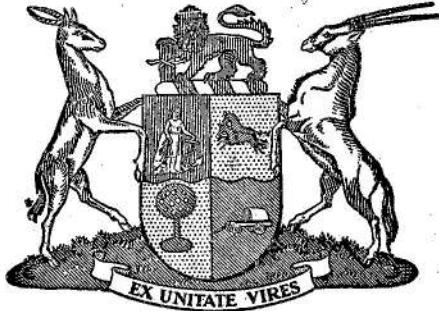


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DEPARTMENT OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 1318.]

[24th June, 1955.

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

	PAGE
No. 44 of 1955: Motor Carrier Transportation Amendment Act, 1955	2
No. 47 of 1955: Second Railway Construction Act, 1955	32
No. 48 of 1955: Railways and Harbours Second Additional Appropriation Act, 1955	36
No. 52 of 1955: Expropriation (Establishment of Undertakings) Amendment Act, 1955	42
No. 54 of 1955: University of South Africa Amendment Act, 1955	40

DEPARTEMENT VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgiving word ter algemene inligting gepubliseer:—

No. 1318.]

[24 Junie 1955.

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

	BLADSY
No. 44 van 1955: Wysigingswet op Motortransport, 1955	3
No. 47 van 1955: Tweede Spoorwegaanlegwet, 1955	33
No. 48 van 1955: Tweede Addisionele Spoerweg- en Hawebegrotingswet, 1955	37
No. 52 van 1955: Wysigingswet op Onteiining (Oprigting van Ondernemings), 1955	43
No. 54 van 1955: Wysigingswet op die Universiteit van Suid-Afrika, 1955	41

No. 44, 1955.]

ACT

To amend the Motor Carrier Transportation Act, 1930, the Financial Adjustments Act, 1944, and the Native Services Levy Act, 1952.

(Afrikaans text signed by the Governor-General.)
(Assented to 13th June, 1955.)

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 1 of Act 39
of 1930, as
amended by
section 1 of Act 31
of 1932, section 1
of Act 15 of 1937
and section 1 of
Act 15 of 1941.

1. Section one of the Motor Carrier Transportation Act, 1930 (hereinafter referred to as the principal Act), is hereby amended:—

- (a) by the insertion in the definition of "authorized officer" before the words "local authority" of the words "provincial administration or of the Administration of the territory of South-West Africa or of any";
- (b) by the insertion after the definition of "authorized officer" of the following definitions:
"Board" means the National Transport Commission appointed under section three of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948);
'class', in relation to persons, also means race;
'Gazette', in relation to the territory of South-West Africa, means the *Official Gazette* of that territory;";
- (c) by the addition at the end of the definition of "local authority" of the words "or the Natives Resettlement Board established under the Natives Resettlement Act, 1954 (Act No. 19 of 1954), or any Bantu territorial authority or Bantu regional authority or Bantu tribal authority established under the Bantu Authorities Act, 1951 (Act No. 68 of 1951), or any such institution or body as is contemplated by subparagraph (b) of paragraph (vi) of section eighty-five of the South Africa Act, 1909";;
- (d) by the insertion after the definition of "local authority" of the following definition:
"local board" means a local road transportation board established under section three;";
- (e) by the substitution for the definition of "Minister" of the following definition:
"Minister" means the Minister of Transport;"; and
- (f) by the substitution for the definition of "motor carrier transportation" of the following definition:
"motor carrier transportation" means the conveyance—
 - (i) of persons or goods by means of a motor vehicle for reward or in the course of any industry, trade or business; or
 - (ii) of goods by means of a hired motor vehicle, on a public road, but does not include—
 - (a) the conveyance of farm products (otherwise than from a place where the business of selling such products is conducted by a person who holds or is by any law required to hold a licence authorizing such sale) by their producer by means of a motor vehicle belonging to him;
 - (b) the conveyance by an individual farmer (including any partnership or company carrying on farming operations) by means of a motor vehicle belonging solely to him, of such farmer's own farming requisites to a place where he intends using them, or of his own farm labourers—
 - (i) from any place where they have been recruited to any place where he may require them in his farming operations; or

No. 44, 1955.]

WET

Tot wysiging van die Motortransportwet, 1930, die Finansiële Reëlingswet, 1944, en die Wet op Heffings vir Naturelle-dienste, 1952.

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 13 Junie 1955.)*

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

1. Artikel een van die Motortransportwet, 1930 (hieronder die Hoofwet genoem), word hiermee gewysig—

- (a) deur in die omskrywing van „gemagtigde amptenaar” voor die woorde „plaaslike bestuur” die woorde „provinciale administrasie of die Administrasie van die gebied Suidwes-Afrika of van ‘n” in te voeg;
- (b) deur na die omskrywing van „gemagtigde amptenaar” die volgende omskrywings in te voeg:
„Raad” beteken die Nasionale Vervoerkommissie benoem kragtens artikel *drie* van die Wet op die Koördinering van Vervoer, 1948 (Wet No. 44 van 1948);
„kategorie” beteken, met betrekking tot persone, ook ras;
„Staatskoerant” beteken, met betrekking tot die gebied Suidwes-Afrika, die *Offisiële Koerant* van daardie gebied;”;
- (c) deur aan die end van die omskrywing van „plaaslike bestuur” die woorde „of die Raad vir die Hervestiging van Naturelle kragtens die Wet op die Hervestiging van Naturelle, 1954 (Wet No. 19 van 1954), ingestel, of enige Bantoe-gebiedsowerheid, of Bantoe-streksowerheid of Bantoe-stamowerheid kragtens die Wet op Bantoe-owerhede, 1951 (Wet No. 68 van 1951), ingestel, of enige instelling of liggaaan in subparagraph (b) van paragraaf (vi) van artikel *vyf-en-taggig* van die „Zuid-Afrika Wet, 1909” bedoel” by te voeg;
- (d) deur na die omskrywing van „plaaslike bestuur” die volgende omskrywing in te voeg:
„plaaslike raad” beteken ‘n plaaslike padvervoerraad kragtens artikel *drie* ingestel;”;
- (e) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:
„Minister” beteken die Minister van Vervoer;”; en
- (f) deur die omskrywing van „motortransport” deur die volgende omskrywing te vervang:
„motortransport” beteken die vervoer—
 - (i) van persone of goedere deur middel van ‘n motorvoertuig teen vergoeding of in die loop van ‘n bedryf, handel of besigheid; of
 - (ii) van goedere deur middel van ‘n gehuurde motorvoertuig,
op ‘n publieke pad, maar daaronder val nie—
 - (a) die vervoer van boerderyprodukte (behalwe vanaf ‘n plek waar in verband met die verkoop van sodanige produkte besigheid gedryf word deur iemand wat ‘n lisensie waarby die verkoop veroorloof word, besit of ingevolge een of ander wet moet besit) deur die produsent daarvan deur middel van ‘n motorvoertuig wat aan hom behoort;
 - (b) die vervoer deur ‘n individuele boer (met inbegrip van ‘n vennootskap of maatskappy wat boerdery beoefen) deur middel van ‘n motorvoertuig wat aan hom alleen behoort, van daardie boer se eie plaasbenodigdhede na ‘n plek waar hy voornemens is om dit te gebruik of van sy eie plaasarbeiders—
 - (i) vanaf ‘n plek waar hulle gewerf is na ‘n plek waar hy hulle in verband met sy boerdery nodig het; of

Wysiging van
artikel 1 van Wet
39 van 1930, soos
gewysig deur
artikel 1 van Wet
31 van 1932,
artikel 1 van Wet
15 van 1937 en
artikel 1 van Wet
15 van 1941.

- (ii) from any place where they are or have been employed in his farming operations to any other place where he may require them in his farming operations, or where another farmer may require them in his farming operations, or to the place where they have been recruited; or
 - (iii) between any place where they have been or are to be so employed and the railway station most convenient for their conveyance to any other place to which they are to be conveyed by rail or to the place where they are to be so employed; or
 - (iv) between any place where they have been recruited and the railway station most convenient for their conveyance to any other place to which they are to be conveyed by rail;
- and for the purposes of this paragraph labourers employed by a co-operative society, registered as such under the law relating to co-operative societies, of which such farmer is a member, or convicts as defined in section *two* of the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911), who are or have been or are to be employed by a farmer in his farming operations, shall be deemed to be such farmer's own farm labourers;
- (c) any conveyance (other than the conveyance of persons or goods for reward) by a local authority by means of a motor vehicle belonging to such local authority within the area of its jurisdiction and between such area and any other area controlled by such local authority or in which it provides any public service or carries on any undertaking;
 - (d) the conveyance by means of a motor vehicle of a patient to any place where he is to receive treatment or from any place where he has received treatment;
 - (e) the conveyance by means of a motor vehicle of another motor vehicle which has become defective to a place for its repair or storage, or of persons or goods which were being conveyed by such other motor vehicle at the time when it became defective, to that place or any other place;
 - (f) the conveyance by a person by means of his own motor vehicle of persons for the benefit of another person, or of goods belonging to another person, as a consideration for a similar reciprocal conveyance, performed or to be performed by such other person, where the conveyance, if done by either party by means of his own motor vehicle, for his own benefit and in respect of his own goods, would not constitute motor carrier transportation;
 - (g) the conveyance in the course of any industry, trade or business of not more than seven persons (including the driver) and their personal effects, by means of a motor vehicle designed primarily for the conveyance of not more than seven persons (including the driver) and their personal effects, if no reward is received for such conveyance;
 - (h) the conveyance by a person in the course of his profession, trade or occupation of documents, books, plans, instruments, tools, materials or other goods appertaining to that profession, trade or occupation, by means of a motor vehicle, if the goods so conveyed are not for sale or for delivery in pursuance of sale or for exhibition with a view to sale, but are needed for use by the conveyor in the carrying out of the functions or work in respect of which the

