers by the designated agent.

(4) The Minister may at any time, for a cause which in his opinion is sufficient, by notice addressed to the body concerned and signed by the Secretary for Labour, cancel the certificate furnished to its designated agent in terms of sub-section (2), and the person to whom that certificate was furnished shall thereupon cease to be a designated agent and shall forthwith return the said certificate to the Secretary for Labour.

(5) Any person who falsely holds himself out to be a designated agent of any such body shall be guilty of an offence.

Secrecy to be observed.

21. Any member of a regional committee, the board, the Wage Board or a body such as is referred to in paragraph (b) of sub-section (1) of section *thirteen*, or any officer, who discloses, except to the Minister or to an officer or a regional committee or the board or the Wage Board or such body any information in relation to any person, firm or business acquired in the exercise of his powers or in the performance of his duties under this Act, shall be guilty of an offence.

Effect of Act upon right of employee to recover by civil proceedings.

22. (1) If any person has been convicted under paragraph (a) of sub-section (1) of section *fifteen* in respect of an offence such as is referred to in sub-section (2) of that section, the employee in respect of whom the contravention or failure occurred shall not be entitled by civil proceedings to recover from his employer any portion of the amount underpaid, but shall be entitled to receive in respect of the amount underpaid only the moneys which the court in terms of sub-section (1) of section *seventeen* directs shall be paid to him out of the moneys paid to the specified officer under an order made under sub-section (1) of section *sixteen*.

(2) Subject to the provisions of sub-section (3), nothing contained in section *fifteen*, *sixteen* or *seventeen* or in sub-section (1) of this section, shall affect any right which any employee may have to recover by civil proceedings from his employer—

- (a) where his employer, or the manager, agent or employee of his employer, has been convicted of an offence such as is referred to in sub-section (2) of section *fifteen* which occurred in respect of that employee, any amount owing to him under any agreement between himself and his employer in excess of the amount underpaid;
- (b) where neither his employer nor the manager, agent or employee of his employer has been so convicted, any amount which his employer is bound to pay to him under the provisions of any order or exemption or in terms of any agreement between himself and his employer.

(3) An employee to whom his employer has not paid the full remuneration which he ought to have paid in terms of any order or exemption which is or was binding upon him under this Act, shall not be entitled to recover from his employer by civil proceedings the amount he has been underpaid or any portion of that amount, unless—

- (a) the employee produces to the court a certificate signed by the Attorney-General of the province in which is situate the area within the jurisdiction of the court, or where that area is situate within the jurisdiction of the Eastern Districts Local Division of the Supreme Court of South Africa, by the Solicitor-General, stating that he declines to prosecute in respect of the contravention or failure upon which the employee proposes to base the cause of action; or
- (b) the employer or the manager, agent or employee of the employer has been acquitted on a charge of that contravention or failure.

Provisions of order or exemption cannot be varied by agreement or waived.

23. (1) No agreement, express or implied, including a labour tenant contract or service contract in terms of the Native Service Contract Act, 1932 (Act No. 24 of 1932), whether entered into before or after the coming into operation of any order or the grant of any exemption, shall operate to permit of the payment to any employee of remuneration less than that prescribed by that order or exemption, or of the application to any employee of any treatment, or the grant to him of any benefits, less favourable to him than the treatment or benefits so prescribed, nor shall it effect any waiver by any employee

mutandis van toepassing op die uitoefening van daardie bevoegdhede deur die aangewese agent.

(4) Die Minister kan te eniger tyd en om 'n rede wat hy voldoende ag, by kennisgewing aan die betrokke liggaam gerig, en deur die Sekretaris van Arbeid onderteken, die sertifikaat wat kragtens sub-artikel (2) aan die liggaam se aangewese agent verstrekk is, intrek, en daarop hou die persoon aan wie daardie sertifikaat verstrekk is op om 'n aangewese agent te wees en moet hy genoemde sertifikaat onverwyld aan die Sekretaris van Arbeid terugstuur.

(5) Enigeen wat valslik voorgee dat hy die aangewese agent van so 'n liggaam is, is aan 'n misdryf skuldig.

21. Enige lid van 'n streekskomitee, die raad, die Loonraad of 'n liggaam in paragraaf (b) van sub-artikel (1) van artikel dertien bedoel, of enige amptenaar wat, behalwe aan die Minister of aan 'n amptenaar of 'n streekskomitee of die raad of die Loonraad of bedoelde liggaam enige inligting onthul wat hy met die uitoefening van sy bevoegdhede of verrigting van sy pligte kragtens hierdie Wet ingewin het in verband met enige persoon, firma of besigheid, is aan 'n misdryf skuldig.

Geheimhouding moet bewaar word.

22. (1) Indien iemand ingevolge paragraaf (a) van sub-artikel (1) van artikel vyftien skuldig bevind is aan 'n oortreding in sub-artikel (2) van daardie artikel bedoel, is die werknemer ten opsigte van wie die oortreding of versuim plaasgevind het nie geregtig om deur 'n siviele geding enige gedeelte van die onderbetaalde bedrag op sy werkgever te verhaal nie, maar is hy ten opsigte van die onderbetaalde bedrag alleen geregtig op die gelde wat op las van die hof ingevolge sub-artikel (1) van artikel sewentien aan hom betaal moet word uit die gelde wat ingevolge 'n bevel kragtens sub-artikel (1) van artikel sestien uitgevaardig aan die aangewese amptenaar betaal word.

Uitwerking van Wet op reg van werknemer om deur middel van 'n siviele regsding te verhaal.

(2) Behoudens die bepalings van sub-artikel (3), maak die bepalings van artikel vyftien, sestien of sewentien of van sub-artikel (1) van hierdie artikel geen inbreuk nie op enige reg wat 'n werknemer mag hê om—

(a) waar sy werkgever of die bestuurder, agent of werknemer van sy werkgever, skuldig bevind is weens 'n misdryf in sub-artikel (2) van artikel vyftien bedoel, wat ten opsigte van daardie werknemer plaasgevind het, 'n bedrag kragtens 'n ooreenkoms tussen hom en sy werkgever aan hom verskuldig, deur middel van 'n siviele geding op sy werkgever te verhaal vir sover dit die onderbetaalde bedrag oorskry;

(b) waar nóg sy werkgever nóg die bestuurder, agent of werknemer van sy werkgever aldus skuldig bevind is, 'n bedrag wat sy werkgever kragtens die bepalings van 'n order of vrystelling of ingevolge 'n ooreenkoms tussen hom en sy werkgever verplig is om aan hom te betaal, aldus te verhaal.

(3) 'n Werknemer aan wie sy werkgever nie die volle beloning betaal het wat hy ingevolge 'n order of 'n vrystelling wat kragtens hierdie Wet vir hom bindend is of was, behoort te betaal het nie, is nie geregtig om deur middel van 'n siviele geding die aan hom onderbetaalde bedrag of 'n gedeelte van daardie bedrag op sy werkgever te verhaal nie, tensy—

(a) die werknemer aan die hof 'n sertifikaat ooreel onderteken deur die Prokureur-generaal van die provinsie waarin die regsgebied van die hof geleë is, of ingeval gemelde regsgebied geleë is in die gebied waaroor die Plaaslike Afdeling Oostelike Distrikte van die Hooggeregshof van Suid-Afrika regsmag uitoefen, deur die Solisiteur-generaal, waarin hy verklaar dat hy weier om te vervolg ten opsigte van die oortreding of versuim waarop die werknemer voornemens is om die skuldoorsaak te baseer; of

(b) die werkgever of die bestuurder, agent of werknemer van die werkgever op 'n aanklag weens gemelde oortreding of versuim vrygespreek is.