- (ii) vanaf 'n plek waar hulle in verband met sy boerdery werkzaam is of was na 'n ander plek waar hy hulle in verband met sy boerdery nodig het of waar 'n ander boer hulle in verband met sy boerdery nodig het of na die plek waar hulle gewerf is; of
- (iii) tussen 'n plek waar hulle aldus werkzaam was of in die werk gestel staan te word en die gerieflikste spoorwegstasie vir hul vervoer na 'n ander plek waarheen hulle per spoor vervoer staan te word of na die plek waar hulle aldus in die werk gestel staan te word; of
- (iv) tussen 'n plek waar hulle gewerf is en die gerieflikste spoorwegstasie vir hul vervoer na 'n ander plek waarheen hulle per spoor vervoer staan te word; en by die toepassing van hierdie paragraaf word arbeiders in diens van 'n koöperatiewe vereniging, as sodanig kragtens die wet op koöperatiewe verenigings geregistreer, waarvan so 'n boer 'n lid is, of bandiete soos in artikel *twee* van die 'Wet op Gevangenissen en Verbetergestichten, 1911' (Wet No. 13 van 1911) omskryf, wat by so 'n boer in verband met sy boerdery werkzaam is of was of in die werk staan gestel te word, geag so 'n boer se eie plaasarbeiders te wees;
- (c) enige vervoer (uitgesonderd die vervoer van persone of goedere teen vergoeding) deur 'n plaaslike bestuur deur middel van 'n motorvoertuig wat aan daardie plaaslike bestuur behoort, binne sy reggebied, en tussen daardie gebied en enige ander gebied wat deur daardie plaaslike bestuur beheer word of waarin hy een of ander openbare diens lewer of een of ander onderneming dryf;
- (d) die vervoer deur middel van 'n motorvoertuig, van 'n pasiënt na 'n plek waar hy behandeling gaan ontvang of vanaf 'n plek waar hy behandeling ontvang het;
- (e) die vervoer deur middel van 'n motorvoertuig, van 'n ander motorvoertuig wat onklaar geraak het na een of ander plek vir die herstel of bewaring daarvan, of van persone of goedere wat met daardie ander motorvoertuig onderweg was toe dit onklaar geraak het, na daardie plek of enige ander plek;
- (f) die vervoer deur iemand deur middel van sy eie motorvoertuig van persone ten voordele van iemand anders, of van goedere wat aan iemand anders behoort, as teenprestasie vir dergelyke wederkerige vervoer deur so iemand anders verrig of verrig te word, waar die vervoer, indien dit deur enigeen van die partye deur middel van sy eie motorvoertuig vir sy eie voordeel en ten opsigte van sy eie goedere geskied, nie motortransport sou wees nie;
- (g) die vervoer in die loop van 'n bedryf, handel of besigheid, van hoogstens sewe persone (met inbegrip van die bestuurder) en hul persoonlike besittings, deur middel van 'n motorvoertuig wat eintlik vir die vervoer van hoogstens sewe persone (met inbegrip van die bestuurder) en hul persoonlike besittings ingerig is, indien vir die vervoer geen vergoeding ontvang word nie;
- (h) die vervoer deur iemand in die loop van sy beroep, besigheid of bedryf, deur middel van 'n motorvoertuig, van dokumente, boeke, planne, instrumente, gereedskap, materiaal of ander goedere wat by daardie beroep, besigheid of bedryf behoort, indien die aldus vervoerde goedere nie vir verkoop of vir aflewering ingevalg 'n verkoping of vir tentoonstelling met die oog op verkoop bestem is nie, maar deur die vervoerder benodig word vir gebruik by die verrigting van die werkzaamhede of werk in verband

journey is undertaken and if the motor vehicle used is designed primarily for the conveyance of not more than seven persons (including the driver) and their personal effects;

- (i) the conveyance, in connection with the performance of his duties, by an employee of the Government or a State-aided body or a local authority, by means of a motor vehicle belonging to such employee and used by him in the performance of those duties, of any person in respect of whose conveyance that employee is entitled to receive any reward from the Government or such State-aided body or local authority;
- (j) the conveyance of school children between their residence and the school which they attend;
- (k) the conveyance for reward, on an organized motor tour, of *bona fide* tourists from any State or Territory in Africa, by means of a motor vehicle designed for the conveyance of passengers and their personal effects and registered and used in accordance with the relevant law in force in the State or Territory concerned for the conveyance of passengers for reward in such State or Territory, if such conveyance is undertaken in accordance with an agreement which has been entered into between the Government of the Union and the Government of such State or Territory;
- (l) the conveyance of any coffin or corpse; or
- (m) the conveyance of any person who must necessarily be conveyed in connection with any conveyance, whether of persons or of goods, which in terms of the preceding paragraphs does not constitute motor carrier transportation;".

Substitution of section 3 of Act 39 of 1930, as amended by section 3 of Act 31 of 1932 and section 2 of Act 15 of 1941.

2. (1) The following section is hereby substituted for section three of the principal Act:

Establishment of local boards. 3. (1) For each local transportation area there shall be established a local road transportation board.

(2) A local board shall consist of a chairman and two other members who shall be appointed by the Minister and who shall be persons who possess wide experience of and have shewn ability in transport, industrial, commercial or financial matters or in the conduct of public affairs.

(3) Of the members of a local board other than the chairman—

- (a) one shall be a person appointed by the Minister after consultation with the Administrator of the province in which the local transportation area in question, or the greater part of such area, is situated; and
- (b) one shall be a person appointed by the Minister after consultation with the councils of such municipalities within that area as have populations of not less than twenty thousand persons, or, if there is no such municipality within such area, a person selected by the Minister from amongst persons who in his opinion possess a thorough knowledge of the transportation requirements of such area.

(4) The chairman of any local board may also be the chairman of any other local board, and whenever the chairman of any local board or any person appointed under sub-section (7) to act in the stead of such chairman, is unable to attend any meeting of that local board, such chairman or person may designate any other member of that local board, not being an advisory member, but including any member appointed under the said sub-section, to act as chairman at that meeting.

(5) The Minister may appoint any person possessing special knowledge of road transporta-

waarmee die rit onderneem word, en indien die motorvoertuig wat gebruik word eintlik vir die vervoer van hoogstens sewe persone (met inbegrip van die bestuurder) en hul persoonlike besittings ingerig is;

- (i) die vervoer deur 'n werknemer van die Regering of 'n Staatsondersteunde liggaaam of 'n plaaslike bestuur in verband met die verrigting van sy pligte, deur middel van 'n motorvoertuig wat aan bedoelde werknemer behoort en deur hom by die verrigting van daardie pligte gebruik word, van enigiemand ten opsigte van wie se vervoer daardie werknemer geregtig is om van die Regering of bedoelde Staatsondersteunde liggaaam of plaaslike bestuur vergoeding te ontvang;
- (j) die vervoer van skoolkinders tussen hul verblyfplek en die skool wat hulle bywoon;
- (k) die vervoer teen vergoeding, op 'n georganiseerde motortoer, van *bona fide* toeriste van 'n Staat of gebied in Afrika, deur middel van 'n motorvoertuig wat vir die vervoer van passasiers en hul persoonlike besittings ingerig is, en in ooreenstemming met die toepaslike in die betrokke Staat of gebied geldende wet vir die vervoer van passasiers teen vergoeding in daardie Staat of gebied geregistreer is en gebruik word, indien sodanige vervoer onderneem word volgens 'n ooreenkoms wat tussen die Unie-regering en die Regering van daardie Staat of gebied aangegaan is;
- (l) die vervoer van 'n dookis of lyk; of
- (m) die vervoer van iemand wat noodwendig vervoer moet word in verband met enige vervoer, hetsy van persone of van goedere, wat uit hoofde van voorgaande paragrawe nie motortransport is nie;".

2. (1) Artikel *drie* van die Hoofwet word hiermee deur die volgende artikel vervang:

„Instelling van plaaslike rade. 3. (1) Vir elke plaaslike transportgebied word daar 'n plaaslike padvervoerraad ingestel.

Vervanging van artikel 3 van Wet 39 van 1930, soos gewysig deur artikel 3 van Wet 31 van 1932 en artikel 2 van Wet 15 van 1941.

(2) 'n Plaaslike raad bestaan uit 'n voorsitter en twee ander lede wat deur die Minister aangestel word en persone moet wees wat wye ondervinding het van, en bekwaamheid aan die dag gelê het in verband met, die vervoerwese of nywerheids-, handels- of finansiële aangeleenthede of die bestuur van openbare sake.

(3) Van die lede van die plaaslike raad uitgesonder die voorsitter—

- (a) moet een 'n persoon wees wat deur die Minister aangestel word na oorlegpleging met die Administrateur van die provinsie waarin die betrokke plaaslike transportgebied, of die grootste gedeelte van daardie gebied, geleë is; en
- (b) moet een 'n persoon wees wat deur die Minister aangestel word na oorlegpleging met die rade van munisipaliteite binne daardie gebied wat bevolkings van minstens twintigduisend persone het, of, as daar nie so 'n munisipaliteit binne daardie gebied is nie, iemand deur die Minister gekies uit persone wat volgens sy oordeel grondige kennis van die vervoerbehoeftes van daardie gebied het.

(4) Die voorsitter van 'n plaaslike raad kan ook die voorsitter van 'n ander plaaslike raad wees, en wanneer die voorsitter van 'n plaaslike raad, of 'n persoon wat kragtens sub-artikel (7) aangestel is om in die plek van bedoelde voorsitter op te tree, nie in staat is om 'n vergadering van daardie plaaslike raad by te woon nie, kan bedoelde voorsitter of persoon 'n ander lid van daardie raad, uitgesonderd 'n adviserende lid, maar met inbegrip van 'n lid kragtens genoemde sub-artikel aangestel, aanwys om op daardie vergadering as voorsitter op te tree.

(5) Die Minister kan iemand wat besondere kennis van padvervoer, padaanleg of die reëling

tion, road construction or road traffic regulation as an advisory member of a local board, and any person so appointed shall have the right to attend and take part in the proceedings at any meeting of the local board concerned, but shall not have the right to vote thereat.

(6) A member of a local board, including any advisory member, who is in the full-time employment of the State, shall hold office during the Minister's pleasure, and any other member of such a board shall be appointed for such a period not exceeding five years, and shall, subject to the provisions of this Act, hold office upon such conditions as to remuneration and otherwise, as the Minister may, in consultation with the Minister of Finance, determine when such member is appointed: Provided that different periods or conditions may be determined in respect of the members of different local boards or in respect of different members of any local board.

(7) Whenever a member of a local board vacates his office or is removed therefrom or is temporarily unable to perform his functions as such, the Minister may appoint any person whom he considers suitable to act in the stead of such member for such a period, not exceeding twelve months, as the Minister may deem necessary, and any such appointment shall, in the case of a person who is not in the full-time employment of the State, be subject to such conditions as to remuneration and otherwise, as the Minister may, in consultation with the Minister of Finance, determine.

(8) A person appointed under sub-section (7) to act in the stead of the holder of the office of chairman of one or more local boards, shall be deemed to have been appointed to act as chairman of such of those local boards as may be specified by the Minister when the appointment is made.

(9) A person whose period of office as a member of a local board has expired, shall be eligible for reappointment.

(10) The Minister shall, save in the case of an appointment under sub-section (7), consult the Board before making any appointment under this section.”.

(2) Any member of a local board holding office at the commencement of this Act, shall be deemed to have been appointed as a member of that local board in terms of section three of the principal Act as substituted by sub-section (1) of this section.

Repeal of section 3A of Act 39 of 1930, as inserted by section 4 of Act 31 of 1932.

Substitution of section 4 of Act 39 of 1930, as substituted by section 3 of Act 15 of 1941.

3. Section three A of the principal Act is hereby repealed.

4. The following sections are hereby substituted for section four of the principal Act:

“Disqualifications for appointment and termination of office of members of local boards.

4. (1) No person shall be appointed as a member or an advisory member of a local board—
 (a) if he is an unrehabilitated insolvent; or
 (b) if he has been convicted of an offence and sentenced to imprisonment without the option of a fine; or
 (c) if he is a servant of the Administration; or
 (d) if he or any of his near relations is financially interested in any business of motor carrier transportation or is engaged in any activity connected with motor carrier transportation which, in the opinion of the Minister, is calculated to interfere with the impartial discharge by the member of the duties of his office.

(2) A member of a local board (including any advisory member) shall vacate his office—

(a) if he becomes subject to any of the disqualifications for appointment mentioned in sub-section (1);

van padverkeer het, as 'n adviserende lid van 'n plaaslike raad aanstel, en 'n aldus aangestelde persoon het die reg om enige vergadering van die betrokke plaaslike raad by te woon en aan die verrigtings aldaar deel te neem, maar het nie die reg om daarop 'n stem uit te bring nie.

(6) 'n Lid van 'n plaaslike raad (en ook 'n adviserende lid) wat in die voltydse diens van die Staat is, beklee sy amp solank dit die Minister behaag, en enige ander lid van so 'n raad word aangestel vir so 'n tydperk (maar hoogstens vyf jaar) en beklee, behoudens die bepalings van hierdie Wet, sy amp op sodanige voorwaardes, wat betref besoldiging en andersins, as wat die Minister in oorlegpleging met die Minister van Finansies mag bepaal wanneer daardie lid aangestel word: Met dien verstande dat verskillende tydperke of voorwaardes ten opsigte van die lede van verskillende plaaslike rade of ten opsigte van verskillende lede van enige plaaslike raad bepaal kan word.

(7) Wanneer 'n lid van 'n plaaslike raad sy amp ontruim of daaruit verwijder word of tydelik nie in staat is om sy pligte as sodanig uit te voer nie, kan die Minister iemand wat hy geskik ag, aanstel om in die plek van daardie lid op te tree vir so 'n tydperk (maar hoogstens twaalf maande) as wat die Minister nodig ag, en so 'n aanstelling is, in die geval van iemand wat nie in die voltydse diens van die Staat is nie, onderworpe aan sodanige voorwaardes wat betref besoldiging en andersins as wat die Minister in oorlegpleging met die Minister van Finansies mag bepaal.

(8) Iemand wat kragtens sub-artikel (7) aangestel word om in die plek van die houer van die amp van voorsitter van een of meer plaaslike rade op te tree, word geag aangestel te gewees het om as voorsitter op te tree van sodanige van daardie plaaslike rade as wat die Minister mag aanwys wanneer die aanstelling geskied.

(9) Iemand wie se ampstermyne as lid van 'n plaaslike raad verstryk het, kan weer aangestel word.

(10) Die Minister moet, behalwe in die geval van 'n aanstelling kragtens sub-artikel (7), met die Raad oorleg pleeg voordat hy 'n aanstelling kragtens hierdie artikel maak."

(2) 'n Lid van 'n plaaslike raad wat die amp by die inwerkingtreding van hierdie Wet beklee, word geag kragtens artikel *drie* van die Hoofwet, soos deur sub-artikel (1) van hierdie artikel vervang, as 'n lid van daardie raad aangestel te gewees het.

3. Artikel *drie A* van die Hoofwet word hiermee herroep.

Herroeping van artikel 3A van Wet 39 van 1930, soos ingevoeg deur artikel 4 van Wet 31 van 1932.

4. Artikel *vier* van die Hoofwet word hiermee deur die volgende artikels vervang:

"Onbevoegdhede vir aanstelling en beëindiging van ampsduur van lede van plaaslike rade.

4. (1) Niemand word as lid of adviserende lid van 'n plaaslike raad aangestel nie—
 - (a) indien hy 'n ongerehabiliteerde insolvent is; of
 - (b) indien hy weens 'n misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete veroordeel is; of
 - (c) indien hy 'n dienaar van die Administrasie is; of
 - (d) indien hy of enigeen van sy naverwante familiebetrekings geldelike belang het by een of ander motortransportbesigheid of hom besig hou met een of ander bedrywigheid verbonde aan motortransport wat volgens die Minister se oordeel bereken is om die lid by die onpartydige uitvoering van sy ampspligte te belemmer.

Vervanging van artikel 4 van Wet 39 van 1930, soos vervang deur artikel 3 van Wet 15 van 1941.

- (2) 'n Lid van 'n plaaslike raad (met inbegrip van 'n adviserende lid) ontruim sy amp—
 - (a) indien hy aan 'n in sub-artikel (1) genoemde onbevoegdheid vir aanstelling onderhewig word;

(b) if he dies or is removed from office under sub-section (3) or resigns by notice in writing addressed to the Minister.

(3) The Minister may remove from his office any member of a local board (including any advisory member)—

(a) who has failed to comply with a condition of his appointment; or

(b) who has, in the opinion of the Minister, been guilty of improper conduct or habitually neglected his duties as a member of the local board; or

(c) who is, in the opinion of the Minister, unable to perform efficiently his duties as a member of the local board.

(4) No act, direction or decision of a local board shall be held to be invalid by reason only of the fact that a person disqualified under sub-section (1) from being a member of such board was a member thereof when such act was performed or such direction or decision was given, whether or not such person's concurrence was necessary to the performance of that act or the giving of that direction or decision.

**Quorum for
and voting
at meetings
of local
boards.**

4bis. (1) Two members of a local board (excluding advisory members) shall form a quorum for any meeting of such board.

(2) The decision of any two members (other than advisory members) of a local board present at any meeting thereof, shall constitute a decision of such board.”.

**Amendment of
section 5 of Act 39
of 1930, as
amended by section
6 of Act 31 of
1932, section 4 of
Act 15 of 1941,
section 6 of Act 26
of 1945 and section
1 of Act 44 of
1948.**

5. Section five of the principal Act is hereby amended—

(a) by the insertion in paragraph (c) of sub-section (1) after the word “amendment” of the words “or transfer”;

(b) by the insertion in paragraph (d) of sub-section (1) after the word “conditions” of the words “or requirements”;

(c) by the insertion after paragraph (d) of sub-section (1) of the following paragraphs:

“(d)*bis.* in its discretion to suspend or cancel any motor carrier certificate, other than a certificate authorizing the conveyance of more than seven persons (including the driver), if the circumstances under which such certificate was granted have materially changed;

“(d)*ter.* in its discretion, on the application of the holder of a motor carrier certificate or exemption, or of its own motion, to vary any condition or requirement of such certificate or exemption or to impose or include any further condition or requirement in connection with or in any such certificate or exemption: Provided that, in the case of a certificate authorizing the conveyance of more than seven persons, the Board shall not, of its own motion, vary any condition or requirement or impose or include any further condition or requirement as aforesaid, until any local authority concerned has been consulted in regard to such condition or requirement;”;

(d) by the substitution for the provisos to sub-section (1) of the following proviso:

“Provided that—

(i) a certificate or exemption granted by the Board as aforesaid shall not authorize the holder thereof to carry on motor carrier transportation over any public road or part of a public road within the area of jurisdiction of a city council, borough council or town council, if it is unlawful under any ordinance, regulation or by-law in force in the area in question, or as a result of any action taken by the council concerned under any such ordinance, regulation or by-law, to use that road or part of a road in operating any vehicle or effecting any transportation of the class to which belongs the vehicle or transportation in respect whereof the said certificate or exemption was granted;

(ii) the Board shall, before granting a certificate authorizing the regular conveyance of persons for reward within the area of jurisdiction of

- (b) indien hy sterf of kragtens sub-artikel (3) van sy amp onthef word of bedank by skriftelike kennisgewing aan die Minister gerig.
- (3) Die Minister kan 'n lid (met inbegrip van 'n adviserende lid) van 'n plaaslike raad van sy amp onthef—
 - (a) wat versuim het om aan 'n voorwaarde van sy aanstelling te voldoen; of
 - (b) wat hom volgens die Minister se oordeel aan onbehoorlike gedrag skuldig gemaak het of deurgaans sy pligte as lid van die plaaslike raad verwaarloos het; of
 - (c) wat volgens die Minister se oordeel nie in staat is om sy pligte as lid van die plaaslike raad doeltreffend uit te voer nie.
- (4) Geen handeling, opdrag of besluit van 'n plaaslike raad word ongeldig geag bloot op grond daarvan dat iemand, wat volgens sub-artikel (1) onbevoeg is om lid van so 'n raad te wees, wel 'n lid daarvan was toe daardie handeling verrig of opdrag gegee of besluit geneem is nie, hetsy so iemand se instemming tot die verrigting van daardie handeling of gee van daardie opdrag of neem van daardie besluit nodig was al dan nie.