23. (1) 'n Ooreenkoms, uitdruklik of stilswyend, insluitende 'n plakker-dienskontrak of dienskontrak ingevolge die Naturelle-Dienskontrak Wet, 1932 (Wet No. 24 van 1932), of dit aangegaan is voordat of nadat 'n order in werking getree het of 'n vrystelling verleen is, veroorloof nie die betaling aan 'n werknemer van 'n kleiner beloning as wat daardie order of vrystelling voorskryf, of die toepassing op 'n werknemer van behandeling of die toekenning aan hom van voordele wat vir hom minder gunstig is as die aldus voorgeskrewe behandeling of voordele nie, en 'n werknemer kan ook nie daardeur van

Bepalings van order of vrystelling kan nie deur ooreenkoms verander word nie, en daarvan kan nie afstand gedoen word nie.

of the application to him of any provision of that order or exemption, and any person who enters into any agreement purporting to permit of any such payment, application or grant or to effect any such waiver shall be guilty of an offence, and any such agreement shall be void.

(2) Any employer who requires or permits any employee to pay or repay to him any remuneration payable or paid to that employee under any order or exemption, or pursuant to any direction given in terms of sub-section (1) of section *seventeen*, or who does any act or permits any act to be done as a direct or indirect result of which that employee is deprived of the benefit or of any portion of the benefit of any remuneration so paid, shall be guilty of an offence.

(3) An employer who requires or permits any employee to give a receipt for, or otherwise represent that he has received, more than he actually received by way of remuneration shall be guilty of an offence.

**Victimization
forbidden.**

24. (1) Any employer who, whether or not any order is binding upon him under this Act, dismisses any employee employed by him or reduces the rate of his remuneration or alters the conditions of his employment to conditions less favourable to him or alters his position to his disadvantage relatively to other employees employed by such employer, by reason of the fact that he suspects or believes that—

- (a) such employee has given information which by or under this Act he is required to give, or which relates to the conditions of his employment, or those of other employees of his employer, to an officer or to the Minister or has complied with any lawful requirement of an inspector or has given evidence before a court of law; or
- (b) such employee has refused or omitted to do any such act by an employee as is referred to in sub-section (2) or (3) of section *twenty-three*; or
- (c) such employee has participated in the election or operation of a works committee elected in terms of sub-section (2) of section *seven* or has functioned as a liaison member appointed in terms of sub-section (3) of the said section,

shall, whether or not the suspicion or belief is justified or correct, be guilty of an offence and liable on conviction to a fine not exceeding three hundred pounds or to imprisonment for a period not exceeding two years or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

(2) The court which convicts any person of an offence under sub-section (1), may in addition to any sentence which it may impose in respect of that offence, order him to reinstate, for such period and subject to such conditions as it may determine, the employee whose dismissal, or the reduction of the rate of whose remuneration, or the alteration of whose position, was the subject of the charge of which he was convicted, or may order him to pay to that employee compensation, not exceeding two hundred pounds, for loss suffered by that employee, or may order both such reinstatement and the payment of such compensation, and any such order for reinstatement or compensation shall have the effect of a civil judgment in favour of that employee.

**Registration
of employers.**

25. (1) Every employer upon whom any order is binding shall—

- (a) within one month of the date on which that order has become binding upon him furnish to the inspector defined by regulation a written statement in the form prescribed by regulation, setting forth his full name, and, if the employer is a partnership, the full names of all the partners, and, if the employer is a company, the names of its secretary and its directors and manager, the name under and the address or addresses at which he carries on business and such other information as may be prescribed by regulation: Provided that if any order is superseded by a fresh order, an employer who is the holder of a current certificate of registration issued under this section shall be deemed to have complied with the provisions of this sub-section; and
- (b) in the event of any change in the name under or the address or addresses at which business is carried

die toepassing op hom van enige bepaling van daardie order of vrystelling afstand doen nie, en iemand wat 'n ooreenkoms aangaan wat so 'n betaling, toepassing of toekenning heet te veroorloof of so 'n afstand heet te bewerkstellig, is aan 'n misdryf skuldig, en so 'n ooreenkoms is nietig.

(2) 'n Werkgewer wat eis of toelaat dat 'n werknemer enige beloning wat kragtens 'n order of vrystelling of ingevolge 'n bevel kragtens sub-artikel (1) van artikel *sewentien* uitgevaardig aan daardie werknemer verskuldig of betaal is, aan bedoelde werkgewer betaal of terugbetaal, of 'n handeling verrig of toelaat dat 'n handeling verrig word waarvan die regstreekse of onregstreekse gevolg is dat daardie werknemer die voordeel of enige gedeelte van die voordeel van aldus betaalde beloning ontnem word, is aan 'n misdryf skuldig.

(3) 'n Werkgewer wat eis of toelaat dat 'n werknemer 'n kwitansie uitreik ten effekte dat hy by wyse van beloning meer ontvang het as wat hy werklik aldus ontvang het, of andersins voorgee dat hy aldus meer ontvang het, is aan 'n misdryf skuldig.

24. (1) 'n Werkgewer wat, hetsy 'n order kragtens hierdie Wet vir hom bindend is al dan nie, 'n werknemer uit sy diens ontslaan, of die skaal van sy beloning verminder, of sy diensvoorwaardes verander na voorwaardes wat vir hom minder gunstig is, of sy posisie met betrekking tot ander werknemers in sy diens tot sy nadeel verander omrede dat hy vermoed of glo dat—

Viktimisasie
verbied.

- (a) daardie werknemer aan 'n amptenaar of aan die Minister inligting verstrek het wat hy ingevolge hierdie Wet verplig is om te verstrek of wat betrekking het op sy diensvoorwaardes of op dié van ander werknemers van sy werkgewer, of dat hy aan 'n wettige voorskrif van 'n inspekteur voldoen het, of voor 'n geregshof getuienis afgelê het; of
- (b) daardie werknemer geweier of versuim het om 'n in sub-artikel (2) of (3) van artikel *drie-en-twintig* bedoelde handeling deur 'n werknemer te verrig; of
- (c) daardie werknemer deelgeneem het aan die verkiesing of werksaamhede van 'n werkekomitee gekies kragtens sub-artikel (2) van artikel *sewe* of opgetree het as 'n skakellid aangestel kragtens sub-artikel (3) van die genoemde artikel,

is aan 'n misdryf skuldig, hetsy die vermoede of geloof geregverdig of juis is, al dan nie, en by skuldigbevinding strafbaar met 'n boete van hoogstens driehonderd pond of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of so 'n gevangenisstraf sonder die keuse van 'n boete of so 'n boete sowel as so 'n gevangenisstraf.

(2) Die hof wat iemand skuldig bevind aan 'n misdryf ingevolge sub-artikel (1), kan, benewens 'n vonnis wat hy ten opsigte van daardie misdryf mag oplê, beveel dat hy die werknemer, wie se ontslag of die vermindering van wie se skaal van beloning of die verandering van wie se posisie die onderwerp was van die aanklag waarop hy skuldig bevind is, in sy vorige posisie moet herstel vir die tydperk en onderworpe aan die voorwaardes wat die hof mag bepaal, of beveel dat hy aan daardie werknemer hoogstens tweehonderd pond as vergoeding moet betaal vir verlies wat daardie werknemer gely het of beveel dat die werknemer aldus herstel en die gemelde vergoeding aan hom betaal word, en so 'n bevel tot herstel of vergoeding het die uitwerking van 'n siviele vonnis ten gunste van daardie werknemer.