Kworum vir 4bis. (1) Twee lede (uitgesonderd adviserende lede) van 'n plaaslike raad maak 'n kworum vir 'n vergadering van so 'n raad uit.

(2) Die beslissing van enige twee lede (uitgesonderd adviserende lede) van 'n plaaslike raad wat op 'n vergadering daarvan aanwesig is, maak 'n besluit van so 'n raad uit.”.

5. Artikel vyf van die Hoofwet word hiermee gewysig—

- (a) deur in paragraaf (c) van sub-artikel (1) na die woord „wysiging” die woorde „of oordrag” in te voeg;
- (b) deur in paragraaf (d) van sub-artikel (1) na die woord „voorraades” die woorde „of vereistes” in te voeg;
- (c) deur na paragraaf (d) van sub-artikel (1) die volgende paragrawe in te voeg:
 - „(d)*bis*. om na goeddunke 'n motortransportsertifikaat, met uitsondering van 'n sertifikaat wat die vervoer van meer as sewe persone (met inbegrip van die bestuurder) magtig, te skors of in te trek, indien die omstandighede waaronder daardie sertifikaat verleen was wesentlik verander het;
 - (d)*ter*. om na goeddunke, op aansoek deur die houer van 'n motortransportsertifikaat of vrystelling, of uit eie beweging, 'n voorwaarde of vereiste van so 'n sertifikaat of vrystelling te wysig of 'n verdere voorwaarde of vereiste in verband met of in so 'n sertifikaat of vrystelling op te lê of in te sluit: Met dien verstande dat, in die geval van 'n sertifikaat wat die vervoer van meer as sewe persone magtig, die Raad nie uit eie beweging 'n voorwaarde of vereiste wysig of 'n verdere voorwaarde of vereiste soos voormeld oplê of insluit nie alvorens enige betrokke plaaslike bestuur in verband met sodanige voorwaarde of vereiste geraadpleeg is”;
- (d) deur die voorbehoudsbepalings by sub-artikel (1) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat—

- (i) 'n sertifikaat of vrystelling wat soos voormeld deur die Raad verleen is, nie die houer daarvan magtig om op 'n publieke pad of deel van 'n publieke pad binne die regssgebied van 'n stadsraad motortransport te dryf nie, indien dit ingevolge 'n in die betrokke gebied geldende ordonnansie, regulasie of verordening, of as gevolg van optrede deur die betrokke stadsraad kragtens so 'n ordonnansie, regulasie of verordening, onwettig is om op daardie pad of gedeelte van 'n pad 'n vervoer te bestuur of vervoer te doen van die soort waarby die vervoer of vervoer behoort ten opsigte waarvan gemelde sertifikaat of vrystelling verleen is;
- (ii) die Raad, voordat hy 'n sertifikaat verleen wat die gereelde vervoer van persone teen vergoeding binne die regssgebied van 'n stadsraad

Wysiging van artikel 5 van Wet 39 van 1930, soos gewysig deur artikel 6 van Wet 31 van 1932, artikel 4 van Wet 15 van 1941, artikel 6 van Wet 26 van 1945 en artikel 1 van Wet 44 van 1948.

a city council, borough council or town council, or amending any such certificate by altering the points between which or the route or routes upon which the vehicle to which the certificate relates may be used in motor carrier transportation, consult the council concerned in regard to the points between which and the route or routes upon which the vehicle in question may be so used;

(iii) the Board shall not suspend or cancel any motor carrier certificate or exemption, as aforesaid, or of its own motion vary any condition or requirement of such certificate or exemption, or impose or include any further condition or requirement in connection with or in any certificate or exemption, unless at least twenty-one days' notice of its intention so to do, together with the reasons therefor, has been given to the holder of such certificate or exemption and he has been given an opportunity, either personally or through an attorney, counsel or other duly authorized representative to adduce evidence and submit representations to the Board in opposition thereto.";

and
(e) by the substitution in sub-section (2) for the words "outside a local" of the words "outside that local".

Amendment of section 6 of Act 39 of 1930, as amended by section 7 of Act 31 of 1932 and section 5 of Act 15 of 1941.

6. Section six of the principal Act is hereby amended—

- (a) by the deletion in paragraph (a) of sub-section (1) of the words "outside a local transportation area";
- (b) by the insertion in paragraph (c) of sub-section (1) after the word "amendment" of the words "or transfer";
- (c) by the insertion in paragraph (d) of sub-section (1) after the expression "paragraph (d)" of the expression "or (d)bis";
- (d) by the insertion after paragraph (d) of sub-section (1) of the following paragraph:

"(d)bis. in its discretion on the application of the holder of a motor carrier certificate or exemption, or of its own motion, to vary any condition or requirement of such certificate or exemption, or to impose or include any further condition or requirement in connection with or in any such certificate or exemption: Provided that, in the case of a certificate authorizing the conveyance of more than seven persons, a local board shall not, of its own motion, vary any condition or requirement or impose or include any further condition or requirement as aforesaid, until any local authority concerned has been consulted in regard to such condition or requirement;"

(e) by the deletion in paragraph (e) of sub-section (1) of the words "outside a local transportation area"; and

(f) by the substitution in the proviso to sub-section (1) for the words "both provisos" of the words "the proviso".

Amendment of section 7 of Act 39 of 1930, as amended by section 8 of Act 31 of 1932 and section 6 of Act 15 of 1941.

7. Section seven of the principal Act is hereby amended—

- (a) by the insertion in sub-sections (1), (2) and (5) after the word "certificate" wherever it occurs of the words "or exemption";
- (b) by the addition at the end of paragraph (b) of sub-section (1) of the words "(if issued for a fixed period)";
- (c) by the insertion in paragraph (c) of sub-section (1) after the word "exemption" where it occurs for the first time of the words "or the class or classes of persons whose goods may be so conveyed";
- (d) by the addition at the end of paragraph (d) of sub-section (1) of the words "and provided further that under circumstances other than those aforesaid the Board or a local board may, and a local board shall, if the Board so directs, in writing authorize the substitution of one motor vehicle for another, either by way of an endorsement on any such certificate or exemption or in some other manner";
- (e) by the addition at the end of sub-section (1) of the following paragraph:
"(h) the requirement that the motor vehicle to which the certificate or exemption relates shall bear in a conspicuous place in such manner as may be

magtig, of so 'n sertifikaat wysig deur 'n verandering aan te bring wat betref die punte waartussen of die roete of roetes waaroor die voertuig daarop daardie sertifikaat betrekking het, in verband met motortransport gebruik mag word, die betrokke stadsraad moet raadpleeg aangaande die punte waartussen en die roete of roetes waaroor bedoelde voertuig aldus gebruik mag word;

- (iii) die Raad nie 'n motortransportsertifikaat of vrystelling soos voormeld skors of intrek nie, of uit eie beweging 'n vereiste of voorwaarde van so 'n sertifikaat of vrystelling wysig nie, of verdere vereistes of voorwaardes in so 'n sertifikaat of vrystelling insluit of in verband daarmee oplê nie, tensy minstens een-en-twintig dae vooraf van sy voorneme om sulks te doen tesame met die redes daarvoor aan die houer van daardie sertifikaat of vrystelling kennis gegee is en aan hom 'n geleentheid toegestaan is om, hetsy persoonlik of deur 'n prokureur, advokaat of ander behoorlik gemagtigde verteenwoordiger, daarteen getuienis aan te voer en aan die Raad vertoë te rig;"; en
- (e) deur in sub-artikel (2) die woorde „buite 'n plaaslike" deur die woorde „buite daardie plaaslike" te vervang.

6. Artikel ses van die Hoofwet word hiermee gewysig—

- (a) deur in paragraaf (a) van sub-artikel (1) die woorde „buite 'n plaaslike transportgebied" te skrap;
- (b) deur in paragraaf (c) van sub-artikel (1) na die woorde „wysiging" die woorde „of oordrag" in te voeg;
- (c) deur in paragraaf (d) van sub-artikel (1) na die uitdrukking „paragraaf (d)" die uitdrukking „of (d)bis" in te voeg;
- (d) deur na paragraaf (d) van sub-artikel (1) die volgende paragraaf in te voeg:
„(d)bis. om na goeddunke op aansoek deur die houer van 'n motortransportsertifikaat of vrystelling, of uit eie beweging, 'n voorwaarde of vereiste van so 'n sertifikaat of vrystelling te wysig of 'n verdere voorwaarde of vereiste in so 'n sertifikaat of vrystelling in te sluit of in verband daarmee op te lê: Met dien verstande dat, in die geval van 'n sertifikaat wat die vervoer van meer as sewe persone magtig, 'n plaaslike raad nie uit eie beweging 'n voorwaarde of vereiste wysig of 'n verdere voorwaarde of vereiste soos voormeld oplê of insluit nie alvorens enige betrokke plaaslike bestuur in verband met sodanige voorwaarde of vereiste geraadpleeg is;";
- (e) deur in paragraaf (e) van sub-artikel (1) die woorde „buite 'n plaaslike transportgebied" te skrap; en
- (f) deur in die voorbehoudsbepaling by sub-artikel (1) die woorde „albei voorbehoudsbepalings" deur die woorde „die voorbehoudsbepaling" te vervang.