25. (1) Elke werkgewer vir wie 'n order bindend is—

Registrasie
van
werkgewers.

- (a) verstrek binne een maand vanaf die datum waarop daardie order vir hom bindend geword het, aan die by regulasie bepaalde inspekteur 'n skriftelike verklaring in die vorm by regulasie voorgeskryf met vermelding van sy volle naam en, indien die werkgewer 'n vennootskap is, die volle name van al die vennote, en indien die werkgewer 'n maatskappy is, die name van sy sekretaris en sy direkteure en bestuurder, die naam waaronder en die adres of adresse waar hy besigheid dryf en die ander inligting by regulasie voorgeskryf: Met dien verstande dat indien 'n order deur 'n nuwe order vervang word, daar geag word dat 'n werkgewer wat die houer is van 'n geldende registrasiesertifikaat kragtens hierdie artikel uitgereik die bepalings van hierdie sub-artikel nagekom het; en
- (b) verstrek in die geval van 'n verandering van die naam waaronder of die adres of adresse waar besigheid

on, or among the partners, or, if the employer is a company, in the name of its secretary or among its directors or managers, or in the event of the sequestration of the employer's estate, or, if the employer is a company, of the winding-up of the company, or in the event of the transfer or abandonment of the business carried on, or the acquisition or commencement of any other business, furnish to the inspector defined by regulation, within fourteen days of the change, sequestration, winding-up, transfer, abandonment, acquisition or commencement, a written statement in the form prescribed by regulation, setting forth full particulars of the change, sequestration, winding-up, transfer, abandonment, acquisition or commencement, as the case may be.

(2) On the receipt of the statement referred to in paragraph (a) of sub-section (1), the inspector shall issue to the employer a certificate of registration in the form prescribed by regulation: Provided that no such certificate shall be issued to an employer against whom an order has been made under section *sixteen* unless at the date of the receipt of the said statement all amounts which, subject to any extension or variation in terms of sub-section (2) of that section, he is required by that order to pay to the specified officer on or before that date, have been so paid.

(3) If any employer who is the holder of a current certificate of registration issued under this section fails to pay to the specified officer any amount which by any order made under section *sixteen* he is required to pay to that officer, on or before the date on which, subject to any extension or variation in terms of sub-section (2) of that section, he is by that order required to pay it, the inspector shall by written notice addressed to him cancel that certificate and call upon him to return the certificate to him.

(4) A notice under sub-section (3) may be delivered to the employer or to any person who apparently resides or is employed at the address at which, according to the latest information furnished by the employer in terms of sub-section (1), the employer carries on business, or may be posted by registered letter addressed to the employer in the name under and to the address at which, according to the said information, he carries on business, and after the notice has been so delivered or posted, the employer shall be deemed not to be the holder of a current certificate of registration.

(5) The person to whom any such notice is addressed shall, within seven days after he receives it or becomes aware that it has been issued, return the certificate of registration issued to him, to the inspector.

(6) If at any time any person whose certificate of registration has been cancelled in terms of sub-section (3) pays to the specified officer the whole amount which by every order made against him under section *sixteen* he is required to pay to that officer, he shall be entitled, upon complying with the provisions of sub-section (1), to have issued to him a fresh certificate of registration.

(7) Upon the application of any person to whom a certificate has not been issued in consequence of the proviso to sub-section (2) or whose certificate of registration has been cancelled in terms of this section, the Minister may, at any time, in his discretion, and upon good cause shown, direct that a certificate be issued to him, subject to such conditions as the Minister may impose.

(8) Any employer upon whom any order is binding who fails to comply with any of the provisions of sub-section (1) or (5), or who, after expiry of the period referred to in paragraph (a) of sub-section (1), carries on business without being the holder of a current certificate of registration issued under this section, shall be guilty of an offence.

(9) If any employer against whom an order has been made under section *sixteen* is charged with an offence under sub-section (8) of this section in that he carried on business without being the holder of a current certificate of registration issued under this section, the fact that he furnished the statement referred to in paragraph (a) of sub-section (1) or that a certificate of registration was not issued to him under this section shall not be a sufficient answer to the charge, if it be proved that a certificate of registration was not issued to him by reason of

gedryf word, of onder die vennote, of indien die werkgewer 'n maatskappy is, van die naam van sy sekretaris of onder sy direkteure of bestuurders, of in die geval van die sekwestrasie van die werkgewer se boedel, of, indien die werkgewer 'n maatskappy is, van die ontbinding van die maatskappy, of in die geval van die oordrag of oorgawe van die besigheid wat gedryf word, of die verkryging of begin van 'n ander besigheid, aan die inspekteur by regulasie bepaal binne veertien dae vanaf die verandering, sekwestrasie, ontbinding, oordrag, oorgawe, verkryging of begin, 'n skriftelike verklaring in die vorm by regulasie voorgeskryf met vermelding van volledige besonderhede omtrent die verandering, sekwestrasie, ontbinding, oordrag, oorgawe, verkryging of begin, na gelang die geval.

(2) By ontvangs van die verklaring in paragraaf (a) van sub-artikel (1) vermeld, reik die inspekteur 'n registrasiesertifikaat in die vorm by regulasie voorgeskryf aan die werkgewer uit: Met dien verstande dat so 'n sertifikaat nie aan 'n werkgewer teen wie 'n bevel kragtens artikel *sestien* uitgevaardig is, uitge-reik word nie tensy op die datum van ontvangs van bedoelde verklaring alle bedrae wat hy, onderworpe aan enige verlenging of verandering ingevolge sub-artikel (2) van daardie artikel volgens daardie bevel voor of op daardie datum aan die aangewese amptenaar moet betaal, aldus betaal is.

(3) Indien die werkgewer wat die houer is van 'n geldende registrasiesertifikaat kragtens hierdie artikel uitgereik, versuim om aan die aangewese amptenaar enige bedrag wat hy ingevolge 'n kragtens artikel *sestien* uitgevaardigde bevel aan daardie amptenaar moet betaal, te betaal voor of op die datum waarop hy dit, onderworpe aan enige verlenging of verandering ingevolge sub-artikel (2) van daardie artikel, volgens daardie bevel moet betaal, moet die inspekteur by skriftelike kennisgewing aan hom gerig daardie sertifikaat kanselleer en hom aansê om dit aan die inspekteur terug te besorg.

(4) 'n Kennisgewing kragtens sub-artikel (3) kan gelewer word aan die werkgewer of aan enige persoon wat blykbaar woon of in diens is by die adres waar, volgens die jongste inligting deur die werkgewer ingevolge sub-artikel (1) verstrek, die werkgewer besigheid dryf, of kan aan hom gepos word per aangetekende brief gerig aan die werkgewer in die naam waaronder en aan die adres waar, volgens genoemde inligting hy besigheid dryf en nadat die kennisgewing aldus gelewer of gepos is, word die werkgewer geag nie die houer van 'n geldende registrasiesertifikaat te wees nie.

(5) Die persoon aan wie so 'n kennisgewing gerig word, moet die registrasiesertifikaat aan hom uitgereik aan die inspekteur terugbesorg binne sewe dae nadat hy die kennisgewing ontvang het of van die uitreiking daarvan bewus word.

(6) Indien 'n persoon wie se registrasiesertifikaat ingevolge sub-artikel (3) gekanselleer is, te eniger tyd aan die aangewese amptenaar die hele bedrag betaal wat hy volgens elke bevel kragtens artikel *sestien* teen hom uitgevaardig aan daardie amptenaar moet betaal, is hy by voldoening aan die bepalings van sub-artikel (1) geregtig op die uitreiking aan hom van 'n nuwe registrasiesertifikaat.

(7) Die Minister kan op aansoek van enige persoon aan wie uit hoofde van die voorbehoudsbepaling van sub-artikel (2) nie 'n sertifikaat uitgereik is nie of wie se registrasiesertifikaat kragtens hierdie artikel gekanselleer is, te eniger tyd na goeddunke en mits grondige redes daartoe aangevoer word, gelas dat 'n sertifikaat aan hom uitgereik word op die voorwaardes wat die Minister mag stel.

(8) 'n Werkgewer vir wie 'n order bindend is en wat versuim om enige van die bepalings van sub-artikel (1) of (5) na te kom, of wat na verstryking van die tydperk in paragraaf (a) van sub-artikel (1) vermeld, besigheid dryf sonder dat hy die houer is van 'n geldende registrasiesertifikaat kragtens hierdie artikel uitgereik, is aan 'n misdryf skuldig.

(9) Indien 'n werkgewer teen wie 'n bevel kragtens artikel *sestien* uitgevaardig is, weens 'n misdryf ingevolge sub-artikel (8) van hierdie artikel aangekla word deurdat hy besigheid gedryf het sonder dat hy die houer was van 'n geldende registrasiesertifikaat kragtens hierdie artikel uitgereik, is die feit dat hy die verklaring in paragraaf (a) van sub-artikel (1) vermeld verstrek het of dat 'n registrasiesertifikaat nie kragtens hierdie artikel aan hom uitgereik is nie, nie voldoende verweer teen die aanklag nie indien dit bewys word dat 'n registrasiesertifikaat nie aan hom uitgereik is nie uit hoofde van die

the proviso to sub-section (2) or that the last certificate of registration issued to him has been cancelled in terms of sub-section (3).

(10) The provisions of this section shall be observed and shall be applicable in respect of each separate order which is binding upon an employer under this Act.

Records to be kept by employers.

26. (1) Every employer upon whom any order is binding under this Act which relates to remuneration to be paid or time to be worked, shall at all times keep in respect of all persons employed by him and to whom such order relates, records of the remuneration paid and of the time worked.

(2) The form and the manner in which the records referred to in sub-section (1) shall be kept shall be prescribed by regulation: Provided that an officer designated by the Minister may in writing signed by him, authorize the keeping of such records in some other form which in his opinion will enable him to ascertain therefrom the required particulars.

(3) Every person who is or has been an employer shall retain the record which in terms of sub-section (1) he has made of any event, for a period of three years subsequent to the occurrence of that event, and shall on demand by an inspector made at any time during the said period of three years, produce the said record for inspection.

(4) Any person who fails to comply with any of the provisions of this section applicable to him or who makes any false entry in any such record knowing the same to be false shall be guilty of an offence.

Notices to be posted by employers.

27. (1) Every employer upon whom any order is binding shall affix and keep affixed in some conspicuous place upon his premises to be determined by him, and in such other places upon his premises as an inspector may from time to time direct, notices in the form prescribed by regulation, in legible characters, in both official languages of the Union—

- (a) containing such summaries of or extracts from the provisions of this Act as may be prescribed by regulation;
- (b) containing the official address of the inspector defined by regulation;
- (c) containing a copy of the said order or such summaries or extracts from the provisions thereof as may be prescribed in such order; and
- (d) specifying the day of the week or date on and the time and place at which remuneration will ordinarily be paid each week or month, as the case may be.

(2) Any employer who fails to comply with any of the provisions of this section shall be guilty of an offence.

Alleged partnerships.

28. (1) Whenever in any trade in respect of which an order is or was binding, there is working in any business or other concern any employee whom an inspector suspects is employed but who claims or in respect of whom it is claimed that his position in relation to that business or other concern is not that of an employee but is fixed by an agreement of partnership or by some other agreement for the carrying on thereof, the inspector may require from any person so claiming the existence of such an agreement the production of that agreement and may make a copy thereof or make extracts therefrom, or if the agreement is not in writing, or is not wholly in writing, may require any person so claiming to make a statement on oath of all the terms of the agreement or of such terms thereof as are not in writing, and may further require any such person to make a statement on oath as to the actual amounts received or receivable under that agreement and the actual hours worked by every person who claims or in respect of whom it is claimed that his position is so fixed by the agreement in respect of any period to be specified by the inspector, and any such person who fails when required to do so, to produce to the inspector any such agreement or to make any such statement on oath, shall be guilty of an offence.

(2) Whenever under any such agreement as is referred to in sub-section (1), the remuneration of any party thereto consists wholly or partly of a share in the takings or profits, and, in any proceedings under this Act in which any question is

voorbehoudsbepaling van sub-artikel (2) of dat die laaste registrasiesertifikaat aan hom uitgereik ingevolge sub-artikel (3) gekanselleer is.

(10) Die bepalings van hierdie artikel word nagekom en is van toepassing op elke afsonderlike order wat kragtens hierdie Wet vir 'n werkgewer bindend is.

26. (1) Elke werkgewer vir wie enige order met betrekking tot beloning wat betaal moet word of tyd wat gewerk moet word, kragtens hierdie Wet bindend is, moet te alle tye ten opsigte van alle persone wat by hom in diens is en op wie daardie order betrekking het, aantekeninge hou van betaalde beloning en van gewerkte tyd.

Aantekeninge moet deur werkgewers gehou word.

(2) Die vorm waarin en die wyse waarop die aantekeninge gemeld in sub-artikel (1) gehou moet word, word by regulasie voorgeskryf: Met dien verstande dat 'n deur die Minister aangewese amptenaar skriftelik onder sy handtekening verlof kan verleen vir die hou van sodanige aantekeninge in 'n ander vorm waaruit hy na sy oordeel in staat sal wees om die nodige besonderhede vas te stel.

(3) Elke persoon wat 'n werkgewer is of was, moet die aantekening wat hy ingevolge sub-artikel (1) van 'n gebeurtenis gemaak het, bewaar vir 'n tydperk van drie jaar nadat daardie gebeurtenis plaasgevind het en moet op aanvraag van 'n inspekteur te eniger tyd gedurende voormelde tydperk van drie jaar so 'n aantekening vir insae oorlê.

(4) Iemand wat versuim om aan enigeen van die op hom toepaslike bepalings van hierdie artikel te voldoen, of wat in so 'n aantekening 'n valse inskrywing maak, wetende dat dit vals is, is aan 'n misdryf skuldig.

27. (1) Elke werkgewer vir wie 'n order bindend is moet op 'n in die oog vallende plek op sy perseel, deur hom bepaal te word, en op ander plekke op sy perseel wat 'n inspekteur van tyd tot tyd mag aanwys, kennisgewings in die by regulasie voorgeskrewe vorm, in leesbare letters, in beide offisiële tale van die Unie aanheg en aangeheg hou wat—

Kennisgewings wat deur werkgewers aangeplak moet word.

(a) sulke opsommings van of uittreksels uit die bepalings van hierdie Wet as wat by regulasie voorgeskryf word, bevat;

(b) die amptelike adres van die inspekteur by regulasie bepaal, bevat;

(c) 'n afskrif van bedoelde order of sulke opsommings van of uittreksels uit die bepalings daarvan as wat in so 'n order voorgeskryf word, bevat; en

(d) die dag van die week of datum waarop, die tyd wanneer en die plek waar beloning gewoonlik elke week of maand, al na gelang die geval, betaal sal word, vermeld.