7. Artikel sewe van die Hoofwet word hiermee gewysig—

- (a) deur in sub-artikel (1) na die woorde „motortransportsertifikaat" en in daardie sub-artikel en sub-artikels (2) en (5) na die woorde „sertifikaat" orals waar dit voorkom die woorde „of vrystelling" in te voeg;
- (b) deur aan die end van paragraaf (b) van sub-artikel (1) die woorde „(indien vir 'n vasgestelde tydperk uitgereik)" by te voeg;
- (c) deur in paragraaf (c) van sub-artikel (1) na die woorde „word" die woorde „of die kategorie of kategorieë van persone wie se goedere aldus vervoer mag word" in te voeg;
- (d) deur aan die end van paragraaf (d) van sub-artikel (1) die woorde „en met dien verstande voorts dat onder ander omstandighede as voormeld die Raad of 'n plaaslike raad of by wyse van endossement op so 'n sertifikaat of vrystelling of op 'n ander wyse skriftelik magtiging kan verleen om een motorvoertuig deur 'n ander te vervang, en 'n plaaslike raad aldus magtiging moet verleen indien die Raad dit gelas;";
- (e) deur aan die end van sub-artikel (1) die volgende paragraaf by te voeg:
„(h) die vereiste dat die naam, adres en aard van die besigheid van die houer van daardie sertifikaat of vrystelling op 'n in die ooglopende plek

Wysiging van artikel 6 van Wet 39 van 1930, soos gewysig deur artikel 7 van Wet 31 van 1932 en artikel 5 van Wet 15 van 1941.

Wysiging van artikel 7 van Wet 39 van 1930, soos gewysig deur artikel 8 van Wet 31 van 1932 en artikel 6 van Wet 15 van 1941.

prescribed by regulation, the name, address and nature of the business of the holder of such certificate or exemption, except in the case of a certificate or exemption issued in respect of such classes of motor carrier transportation as the Board or local board concerned may in its discretion determine, or in respect of a motor vehicle which in the opinion of the Board or the local board concerned already bears in some other manner sufficient written information thereon to indicate clearly the name, address and nature of the business of the holder of such certificate or exemption.”;

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

“(1)*bis*. Notwithstanding the provisions of paragraph (i) of the proviso to sub-section (1) of section *five* or sub-section (4) of section *thirteen* or section *twenty*, the Board or a local board may, in any motor carrier certificate issued by it for the conveyance of more than one class of persons, and a local board shall, if the Board so directs, in any such certificate issued by that local board, specify the portion or portions of the motor vehicle to which that certificate relates which shall be set aside for the conveyance of any such class or classes of persons and the form and manner in which the holder of that certificate shall display on such motor vehicle a notice specifying the portion or portions so set aside, and the conditions on which the holder thereof or his servant acting on his authority may, if authorized thereto in terms of such certificate, vary any portion so set aside: Provided that no such portion shall be specified and no such condition shall be prescribed in a certificate issued in respect of a motor vehicle which will in terms of that certificate operate regularly within the area of a local authority except after consultation with that local authority.”;

- (g) by the substitution in paragraph (b) of sub-section (2) for the word “scale” of the word “scales” and the insertion in that paragraph before the words “as accepted” of the words “which may in the discretion of the Board or the local board concerned differ in respect of different classes of persons”;

- (h) by the substitution for sub-section (3) of the following sub-section:

“(3) The Board or a local board may issue a motor carrier certificate or exemption for an indefinite period or for such fixed period as it may determine, and may in its discretion from time to time renew any motor carrier certificate or exemption which has been issued for a fixed period.”; and

- (i) by the substitution in the proviso to sub-section (4) for the word “permit” of the words “certificate or exemption”.

**Insertion of section
7bis in Act 39 of
1930.**

8. The following section is hereby inserted in the principal Act after section seven:

**“Convey-
ance of
more than
one class of
persons by
a trolley
bus service
or a tram-
way service.**

7bis. (1) The Board may serve on any person who operates a trolley bus service or a tramway service for the conveyance of more than one class of persons, and a local board may, and, if the Board so directs, shall, serve on any person who operates any such service within the area for which that local board has been appointed, an order specifying in respect of any vehicle used in operating that service—

- (a) the name of the person on whom the order is served and particulars of the vehicle to which it relates, and of the class or classes of persons who may be conveyed by means of that vehicle;
- (b) the points between which and the route or routes upon which or the area or areas within which that vehicle may be used for such conveyance;
- (c) the portion or portions of that vehicle which shall be set aside for the conveyance of any class or classes of persons, and the form and manner in which such person shall display

en op die wyse by regulasie voorgeskryf, moet verskyn op die motorvoertuig waarop die sertifikaat of vrystelling betrekking het, behalwe in die geval van 'n sertifikaat of vrystelling uitgereik ten opsigte van die klasse motortransport wat die Raad of betrokke plaaslike raad na goeddunke bepaal, of ten opsigte van 'n motorvoertuig waarop daar volgens die Raad of betrokke plaaslike raad se oordeel reeds op ander wyse voldoende skriftelike inligting verskyn wat die naam, adres en aard van die besigheid van die houer van daardie sertifikaat of vrystelling duidelik aantoon.”;

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

„(1)*bis*. Ondanks die bepalings van paragraaf (i) van die voorbehoudsbepaling by sub-artikel (1) van artikel vyf of sub-artikel (4) van artikel *dertien* of artikel *twintig*, kan die Raad of 'n plaaslike raad, in 'n motortransportsertifikaat vir die vervoer van meer as een kategorie van persone deur hom uitgereik, en moet 'n plaaslike raad, indien die Raad dit gelas, in so 'n sertifikaat deur daardie plaaslike raad uitgereik, vermeld watter gedeeltes of gedeeltes van die motorvoertuig waarop daardie sertifikaat betrekking het, vir die vervoer van enige sodanige kategorie of kategorieë van persone afgesonder moet word, en die vorm waarin en wyse waarop die houer van daardie sertifikaat op bedoelde motorvoertuig 'n kennisgewing moet tentoonstel waarin die aldus afgesonderde gedeelte of gedeeltes aangetoon word, asook die voorwaardes waarop die houer daarvan, of sy dienaar wat op sy gesag handel, indien volgens bedoelde sertifikaat daartoe gemagtig, veranderings wat betref die gedeeltes aldus afgesonder kan aanbring: Met dien verstande dat in 'n sertifikaat uitgereik ten opsigte van 'n motorvoertuig wat volgens daardie sertifikaat gereeld binne die gebied van 'n plaaslike bestuur sal diens doen, so 'n gedeelte nie vermeld en so 'n voorwaarde nie voorgeskryf word nie, behalwe na oorlegpleging met daardie plaaslike bestuur.”;

- (g) deur in paragraaf (b) van sub-artikel (2) die woord „vervoertariefl“ deur die woord „vervoertariefe“ te vervang en na die woord „bepaal“ die woorde „en wat na goeddunke van die Raad of die betrokke plaaslike raad ten opsigte van verskillende kategorieë van persone verskillend kan wees“ in te voeg;

- (h) deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Die Raad of 'n plaaslike raad kan 'n motortransportsertifikaat of vrystelling uitreik vir 'n onbepaalde tydperk of vir so 'n vasgestelde tydperk as wat hy mag bepaal, en kan na goeddunke van tyd tot tyd 'n motortransportsertifikaat of vrystelling wat vir 'n vasgestelde tydperk uitgereik is, hernu.”; en

- (i) deur in die voorbehoudsbepaling by sub-artikel (4) die woord „permit“ deur die woorde „sertifikaat of vrystelling“ te vervang.

8. Die volgende artikel word hiermee na artikel *sewe* in die Hoofwet ingevoeg:

„Vervoer van meer as een kategorie van persone deur middel van 'n trembusdiens of tremdiens.

Invoeging van artikel 7*bis* in Wet 39 van 1930.

7*bis*. (1) Die Raad kan aan iemand wat 'n trembusdiens of 'n tremdiens vir die vervoer van meer as een kategorie van persone dryf, en 'n plaaslike raad kan, en moet, as die Raad dit gelas, aan iemand wat so 'n diens dryf binne die gebied waarvoor daardie plaaslike raad aangestel is, 'n bevel besorg waarin ten opsigte van enige voertuig by die dryf van daardie diens gebruik, vermeld word—

(a) die naam van die persoon aan wie die bevel besorg word en besonderhede van die voertuig waarop dit betrekking het, en van die kategorie of kategorieë van persone wat deur middel van daardie voertuig vervoer mag word;

(b) die plekke waartussen en die roete of roetes waarop of die gebied of gebiede waarin daardie voertuig vir sodanige vervoer gebruik mag word;

(c) die gedeelte of gedeeltes van daardie voertuig wat vir die vervoer van enige kategorie of kategorieë van persone afgesonder moet word, en die vorm waarin en wyse waarop so iemand

on that vehicle a notice specifying the portion or portions so set aside and the conditions on which such person or his servant acting on his authority may, if authorized thereto in terms of such order, vary any portion so set aside;

- (d) the requirement that such order shall be carried on that vehicle or on any vehicle substituted therefor in terms of the proviso to paragraph (d) of sub-section (1) of section *seven*, as applied by sub-section (2) of this section, and shall be produced on demand by an authorized officer;
- (e) the requirement that such order shall be kept in such a condition that all letters and figures thereon remain clearly legible and that, if the order is damaged or ceases to be clearly legible, the person to whom it is issued shall forthwith obtain a duplicate from the body which issued it,

and the Board or a local board may at any time, and a local board shall, whenever the Board so directs, by notice in writing to the person concerned, withdraw any such order served by it on that person or amend that order in such manner as it may deem fit or (in the case of an amendment which the Board directs a local board to make) as the Board may direct: Provided that no such order relating to a vehicle operated within the area of jurisdiction of a local authority shall be so served or withdrawn or amended in any material respect except after consultation with that local authority.

(2) The provisions of this Act, other than the provisions of paragraph (i) of the proviso to sub-section (1) of section *five*, sub-section (4) of section *thirteen* and section *twenty*, shall apply *mutatis mutandis* with reference to any matter specified in an order served on any person under sub-section (1) as if that order were a motor carrier certificate issued in favour of that person under this Act in respect of the vehicle in question and as if that vehicle were a motor vehicle, but no fee shall be payable in respect of any such order by the person on whom it is served.”.

Amendment of
section 9 of Act 39
of 1930, as
amended by section
10 of Act 31 of
1932, section 8 of
Act 15 of 1941
and section 1 of
Act 50 of 1949.