(2) 'n Werkgewer wat versuim om aan enigeen van die bepalings van hierdie artikel te voldoen, is aan 'n misdryf skuldig.

28. (1) Wanneer daar in 'n bedryf ten opsigte waarvan 'n order bindend is of was, 'n werknemer in enige besigheid of ander onderneming werksaam is wat, na 'n inspekteur vermoed, in diens is, maar wat beweer of ten opsigte van wie beweer word dat sy posisie met betrekking tot daardie besigheid of ander onderneming nie dié van 'n werknemer is nie, maar vasgestel word deur 'n vennootskapsooreenkoms of ander ooreenkoms wat die voortsetting daarvan ten doel het, kan die inspekteur van enigeen wat aldus die bestaan van so 'n ooreenkoms beweer, die oorlegging van daardie ooreenkoms eis, en 'n afskrif daarvan of uittreksels daaruit maak, of indien die ooreenkoms nie skriftelik of nie geheel en al skriftelik is nie, van 'n persoon wat aldus beweer, eis dat hy onder eed 'n verklaring aflê van al die bepalings van die ooreenkoms of van die bepalings daarvan wat nie skriftelik is nie, en voorts van so 'n persoon eis dat hy ten opsigte van 'n tydperk deur die inspekteur gespesifiseer onder eed 'n verklaring aflê aangaande die werklike bedrae kragtens daardie ooreenkoms ontvang of ontvangbaar en die werklike getal ure gewerk deur elke persoon wat beweer, of ten opsigte van wie beweer word, dat sy posisie aldus vasgestel is deur die ooreenkoms, en so 'n persoon wat versuim om, wanneer dit van hom vereis word, so 'n ooreenkoms aan die inspekteur oor te lê of onder eed so 'n verklaring af te lê, is aan 'n misdryf skuldig.

Beweerde vennootskappe.

(2) Wanneer ingevolge 'n ooreenkoms bedoel in sub-artikel (1), die beloning van 'n party daarby geheel en al of gedeeltelik uit 'n aandeel van die ontvangste of winste bestaan, en by verrigtinge ingevolge hierdie Wet, waarby 'n vraag ontstaan

raised as to the application of any order to any party receiving such a share, it is proved—

- (a) that the agreement is terminable by any party thereto by giving less than three months' notice; or
- (b) that the amount which any party thereto received under the terms thereof over any period specified in the charge was less than the remuneration which he would have been entitled to receive for his services for the same period under any order if he had been an employee,

he shall be presumed to be an employee and any other party to the agreement shall be presumed to be an employer unless it is proved that the agreement was not made with the object of evading any provision of any order which is or was binding under this Act.

Acts or
omissions by
managers, agents
or employees.

29. (1) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, then, unless it is proved that—

- (a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or permission of the employer; and
- (b) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and
- (c) it was not under any condition or in any circumstances within the scope of the authority or in the course of the employment of the manager, agent or employee to do or omit to do acts, whether lawful or unlawful, of the character of the act or omission charged,

the employer shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof, and the fact that the employer issued instructions forbidding any act or omission of the kind in question shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer.

(3) Either the employer or the manager, agent or employee or both such employer and such manager, agent or employee may be so convicted and sentenced.

(4) Whenever the manager, agent or employee of an employer is convicted of an offence such as is referred to in sub-section (2) of section *fifteen*, the court shall make an order against the employer under section *sixteen*, and the provisions of this Act relating to such orders shall *mutatis mutandis* apply, and no such order shall be made against such manager, agent or employee.

Evidence and
presumptions.

30. (1) Proof of the publication in the *Gazette* of any notice under sub-section (2) or (6) of section *eleven* shall be conclusive proof that all the provisions of this Act in respect of matters precedent and incidental to the making of the relevant order or the publication of the relevant notice, as the case may be, have been complied with.

(2) Whenever in any proceedings under this Act it is proved that any person was present in any premises in which any trade in respect of which any order is binding under this Act was being carried on, that person shall, unless the contrary is proved, be presumed to be an employee.

(3) An employee shall be deemed to be working in the employment of an employer, in addition to any period during which he is actually so working—

- (a) during any period during which in accordance with the requirements of his employer he is present upon or in any premises in which the trade in which he is employed is being carried on; and
- (b) during any other period during which he is present upon or in any such premises:

Provided that if it is proved during what portion of any such period as is referred to in paragraph (b) any such employee actually worked in his employment, the presumption established by this sub-section shall not apply in respect of that employee in relation to that period.

aangaande die toepassing van 'n order op 'n party wat so 'n aandeel ontvang, daar bewys word—

- (a) dat die ooreenkoms deur 'n party daarby beëindig kan word deur minder as drie maande kennis te gee; of
- (b) dat die bedrag wat 'n party daarby oor enige tydperk in die aanklag aangegee kragtens die bepaling van ontvang het, minder was as die beloning wat hy geregtig sou gewees het om ingevolge 'n order vir sy dienste vir dieselfde tydperk te ontvang as hy 'n werknemer was,

word hy geag 'n werknemer, en enige ander party by die ooreenkoms geag 'n werkgewer te wees, tensy bewys word dat die ooreenkoms nie aangegaan is met die doel om 'n bepaling van 'n order wat kragtens hierdie Wet bindend is of was, te ontduik nie.

29. (1) Wanneer 'n bestuurder, agent of werknemer van 'n werkgewer 'n handeling verrig of versuim om dit te verrig, en dit 'n misdryf ingevolge hierdie Wet sou wees indien die werkgewer dit verrig of versuim om dit te verrig, word by ontstentenis van bewys dat—

Handelinge of versuim van bestuurders, agente of werknemers.

- (a) die bestuurder, agent of werknemer toe hy daardie handeling verrig het of versuim het om dit te verrig sonder die toestemming of oogluikende goedkeuring van die werkgewer gehandel het; en
- (b) die werkgewer alle redelike stappe gedoen het om 'n handeling of versuim van die bedoelde aard te voorkom; en
- (c) 'n handeling of versuim, hetsy wettig of onwettig, van die aard wat die onderwerp van die aanklag uitmaak, in geen geval en onder geen omstandighede binne die omvang van die bevoegdheid of die diensverrigting van die bestuurder, agent of werknemer geval het nie, veronderstel dat die werkgewer self die handeling verrig het of versuim het om dit te verrig, en kan hy ten opsigte daarvan skuldig bevind en gevonnissen word, en die feit dat die werkgewer 'n handeling of versuim van die bedoelde aard verbied het, is op sigself nie voldoende bewys dat hy alle redelike stappe gedoen het om die handeling of versuim te voorkom nie.

(2) Wanneer 'n bestuurder, agent of werknemer van 'n werkgewer 'n handeling verrig of versuim om dit te verrig en dit 'n misdryf ingevolge hierdie Wet sou wees indien die werkgewer dit verrig of versuim om dit te verrig, kan hy ten opsigte daarvan skuldig bevind en gevonnissen word asof hy die werkgewer was.

(3) Of die werkgewer of die bestuurder, agent of werknemer, of sowel die werkgewer as die bestuurder, agent of werknemer, kan aldus skuldig bevind en gevonnissen word.

(4) Wanneer die bestuurder, agent of werknemer van 'n werkgewer skuldig bevind word aan 'n misdryf bedoel in sub-artikel (2) van artikel vyftien, moet die hof 'n bevel ingevolge artikel sestien teen die werkgewer uitvaardig, en die bepaling van hierdie Wet in verband met so 'n bevel is *mutatis mutandis* van toepassing, en so 'n bevel word nie teen so 'n bestuurder, agent of werknemer uitgevaardig nie.