9. (1) Section *nine* of the principal Act is hereby amended—

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

“(1)*bis*. Whenever the holder of a certificate referred to in sub-section (1) is charged with having in contravention of the provisions of that sub-section, conveyed by means of the motor vehicle to which that certificate relates, any person whom he is not in terms of that certificate authorized to convey or by virtue of any law obliged to convey, or with having in contravention of the said sub-section conveyed in any portion of the motor vehicle to which that certificate relates, any person who is not a member of a class of persons for the conveyance of whom that portion has in terms of that certificate been required to be set aside, it shall be a defence to the charge to prove that—

- (a) the person so conveyed entered that vehicle or that portion of the said vehicle, as the case may be, without the knowledge of or in spite of objection by the conductor or other person in charge of such vehicle, and refused or failed on being requested thereto by such conductor or other person to leave that vehicle or that portion of the said vehicle, as the case may be, and that such conductor or other person reported the circumstances together with the name and address of the person so conveyed or,

op daardie voertuig 'n kennisgewing wat die aldus afgesonderde gedeelte of gedeeltes vermeld, moet tentoonstel, en die voorwaardes waarop so iemand of sy dienaar wat op sy gesag handel, indien ingevolge die bevel daartoe gemagtig, 'n verandering wat betref 'n aldus afgesonderde gedeelte kan aanbring;

- (d) die vereiste dat bedoelde bevel op daardie voertuig of op enige voertuig wat ingevolge die voorbehoudsbepaling by paragraaf (d) van sub-artikel (1) van artikel *sewe*, soos deur sub-artikel (2) van hierdie artikel toegepas, in die plek daarvan gestel is, vervoer moet word en op aanvraag deur 'n gemagtigde amptenaar oorgelê moet word;
- (e) die vereiste dat bedoelde bevel in so 'n toestand gehou moet word dat alle letters en syfers daarop duidelik leesbaar bly, en dat, indien die bevel beskadig word of ophou om duidelik leesbaar te wees die persoon aan wie dit uitgereik word onverwyld 'n duplikaat moet verkry van die liggaaam wat dit uitgereik het,

en die Raad of 'n plaaslike raad kan te eniger tyd, en 'n plaaslike raad moet, wanneer die Raad dit gelas, by skriftelike kennisgewing aan die betrokke persoon, so 'n deur hom aan daardie persoon besorgde bevel intrek of daardie bevel wysig op die wyse wat hy goedvind of (in die geval van 'n wysiging wat die Raad 'n plaaslike raad gelas om aan te bring) wat die Raad gelas: Met dien verstande dat so 'n bevel met betrekking tot 'n voertuig binne die regssgebied van 'n plaaslike bestuur in diens gestel nie aldus besorg of ingetrek of in 'n wesentlike oopsig gewysig word nie behalwe na oorlegpleging met daardie plaaslike bestuur.

(2) Die bepalings van hierdie Wet, uitgesonderd die bepalings van paragraaf (i) van die voorbehoudsbepaling by sub-artikel (1) van artikel *vyf*, sub-artikel (4) van artikel *dertien* en artikel *twintig* is *mutatis mutandis* van toepassing met betrekking tot 'n aangeleentheid vermeld in 'n bevel wat kragtens sub-artikel (1) aan iemand besorg is, asof daardie bevel 'n motortransportsertifikaat was wat ingevolge hierdie Wet ten oopsigte van die betrokke voertuig ten gunste van daardie persoon uitgereik was en asof daardie voertuig 'n motorvoertuig was, maar geen gelde is ten oopsigte van so 'n bevel deur die persoon aan wie dit besorg word, betaalbaar nie."

9. (1) Artikel *nege* van die Hoofwet word hiermee Wysiging van artikel 9 van Wet 39 van 1930, soos gewysig deur artikel 10 van Wet 31 van 1932, artikel 8 van Wet 15 van 1941 en artikel 1 van Wet 50 van 1949.

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

"(1)*bis*. Wanneer die houer van 'n in sub-artikel (1) bedoelde sertifikaat daarvan aangekla word dat hy, in stryd met die bepalings van daardie sub-artikel, deur middel van die motorvoertuig waarop daardie sertifikaat betrekking het, iemand vervoer het wat hy nie volgens daardie sertifikaat gemagtig of uit hoofde van een of ander wet verplig is om te vervoer nie, of dat hy, in stryd met bedoelde sub-artikel, in 'n gedeelte van die motorvoertuig waarop daardie sertifikaat betrekking het, iemand vervoer het wat nie lid is nie van 'n kategorie van persone vir die vervoer van wie daardie gedeelte volgens voorskrif van daardie sertifikaat afgesonder moes geword het, is dit 'n verweer teen die aanklag om te bewys dat—

- (a) die persoon wat aldus vervoer is daardie voertuig of, al na die geval, bedoelde gedeelte van daardie voertuig betree het sonder die wete of ondanks beswaar deur die kondukteur of ander persoon belas met die toesig oor daardie voertuig, en geweier of in gebreke gebly het om ingevolge die versoek van bedoelde kondukteur of ander persoon daardie voertuig of, al na die geval, bedoelde gedeelte van daardie voertuig te verlaat, en dat bedoelde kondukteur of ander persoon by die eerste redelike geleentheid die omstandighede tesame met die naam en adres van die persoon wat aldus vervoer is of, indien

if that person refused on demand to furnish his name or address, a statement to that effect, to a police officer at the first reasonable opportunity; or

- (b) such conductor or other person could not reasonably have known that the person so conveyed was not a member of a class of persons whose conveyance in that vehicle or in that portion of the said vehicle, as the case may be, was authorized in terms of that certificate.

(1)ter. No action shall lie against the holder of a certificate referred to in sub-section (1) or the conductor or other person in charge of the motor vehicle to which such certificate relates in respect of anything done by him in good faith in order to give effect to any condition or requirement contained in that certificate relating to the conveyance in such vehicle or any portion thereof of a particular class of persons.”;

- (b) by the substitution in paragraph (f) of sub-section (2) for the word “rail” of the words “railway, tramway or trolley bus service”;

- (c) by the deletion of paragraph (g) of sub-section (2);

- (d) by the substitution for paragraph (a) of sub-section (3) of the following paragraph:

“(a) for the conveyance of goods within any area defined by regulation—

(i) by their seller for delivery to their purchaser or by their owner to a place where he intends to sell them or to store them for sale, by means of a motor vehicle belonging to the owner of such goods, if the Board or the local board concerned is satisfied that the major portion of the price charged or to be charged for such goods is not attributable to the conveyance of those goods; or

(ii) by their purchaser on their removal from the place where he purchased them, by means of a motor vehicle belonging to such purchaser, except where in the case of goods which have been resold or are intended for resale, the Board or the local board concerned is satisfied that the major portion of the price charged or to be charged for such goods is not attributable to the conveyance of those goods; or

(iii) by their owner to any place where he intends to use them or to store them otherwise than for the purpose of sale, by means of a motor vehicle belonging to the owner of such goods; or

(iv) by any person to any place where he or some other person intends to exhibit them, by means of a motor vehicle belonging to the owner of such goods or to the person conveying them if such goods are not intended for sale or for delivery in pursuance of a sale; or ”;

- (e) by the substitution for paragraph (c) of sub-section (3) of the following paragraph:

“(c) for the conveyance within an area defined by regulation of goods from any place which may be convenient to the owner of those goods to any place where those goods are to be cleaned, dyed, repaired, altered or otherwise dealt with and from the latter place to any place at which the owner of those goods wishes them to be delivered to him after they have been so dealt with, by means of a motor vehicle belonging to the person who dealt with those goods as aforesaid; ”;

- (f) by the insertion in the first proviso to sub-section (3) after the expression “(a)” of the expression “or (c)” and by the deletion of the second proviso to that sub-section;

- daardie persoon op aanvraag geweier het om sy naam of adres te verstrek, 'n verklaring te dien effekte, by 'n polisiebeampte aangemeld het; of
- (b) bedoelde kondukteur of ander persoon nie rede-
likerwys kon geweet het nie dat die persoon wat aldus vervoer is nie 'n lid is nie van 'n kategorie van persone wie se vervoer in daardie voertuig of, al na die geval, in bedoelde gedeelte van daardie voertuig ooreenkomsdig daardie sertifikaat gemagtig is.
- (1)ter. Geen geding kan teen die houer van 'n in sub-artikel (1) bedoelde sertifikaat of die kondukteur of ander persoon belas met die toesig oor die motorvoertuig waarop daardie sertifikaat betrekking het, ingestel word nie ten opsigte van enigets te goeder trou deur hom gedoen ten einde aan 'n voorwaarde of vereiste, in daardie sertifikaat vervat, met betrekking tot die vervoer in daardie voertuig of 'n gedeelte daarvan van persone van 'n bepaalde klas, te vol-
doen.";
- (b) deur in paragraaf (f) van sub-artikel (2) die woord „spoorweg" deur die woorde „spoorweg-, trem- of trembusdiens" te vervang;
- (c) deur paragraaf (g) van sub-artikel (2) te skrap;
- (d) deur paragraaf (a) van sub-artikel (3) deur die vol-
gende paragraaf te vervang:
- „(a) vir die vervoer van goedere binne 'n by regula-
sie omskreve gebied—
- (i) deur die verkoper daarvan, vir aflewering aan die koper daarvan, of deur die eienaar daarvan na 'n plek waar hy voornemens is om dit te verkoop of vir verkoop op te berg, deur middel van 'n motorvoertuig wat aan die eienaar van bedoelde goedere behoort, indien die Raad of die betrokke plaaslike raad oortuig is dat die grootste gedeelte van die prys vir daardie goedere bereken of bereken te word nie aan die vervoer van daardie goedere toe te skryf is nie; of
- (ii) deur die koper daarvan by verwydering van die plek waar hy dit gekoop het, deur middel van 'n motorvoertuig wat aan bedoelde koper behoort, behalwe waar, in die geval van goedere wat herverkoop is of vir her-
verkoop bestem is, die Raad of die betrokke plaaslike raad oortuig is dat die grootste gedeelte van die prys vir daardie goedere bereken of bereken te word, nie aan die vervoer van daardie goedere toe te skryf is nie; of
- (iii) deur die eienaar daarvan na 'n plek waar hy voornemens is om dit te gebruik of vir 'n ander doel as verkoop op te berg, deur middel van 'n motorvoertuig wat aan die eienaar van daardie goedere behoort; of
- (iv) deur enigiemand na 'n plek waar hy of iemand anders voornemens is om dit ten toon te stel, deur middel van 'n motorvoer-
tuig wat behoort aan die eienaar van be-
doelde goedere of aan die persoon wat dit vervoer indien bedoelde goedere nie vir ver-
koop of vir lewering ingevolge 'n verkoping bedoel is nie; of";
- (e) deur paragraaf (c) van sub-artikel (3) deur die vol-
gende paragraaf te vervang:
- „(c) vir die vervoer binne 'n by regulasie omskreve gebied van goedere vanaf 'n plek wat vir die eienaar van daardie goedere gerieflik mag wees na 'n plek waar daardie goedere skoonemaak,
gekleur, herstel of verander staan te word of waar op ander wyse daarmee gehandel staan te word, en vanaf laasbedoelde plek na 'n plek waar die eienaar van daardie goedere verlang dat dit aan hom gelewer word nadat aldus daar-
mee gehandel is, deur middel van 'n motorvoer-
tuig wat behoort aan die persoon wat soos voormeld met daardie goedere gehandel het;";
- (f) deur in die eerste voorbehoudsbepaling by sub-artikel (3) na die uitdrukking „(a)" die uitdrukking „of (c)" in te voeg en deur die tweede voorbehoudsbepaling by daardie sub-artikel te skrap;

(g) by the substitution in sub-section (4) for the word "and" where it occurs for the first time of the words "or any servant of such person" and for the word "he" of the words "such person" and the addition thereto of the following further proviso:

"and provided further that any defence available to such person under sub-section (1)*bis* shall also be available to him or his servant whenever he or his servant is charged with having contravened a condition of such certificate or having failed to comply with any requirement thereof concerning the conveyance by means of the motor vehicle to which such certificate relates or in any portion thereof of a particular class of persons";

(h) by the substitution for sub-section (5) of the following sub-section:

"(5) No person shall, without the written authority of the appropriate local board, granted subject to such conditions as it may deem fit, make known generally whether by means of a notice published in a newspaper or in any other manner—

(a) that he or any other person is willing to undertake the conveyance of any person or goods by means of a motor vehicle, unless he is the holder of a motor carrier certificate or an exemption which authorizes such conveyance or is the authorized agent of such holder; or

(b) that he or any other person desires to be conveyed by means of a motor vehicle; or

(c) except by way of inviting tenders for the conveyance of goods, that he or any other person desires goods to be conveyed by means of a motor vehicle."; and

(i) by the addition at the end of the section of the following sub-section:

"(7) The Board or a local board shall refuse to grant, renew, amend or transfer any motor carrier certificate or exemption, including an exemption under sub-section (3), if it is not satisfied that the motor vehicle in respect of which the certificate or exemption is sought is roadworthy and suitable for the class of motor carrier transportation on which it is proposed to employ such vehicle: Provided that a valid certificate of fitness issued in respect of a motor vehicle under any law relating to the licensing and registration of motor vehicles in force in the province concerned shall be *prima facie* evidence of the roadworthiness of that motor vehicle."

(2) Notwithstanding the repeal of paragraph (g) of sub-section (2) of section *nine* of the principal Act, any exemption granted under that paragraph prior to the commencement of this Act shall, subject to the provisions of the proviso to sub-section (2) and sub-section (4) of that section, remain in force for the period specified in such exemption as if this Act had not been passed.

Amendment of section 10 of Act 39 of 1930, as amended by section 11 of Act 31 of 1932 and section 9 of Act 15 of 1941.

10. Section *ten* of the principal Act is hereby amended by the deletion in sub-section (1) of the words "and which shall be valid until the 31st day of December in the year of issue only".

Amendment of section 13 of Act 39 of 1930, as amended by section 14 of Act 31 of 1932, section 11 of Act 15 of 1941 and section 2 of Act 50 of 1949.

11. Section *thirteen* of the principal Act is hereby amended—

(a) by the insertion in sub-section (1) and in sub-section (2) after the word "renewal" of the word "transfer";

(b) by the insertion in sub-section (1) after the word "Provided" of the words "that no such publication shall be necessary in respect of an application for the renewal, transfer or amendment of a motor carrier certificate if the Board or the local board concerned, as the case may be, is satisfied that no other transportation facilities are likely to be adversely affected; and provided further";

(c) by the substitution for paragraph (b) of sub-section (2) of the following paragraph:

(g) deur in sub-artikel (4) na die woorde „verleen is” die woorde „of 'n dienaar van so iemand” in te voeg en die woorde „hy” deur die woorde „so iemand” te vervang en deur die volgende verdere voorbehoudsbepaling daarby te voeg:

„en met dien verstande voorts dat enige verweer wat so iemand ingevolge sub-artikel (1)*bis* sou kon aanvoer, ook deur hom of sy dienaar aangevoer kan word wanneer hy of sy dienaar aangekla word weens oortreding van 'n voorwaarde van so 'n sertifikaat, of versuim om aan 'n voorskrif daarvan te voldoen, met betrekking tot die vervoer deur middel van die voertuig waarop bedoelde sertifikaat betrekking het of in enige gedeelte daarvan van persone van 'n bepaalde klas”;

(h) deur sub-artikel (5) deur die volgende sub-artikel te vervang:

„(5) Niemand mag sonder skriftelike magtiging deur die gepaste plaaslike raad verleent op die voorwaardes wat hy goedvind, algemeen bekendmaak hetsy deur middel van 'n kennisgewing gepubliseer in 'n nuusblad of op enige ander wyse—

(a) dat hy of enigiemand anders gewillig is om die vervoer van enige persoon of goedere deur middel van 'n motorvoertuig te onderneem nie, tensy hy die houer is van 'n motortransportsertifikaat of vrystelling wat sodanige vervoer magtig of die gemagtigde agent van bedoelde houer is; of

(b) dat hy of iemand anders verlang om deur middel van 'n motorvoertuig vervoer te word nie; of

(c) behalwe by wyse van die vra van tenders vir die vervoer van goedere, dat hy of iemand anders verlang dat goedere deur middel van 'n motorvoertuig vervoer moet word nie.”; en

(i) deur aan die end van die artikel die volgende sub-artikel by te voeg:

„(7) Die Raad of 'n plaaslike raad moet weier om 'n motortransportsertifikaat of vrystelling, met inbegrip van 'n vrystelling ingevolge sub-artikel (3), te verleent, te hernu, te wysig of oor te dra, indien hy nie oortuig is dat die motorvoertuig ten opsigte waarvan die sertifikaat of vrystelling verlang word, padwaardig en geskik vir die klas motortransport in verband waarmee die voorname bestaan om daardie voertuig te gebruik, is nie: Met dien verstande dat 'n geldige sertifikaat van geskiktheid wat ingevolge een of ander in die betrokke provinsie geldende wet op die lisensiëring en registrasie van motorvoertuie ten opsigte van 'n motorvoertuig uitgereik is, *prima facie* bewys van die padwaardigheid van daardie motorvoertuig is.”.

(2) Ondanks die herroeping van paragraaf (g) van sub-artikel (2) van artikel *nege* van die Hoofwet, bly enige vrystelling wat voor die inwerkingtreding van hierdie Wet kragtens daardie paragraaf verleent is, behoudens die bepalings van die voorbehoudsbepaling by sub-artikel (2) en sub-artikel (4) van daardie artikel, vir die in daardie vrystelling vermelde tydperk van krag asof hierdie Wet nie aangeneem was nie.

10. Artikel *tien* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) die woorde „en wat slegs geldig sal wees tot die een-en-dertigste dag van Desember in die uitreikingsjaar” te skrap.

Wysiging van artikel 10 van Wet 39 van 1930, soos gewysig deur artikel 11 van Wet 31 van 1932 en artikel 9 van Wet 15 van 1941.

11. Artikel *dertien* van die Hoofwet word hiermee gewysig—

(a) deur in sub-artikel (1) en in sub-artikel (2) na die woorde „hernuwing” die woorde „oordrag” in te voeg;

(b) deur in sub-artikel (1) na die woorde „verstande” die woorde „dat sodanige publikasie ten opsigte van 'n aansoek om die hernuwing, oordrag of wysiging van 'n motortransportsertifikaat nie nodig is nie, indien die Raad of, al na die geval, die betrokke plaaslike raad oortuig is dat geen waarskynlikheid van benadeling van ander vervoerasiliteite bestaan nie: en met dien verstande voorts” in te voeg;

(c) deur paragraaf (b) van sub-artikel (2) deur die volgende paragraaf te vervang:

Wysiging van artikel 13 van Wet 39 van 1930, soos gewysig deur artikel 14 van Wet 31 van 1932, artikel 11 van Wet 15 van 1941 en artikel 2 van Wet 50 van 1949.