30. (1) Bewys van die publikasie in die *Staatskoerant* van 'n kennisgewing ingevolge sub-artikel (2) of (6) van artikel elf is afdoende bewys dat voldoen is aan al die bepalinge van hierdie Wet ten opsigte van aangeleenthede wat die maak van die betrokke order of die publikasie van die betrokke kennisgewing, al na die geval, voorafgaan of daarmee in verband staan.

Bewyslewing en vermoedens.

(2) Wanneer by verrigtinge ingevolge hierdie Wet bewys word dat 'n persoon teenwoordig was op 'n perseel waar 'n bedryf ten opsigte waarvan 'n order ingevolge hierdie Wet bindend is, uitgeoefen is, word daardie persoon geag 'n werknemer te wees tensy die teendeel bewys word.

(3) Benewens enige tydperk waarin hy werklik aldus werksaam is, word 'n werknemer geag werksaam te wees in die diens van 'n werkgewer—

- (a) gedurende enige tydperk waarin hy ooreenkomstig die vereistes van sy werkgewer aanwesig is op of in enige perseel waarin die bedryf waarin hy in diens is, uitgeoefen word; en
- (b) gedurende enige ander tydperk waarin hy op of in sodanige perseel aanwesig is:

Met dien verstande dat as dit bewys word gedurende watter deel van 'n tydperk bedoel in paragraaf (b) so 'n werknemer werklik in sy diens gewerk het, die vermoede deur hierdie sub-artikel daargestel nie ten opsigte van daardie werknemer met betrekking tot daardie tydperk van toepassing is nie.

(4) In any proceedings under this Act, any statement or entry contained in any book or document kept by any employer or by his manager, agent or employee, or found upon or in any premises occupied by that employer, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by that employer, or by any manager, agent or employee of that employer in the course of his work as manager or in the course of his agency or employment.

(5) If any employer has, in respect of any period, failed to keep the records which, in terms of section *twenty-six* he is required to keep, or to retain such records for the period specified in sub-section (3) of that section, or has falsified such records or caused them to be falsified, then in any proceedings under this Act, an employee employed by him during the period in respect of which the failure or the falsification has occurred shall be presumed to have worked in his employment each week, throughout the period of his employment falling within the period in respect of which the failure or the falsification occurred, not less than the ordinary hours of work specified in any order applicable to that employee: Provided that if it is proved what hours any such employee actually worked in his employment during any particular week, the presumption established by this sub-section shall not apply in respect of that employee in relation to that week.

(6) Whenever in any proceedings under this Act it is proved that any untrue statement or entry is contained in any record kept by any person, he shall be presumed, until the contrary is proved, wilfully to have falsified that record.

(7) Whenever any person is charged under section *fifteen* with having failed to pay to any person employed by him during any period the rate of remuneration which in respect of that period he was required to pay to that person under the provisions of any order or exemption binding upon him under this Act, and it is proved that that person was employed by the accused during any period covered by the charge and that under that order or exemption the accused was required to pay to that person as minimum rate of remuneration a certain amount in respect of that period, the accused shall be presumed, until the contrary is proved, not to have paid that amount to that person.

(8) Whenever any person is charged under sub-section (1) of section *twenty-four* with having dismissed any person employed by him, or reduced the rate of his remuneration, or altered the conditions of his employment to conditions less favourable to him or altered his position relatively to other employees to his disadvantage, by reason of his suspicion or belief in the existence of any fact referred to in paragraph (a) or (b) of that sub-section and stated in the charge, and it is proved that the accused dismissed that person, or reduced the rate of his remuneration, or altered the conditions of his employment to conditions less favourable to him, or altered his position relatively to other employees to his disadvantage, the accused shall be presumed, until the contrary is proved, to have done so by reason of the suspicion or belief stated in the charge.

Section 358 of Act 31 of 1917 not to apply to certain offences under this Act.

31. The provisions of section *three hundred and fifty-eight* of the Criminal Procedure and Evidence Act, 1917, shall not apply in respect of any offence which consists of a contravention or failure such as is referred to in sub-section (2) of section *fifteen*.

Penalties.

32. Any person who is convicted of an offence under the provisions of this Act for which no special penalty is prescribed, shall be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Jurisdiction of magistrates' courts.

33. Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by, or make any order of court provided for, in this Act.

(4) By verrigtinge ingevolge hierdie Wet, is 'n verklaring of inskrywing vervat in 'n boek of geskrif gehou deur 'n werkgewer of sy bestuurder, agent of werknemer, of gevind op of in 'n perseel deur daardie werkgewer geokkupeer, in getuienis toelaatbaar teen hom as 'n erkenning van die feite in daardie verklaring of inskrywing uiteengesit, tensy bewys word dat daardie verklaring of inskrywing nie deur daardie werkgewer of 'n bestuurder, agent of werknemer van daardie werkgewer in die loop van sy werk as bestuurder of in die loop van sy agentskap of diens gemaak is nie.

(5) Indien 'n werkgewer versuim het om ten opsigte van enige tydperk die aantekenings te hou wat hy ingevolge artikel *ses-en-twintig* moet hou, of om sodanige aantekenings vir die in sub-artikel (3) van daardie artikel vermelde tydperk te bewaar, of sodanige aantekenings vervals of laat vervals het, word by verrigtinge ingevolge hierdie Wet vermoed dat 'n werknemer wat gedurende die tydperk ten opsigte waarvan die versuim of vervalsing voorgekom het by hom in diens was, elke week gedurende die hele tydperk van sy diens binne die tydperk ten opsigte waarvan die versuim of vervalsing voorgekom het, nie minder as die gewone werkure, gespesifiseer in 'n order wat op daardie werknemer van toepassing is, in sy diens gewerk het nie: Met dien verstande dat indien bewys word watter ure so 'n werknemer werklik gedurende 'n besondere week in sy diens gewerk het, die vermoede deur hierdie sub-artikel daargestel nie ten opsigte van daardie week met betrekking tot daardie werknemer van toepassing is nie.

(6) Wanneer by verrigtinge ingevolge hierdie Wet bewys word dat 'n onware verklaring of inskrywing voorkom in 'n aantekening wat enigiemand gehou het, word dit vermoed, totdat die teendeel bewys word, dat hy daardie aantekening opsetlik vervals het.

(7) Wanneer iemand ingevolge artikel *vyftien* daarvan aangekla word dat hy versuim het om aan 'n persoon wat gedurende enige tydperk by hom in diens was, beloning te betaal teen die skaal waarteen hy ten opsigte van daardie tydperk ingevolge die bepalings van 'n order of vrystelling wat ingevolge hierdie Wet vir hom bindend is, verplig was om aan daardie persoon te betaal, en bewys word dat daardie persoon gedurende die tydperk waaroor die aanklag handel by die beskuldigde in diens was, en dat die beskuldigde ingevolge daardie order of vrystelling verplig was om ten opsigte van daardie tydperk 'n sekere bedrag aan daardie persoon by wyse van beloning teen 'n minimum skaal te betaal, word, totdat die teendeel bewys word, vermoed dat die beskuldigde nie daardie bedrag aan daardie persoon betaal het nie.

(8) Wanneer 'n persoon ingevolge sub-artikel (1) van artikel *vier-en-twintig* daarvan aangekla word dat hy 'n persoon uit sy diens ontslaan het of die skaal van sy beloning verminder het, of sy diensvoorwaardes verander het na voorwaardes wat vir hom minder gunstig is, of sy posisie met betrekking tot ander werknemers tot sy nadeel verander het, op grond van sy vermoede of geloof in die bestaan van 'n feit in paragraaf (a) of (b) van daardie sub-artikel bedoel en in die aanklag vermeld, en bewys word dat die beskuldigde daardie persoon ontslaan het, of die skaal van sy beloning verminder het, of sy diensvoorwaardes verander het na voorwaardes wat vir hom minder gunstig is, of sy posisie met betrekking tot ander werknemers tot sy nadeel verander het, word, totdat die teendeel bewys word, vermoed dat die beskuldigde dit gedoen het op grond van die vermoede of geloof in die aanklag vermeld.

31. Die bepalings van artikel *driehonderd agt-en-vyftig* van die „Wet op de Kriminele Procedure en Bewijslevering, 1917”, is nie ten opsigte van 'n misdryf wat uit 'n in sub-artikel (2) van artikel *vyftien* bedoelde oortreding of versuim bestaan, van toepassing nie.

Artikel 358 van Wet 31 van 1917 nie ten opsigte van sekere misdrywe ingevolge hierdie Wet van toepassing nie.

32. 'n Persoon wat skuldig bevind word weens 'n misdryf ingevolge die bepalings van hierdie Wet waarvoor geen spesiale straf voorgeskryf is nie, is strafbaar met 'n boete van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide so 'n boete en so 'n gevangenisstraf.

Strafbepalings.

33. Ondanks andersluidende regsbepalings is 'n magistrats-hof regsbevoegd om enige deur hierdie Wet voorgeskrewe straf of beoogde hofbevel op te lê of uit te vaardig.

Regsbevoegdheid van magistrats-hof.

Regulations.

34. (1) The Governor-General may make regulations prescribing—

- (a) any matter which by this Act is required or permitted to be prescribed; and
- (b) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Any regulations made under sub-section (1) may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of fifty pounds or imprisonment for a period of six months.

Saving as to hours of work and holidays.

35. The provisions of sections *nineteen, twenty and twenty-one* of the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941), shall not apply to any persons whose hours of work are regulated or who are entitled to annual leave of absence on full pay, under an order made in terms of section *eleven*, so long as such order is binding upon those persons.

Amendment of Act 36 of 1937.

36. Section *one* of the Industrial Conciliation Act is hereby amended by the substitution for the definition of "employee" of the following definition—

" 'employee' means any person employed by, or working for any employer and receiving, or being entitled to receive, any remuneration, and any other person whatsoever who in any manner assists in the carrying on or conducting of the business of an employer, but does not include a person who in fact is or is generally accepted as a member of any aboriginal race or tribe of Africa; and 'employed' and 'employment' have corresponding meanings;".

Short title and date of commencement.

37. (1) This Act shall be called the Native Labour (Settlement of Disputes) Act, 1953.

(2) The provisions of sections *nine to eighteen, inclusive, twenty, twenty-two to thirty-three, inclusive, and thirty-five* shall not come into operation until a date to be fixed by the Governor-General by proclamation in the *Gazette*.

34. (1) Die Goewerneur-generaal kan regulasies uitvaardig Regulasies. waarby voorgeskryf word—

- (a) die aangeleenthede wat volgens hierdie Wet by regulasie voorgeskryf moet of kan word; en
- (b) in die algemeen alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf sodat die oogmerke van hierdie Wet bereik kan word.

(2) Regulasies kragtens sub-artikel (1) uitgevaardig kan op enige oortreding daarvan of versuim om daaraan te voldoen, strawwe stel van hoogstens 'n boete van vyftig pond of gevangenisstraf vir 'n tydperk van ses maande.

35. Die bepalings van artikels *negentien*, *twintig* en *een-en-twintig* van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941), is nie van toepassing nie ten opsigte van persone wie se werkure gereël word of wat op jaarlikse verlof teen volle besoldiging geregtig is, ingevolge 'n order kragtens artikel *elf* gemaak, terwyl so 'n order vir daardie persone bindend is. Voorbehoud ten opsigte van werkure en vakansiedae.

36. Artikel *een* van die Nywerheid-versoeningswet word hiermee gewysig deur die woordbepaling van „werknemer” deur die volgende woordbepaling te vervang— Wysiging van Wet 36 van 1937.

„,werknemer’, enige persoon wat in diens is by of werk verrig vir enige werkgewer en beloning ontvang of geregtig is om dit te ontvang, en enige ander persoon hoegenaamd wat op enige wyse help om die besigheid van 'n werkgewer te drywe of te beheer, maar nie ook 'n persoon wat lid van 'n inboorlingras of -stam van Afrika is of gewoonlik daarvoor deurgaans nie; en het, in diens' en, diens' ooreenstemmende betekenis;”.

37. (1) Hierdie Wet heet die Wet op Naturelle-arbeid (Beslegting van Geskille), 1953. Kort titel en datum van inwerkingtreding.

(2) Die bepalings van artikels *nege* tot en met *agtien*, *twintig*, *twee-en-twintig* tot en met *drie-en-dertig* en *vyf-en-dertig* tree nie in werking nie voor 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasgestel te word.

No. 49, 1953.]

ACT

To provide for the reservation of public premises and vehicles or portions thereof for the exclusive use of persons of a particular race or class, for the interpretation of laws which provide for such reservation, and for matters incidental thereto.

(English text signed by the Governor-General.)
(Assented to 5th October, 1953.)

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:—

Definitions.

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

“public premises” includes any land, enclosure, building, structure, hall, room, office or convenience to which the public has access, whether on the payment of an admission fee or not but does not include a public road or street;

“public vehicle” includes any train, tram, bus, vessel or aircraft used for the conveyance for reward or otherwise of members of the public.

Reservation of public premises for the exclusive use of certain persons.

2. (1) Any person who is in charge of or has control of any public premises or any public vehicle, whether as owner or lessee or whether by virtue of his office or otherwise, or any person acting under his control or direction may, whenever he deems it expedient and in such manner or by such means as he may consider most convenient for the purpose of informing all persons concerned, set apart or reserve such premises or such vehicle or any portion of such premises or such vehicle or any counter, bench, seat or other amenity or contrivance in or on such premises or vehicle, for the exclusive use of persons belonging to a particular race or class.

(2) Any person who wilfully enters or uses any public premises or public vehicle or any portion thereof or any counter, bench, seat or other amenity or contrivance which has in terms of sub-section (1) been set apart or reserved for the exclusive use of persons belonging to a particular race or class, being a race or class to which he does not belong, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment.

(3) If in any prosecution under sub-section (2) it is proved that a notice in both official languages announcing that any public premises or any public vehicle or any portion thereof or any counter, bench, seat or other amenity or contrivance has been set aside or reserved for the exclusive use of persons belonging to a particular race or class, appears at, in or on such premises or vehicle or portion thereof or such counter, bench, seat or other amenity or contrivance, it shall be presumed, unless the contrary is proved, that such setting aside or reservation was made under due and proper authority in accordance with the provisions of sub-section (1).

(4) Nothing in this section contained shall affect the provisions of the Railways and Harbours Regulation, Control, and Management Act, 1916 (Act No. 22 of 1916), or any other law which provides for the setting aside or reservation of any public premises or public vehicle or any portion thereof or any counter, bench, seat or other amenity or contrivance for the exclusive use of persons belonging to a particular race or class.

Interpretation of laws authorizing the reservation of public premises or vehicles for the exclusive use of certain persons.

3. Whenever any person or authority has under and by virtue of the provisions of section two or any other law, at any time before or after the date of commencement of this Act, set apart, demarcated or reserved any public premises or any public vehicle or any portion thereof or any counter, bench, seat or other amenity or contrivance in or on any public premises or public vehicle, for the exclusive use of persons belonging to a

No. 49, 1953.]

WET

Om voorsiening te maak vir die aanwysing van openbare persele en voertuie of gedeeltes daarvan vir die uitsluitende gebruik van persone van 'n bepaalde ras of klas, vir die uitleg van wetsbepalings wat vir sodanige aanwysing voorsiening maak, en vir daarmee in verband staande aangeleenthede.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 5 Oktober 1953.)

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

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

„openbare persele” ook enige grond, kamp, gebou, struktuur, saal, kamer, kantoor of gemak waartoe die publiek toegang het, hetsy op betaling van 'n toegangsgeld al dan nie, maar nie ook 'n openbare pad of straat nie;

„openbare voertuig” ook 'n trein, trem, bus, skip of lugvaartuig wat gebruik word vir die vervoer vir wins of andersins van lede van die publiek.

2. (1) Enigiemand wat toesig of beheer het oor enige openbare persele of enige openbare voertuig, hetsy as eienaar of huurder of hetsy uit hoofde van sy amp of andersins, of enigiemand wat onder sy beheer of leiding optree, kan, wanneer hy dit dienstig ag en op die wyse of deur die middels wat hy mees gerieflik ag om alle betrokkenes in te lig, bedoelde persele of bedoelde voertuig of enige gedeelte van bedoelde persele of bedoelde voertuig of enige toonbank, bank, sitplek of ander gerief of toestel in of op bedoelde persele of voertuig, vir die uitsluitende gebruik van persone van 'n bepaalde ras of klas, afsonder of aanwys.

Aanwysing van openbare persele vir die uitsluitende gebruik van sekere persone.

(2) Enigiemand wat enige openbare persele of openbare voertuig of enige gedeelte daarvan of enige toonbank, bank, sitplek of ander gerief of toestel wat ingevolge sub-artikel (1) vir die uitsluitende gebruik van persone van 'n bepaalde ras of klas, synde 'n ras of klas waartoe hy nie behoort nie, afgesonder of aangewys is, opsetlik betree of gebruik, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en sodanige gevangenisstraf.

(3) Indien dit by enige vervolging kragtens sub-artikel (2) bewys word dat 'n kennisgewing in albei amptelike tale wat aankondig dat enige openbare persele of enige openbare voertuig of enige gedeelte daarvan of enige toonbank, bank, sitplek of ander gerief of toestel vir die uitsluitende gebruik van persone van 'n bepaalde ras of klas afgesonder of aangewys is, by, in of op bedoelde persele of voertuig of gedeelte daarvan of bedoelde toonbank, bank, sitplek of ander gerief of toestel verskyn, word dit vermoed, tensy die teendeel bewys word, dat sodanige afsondering of aanwysing op behoorlike gesag ooreenkomstig die bepaling van sub-artikel (1) gedoen is.

(4) Geen bepaling van hierdie artikel raak die bepaling van die „Spoorwegen en Havens Reglement, Bestuur en Beheer Wet, 1916” (Wet No. 22 van 1916), of enige ander wetsbepaling wat voorsiening maak vir die afsondering of aanwysing van enige openbare persele of enige openbare voertuig of enige gedeelte daarvan of van enige toonbank, bank, sitplek of ander gerief of toestel vir die uitsluitende gebruik van persone van 'n bepaalde ras of klas nie.

3. Wanneer enige persoon of gesag uit hoofde van die bepaling van artikel twee of enige ander wetsbepaling enige openbare persele of enige openbare voertuig of enige gedeelte daarvan of enige toonbank, bank, sitplek of ander gerief of toestel in of op enige openbare persele of openbare voertuig vir die uitsluitende gebruik van persone van 'n bepaalde ras of

Uitleg van wetsbepalings wat die aanwysing magtig van openbare persele of voertuie vir die uitsluitende gebruik van sekere persone.

particular race or class, such setting apart, demarcation or reservation shall not be invalid on the ground merely that—

- (a) no such premises or vehicle or portion thereof or no such counter, bench, seat or other amenity or contrivance as the case may be, has similarly been set apart, demarcated or reserved for the exclusive use of persons belonging to any other race or class; or
- (b) any such premises or vehicle or portion thereof or any such counter, bench, seat or other amenity or contrivance, as the case may be, similarly set apart, demarcated or reserved for the use of persons belonging to any other race or class, is not substantially similar to or of the same character, standard, extent or quality as the premises, vehicle or portion thereof or the counter, bench, seat or other amenity or contrivance, as the case may be, set apart, demarcated or reserved as aforesaid.

Certain representatives of a foreign government not affected by a setting apart, demarcation or reservation under section 2 or any other law.

4. No setting apart, demarcation or reservation under section two or any other law of any public premises or public vehicle or portion thereof or any counter, bench, seat or other amenity or contrivance in or on such premises or vehicle, shall operate to exclude from such premises, vehicle or portion thereof or such counter, bench, seat or other amenity or contrivance any person who—

- (a) is a representative in the Union of a foreign government or a member of his family; or
- (b) is a national of a foreign country travelling within or through the Union on official business; and
- (c) is in possession of a certificate issued to him by or under the authority of the Secretary for External Affairs for the purposes of this section.

Short title.

5. This Act shall be called the Reservation of Separate Amenities Act, 1953.

klas te eniger tyd voor of na die datum van die inwerkingtreding van hierdie Wet, afgesonder, afgebaken of aangewys het, is sodanige afsondering, afbakening of aanwysing nie ongeldig nie bloot op grond daarvan dat—

- (a) geen sodanige persele of voertuig of gedeelte daarvan of geen sodanige toonbank, bank, sitplek of ander gerief of toestel, na gelang van die geval, insgelyks vir die uitsluitende gebruik van persone van enige ander ras of klas afgesonder, afgebaken of aangewys is nie; of
- (b) enige sodanige persele of voertuig of gedeelte daarvan of enige sodanige toonbank, bank, sitplek of ander gerief of toestel, na gelang van die geval, wat insgelyks vir die gebruik van persone van 'n ander ras of klas afgesonder, afgebaken of aangewys is, nie wesenlik soortgelyk is aan of van dieselfde aard, standaard, omvang of gehalte is as die persele, voertuig of gedeelte daarvan of die toonbank, bank, sitplek of ander gerief of toestel, na gelang van die geval, wat soos voormeld afgesonder, afgebaken of aangewys is nie.

4. Geen afsondering, afbakening of aanwysing kragtens artikel twee of enige ander wetsbepaling van enige openbare persele of openbare voertuig of gedeelte daarvan of enige toonbank, bank, sitplek of ander gerief of toestel in of op sodanige persele of voertuig, het die uitwerking om uit of van bedoelde persele, voertuig of gedeelte daarvan of bedoelde toonbank, bank, sitplek of ander gerief of toestel enige persoon uit te sluit nie wat—

Sekere verteenwoordigers van 'n vreemde regering word nie deur 'n afsondering, afbakening of aanwysing kragtens artikel 2 of enige ander wetsbepaling geraak nie.

- (a) 'n verteenwoordiger in die Unie is van 'n vreemde regering of 'n lid is van sy gesin; of
- (b) 'n burger is van 'n vreemde land wat op amptelike besigheid in of deur die Unie reis; en
- (c) in besit is van 'n sertifikaat wat vir die doeleindes van hierdie artikel deur of op gesag van die Sekretaris van Buitelandse Sake aan hom uitgereik is.

5. Hierdie Wet heet die Wet op Aanwysing van Aparte Kort titel. Geriewe, 1953.