- "(b) the requirements of the public for transportation within the area or along the route in or over which the applicant proposes to operate;";
- (d) by the insertion after paragraph (i) of sub-section (2) of the following paragraph:
- "(i)*bis*. the class of persons to which the applicant belongs and the class or classes of persons to be served by the transportation service for which a certificate is sought;";
- (e) by the insertion after sub-section (2) of the following sub-sections:
- "(2)*bis*. In granting any application for a motor carrier certificate or for the renewal of any such certificate, the Board or a local board may give preference to an applicant who belongs to the same class as the majority of the persons to be served by the transportation service for which a certificate is sought.
- "(2)*ter*. For the purposes of sub-section (2)*bis* any association of persons or any body corporate or unincorporate, including any company registered under the law relating to companies, shall be deemed to be a person of the class determined by the Board or the local board concerned, as the case may be, which may in making any determination have regard to the classes of persons who are members of, or have interests in, such association or body.";
- (f) by the substitution for the proviso to sub-section (3) of the words "unless, in the opinion of the Board or the local board concerned, as the case may be, the grant of such a certificate will, having regard to the circumstances, be expedient in the public interest: Provided that if the transportation in respect of which the certificate is required, can be co-ordinated with an existing transportation service, whether railway, tramway, trolley-bus or motor vehicle service, operated by the Administration or a local authority or a person to whom the Minister has by notice in the *Gazette* declared the provisions of this proviso to be applicable, the Administration or such local authority or person may at any stage of the proceedings, in addition to or as an alternative and without prejudice to any objection which may be or may have been lodged against the said application by it or him, apply for a certificate to provide that transportation or for the Board's written consent in terms of the proviso to the definition of 'motor vehicle' contained in section one to operate a vehicle of the nature described in that proviso on the route on which the transportation in respect of which the certificate is required is to be operated, and the Board or the local board concerned shall not grant any application for such certificate until a reasonable opportunity so to apply has been given to the Administration or such local authority or person."; and
- (g) by the insertion after sub-section (3) of the following sub-section:
- "(3)*bis*. The Minister may at any time by notice in the *Gazette*, repeal any notice published in terms of the proviso to sub-section (3) or amend it in such manner as he may deem fit.".

Amendment of
section 13*bis* of
Act 39 of 1930, as
inserted by section
3 of Act 50 of
1949.

12. Section thirteen *bis* of the principal Act is hereby amended—

- (a) by the substitution in sub-section (1) for the words "National Transport Commission appointed under section three of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948), hereinafter referred to as the commission" of the word "Board";
- (b) by the insertion after sub-section (2) of the following sub-section:
- "(2)*bis*. The provisions of sub-sections (1)*bis* and (1)*ter* of section five shall *mutatis mutandis* apply in respect of a person who intends to testify, or who is testifying, or who has testified before a member of the Board."; and
- (c) by the substitution in sub-sections (3) and (4) for the word "commission" wherever it occurs of the word "Board".

- „(b) die transportbehoeftes van die publiek in die gebied of oor die roete waarin of waarop die applikant voornemens is om transport te onderneem;”;
- (d) deur na paragraaf (i) van sub-artikel (2) die volgende paragraaf in te voeg:
- „(i)*bis*. die kategorie van persone waaraan die applikant behoort en die kategorie of kategorieë van persone wat bedien moet word deur die transportdiens waarvoor 'n sertifikaat verlang word;”;
- (e) deur na sub-artikel (2) die volgende sub-artikels in te voeg:
- „(2)*bis*. By die toestaan van 'n aansoek om 'n motortransportsertifikaat of om die hernuwing van so 'n motortransportsertifikaat kan die Raad of 'n plaaslike raad voorkeur gee aan 'n applikant wat aan dieselfde kategorie behoort as die meerderheid van die persone wat bedien moet word deur die transportdiens waarvoor 'n sertifikaat verlang word.
- (2)*ter*. Vir doeleindes van sub-artikel (2)*bis* word enige vereniging van persone of enige liggaam, hetsy met regpersoonlikheid beklee aldan nie, insluitende enige maatskappy wat ooreenkomsdig die wet op maatskappye geregistreer is, geag 'n persoon te wees van die kategorie bepaal deur die Raad of, al na die geval, die betrokke plaaslike raad, wat by die maak van so 'n bepaling in aanmerking kan neem die kategorieë van persone wat lede is van, of belang het by, so 'n vereniging of liggaam.”;
- (f) deur die voorbehoudsbepaling by sub-artikel (3) te vervang deur die woorde „tensy, volgens die oordeel van die Raad of, al na die geval, die betrokke plaaslike raad, die verlening van so 'n sertifikaat met die oog op die omstandighede in die openbare belang raadsaam sal wees: Met dien verstande dat indien die transport, ten opsigte waarvan die sertifikaat verlang word, met 'n bestaande transportdiens, hetsy 'n spoorweg-, trem- of trembusdiens of 'n diens per motorvoertuig, gelewer deur die Administrasie of 'n plaaslike bestuur of iemand op wie die Minister by kennisgewing in die *Staatskoerant* die bepalings van hierdie voorbehoudsbepaling van toepassing verklaar het, gekoördineer kan word, die Administrasie of bedoelde plaaslike bestuur of persoon op enige stadium gedurende die verrigtinge, benewens of in plaas van en sonder afbreuk aan enige beswaar teen die aansoek wat deur hom ingedien mag word of wees, aansoek kan doen om 'n sertifikaat om daardie vervoer te verskaf of om die Raad se skriftelike toestemming ingevolge die voorbehoudsbepaling by die omskrywing van 'motorvoertuig' in artikel *een* vervat, om 'n voertuig van die aard in daardie voorbehoudsbepaling vermeld in diens te stel op die roete waaroor die transport waarvoor die sertifikaat verlang word, verskaf sal word, en die Raad of die betrokke plaaslike raad staan nie 'n aansoek om so 'n sertifikaat toe nie totdat aan die Administrasie of bedoelde plaaslike bestuur of persoon 'n redelike geleentheid gegee is om aldus aansoek te doen.”; en
- (g) deur na sub-artikel (3) die volgende sub-artikel in te voeg:
- „(3)*bis*. Die Minister kan te eniger tyd by kennisgewing in die *Staatskoerant* 'n kennisgewing ingevolge die voorbehoudsbepaling van sub-artikel (3) afgekondig, herroep of dit wysig op die wyse wat hy goedvind.”.

- 12. Artikel *dertien bis* van die Hoofwet word hiermee Wysiging van artikel 13*bis* van Wet 39 van 1930, soos ingeveog deur artikel 3 van Wet 50 van 1949.**
- (a) deur in sub-artikel (1) die woorde „Nasionale Vervoerkommissie benoem kragtens artikel *drie* van die Wet op die Koördinering van Vervoer, 1948 (Wet No. 44 van 1948), hieronder die kommissie genoem” deur die woorde „Raad” te vervang;
- (b) deur na sub-artikel (2) die volgende sub-artikel in te voeg:
- „(2)*bis*. Die bepalings van sub-artikels (1)*bis* en (1)*ter* van artikel *vyf* is *mutatis mutandis* van toepassing ten opsigte van iemand wat voor 'n lid van die Raad wil getuig of getuig of getuig het.”; en
- (c) deur in sub-artikels (3) en (4) die woorde „kommissie” orals waar dit voorkom deur die woorde „Raad” te vervang.

Amendment of
section 15 of Act
39 of 1930.

Amendment of
section 15bis of
Act 39 of 1930, as
inserted by section
4 of Act 50 of
1949.

Amendment of
section 17 of Act
39 of 1930 and
section 1 of Act 17
of 1944.

Insertion of
sections 17bis and
17ter in Act 39
of 1930.

- 13. Section fifteen of the principal Act is hereby amended—**
- (a) by the insertion after the words "motor carrier certificate" of the words "or an exemption authorizing the conveyance of persons or goods for reward"; and
 - (b) by the insertion after the words "such certificate" wherever they occur of the words "or exemption".

14. Section fifteen bis of the principal Act is hereby amended—

- (a) by the substitution for the word "policeman" of the words "police officer"; and
- (b) by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

"(2) Any person (not being a member of a class of persons for the conveyance of whom any portion of a motor vehicle has been set aside in accordance with the conditions specified in any motor carrier certificate issued in respect of that vehicle) who enters that portion in spite of objection by the conductor or person in charge of that vehicle, except for the purpose of gaining access to a portion of such vehicle which has not been so set aside for the conveyance of persons other than persons of the class to which he belongs, or for the purpose of descending from such vehicle, or who having so entered any such portion, refuses or fails to leave it on being requested to do so by the conductor or the person in charge of that vehicle, may be forcibly removed therefrom by a police officer, and shall in addition be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds or in default of payment to imprisonment for a period not exceeding one month."

- 15. (1) Section seventeen of the principal Act is hereby amended by the insertion at the commencement of sub-section (1) of the words "Save as provided in section seventeen bis", by the substitution in that sub-section for the words "Railways and Harbours Fund" of the words "Consolidated Revenue Fund" and by the insertion in that sub-section after the word "from" of the words "moneys appropriated by Parliament out of".**

(2) Section one of the Financial Adjustments Act, 1944, is hereby amended by the deletion of paragraph (b) and of all the words after the word "Fund" where it occurs for the second time.

16. The following sections are hereby inserted in the principal Act after section seventeen:

"Establishment of Native Transport Services Account. 17bis. (1) There is hereby established a Native Transport Services Account (hereinafter referred to as the account) into which shall be paid at such times during each financial year and in such manner as the Secretary to the Treasury may determine, an amount equal to the total amount paid into the Consolidated Revenue Fund during that year in terms of section five of the Native Services Levy Act, 1952 (Act No. 64 of 1952), and such other amounts as may from time to time become payable into the account.

(2) The account shall be administered by the Board, which may in its discretion, but subject to the provisions of sub-sections (5) and (7), apply the moneys therein to—

- (a) the payment of subsidies or the granting of loans to any person who is the holder of a motor carrier certificate authorizing the conveyance of native passengers for reward by means of a motor vehicle upon a specified route to, from or within the area of jurisdiction of any urban local authority which has been required under the Native Services Levy Act, 1952, to pay amounts to the Secretary for Transport, in order to enable such person to provide an efficient road transport service at a reasonable charge to the native users thereof;

13. Artikel vyftien van die Hoofwet word hiermee gewysig—

- (a) deur na die woord „motortransportsertifikaat” die woorde „of 'n vrystelling wat die vervoer van persone of goedere teen vergoeding magtig” in te voeg; en
- (b) deur na die woord „sertifikaat” orals waar dit voor-kom die woorde „of vrystelling” in te voeg.

Wysiging van artikel 15 van Wet 39 van 1930.

14. Artikel vyftien bis van die Hoofwet word hiermee gewysig—

- (a) deur die woord „polisiedienaar” deur die woord „polisiebeampte” te vervang; en
- (b) deur aan die end daarvan die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Iemand (wat nie lid is van 'n kategorie van persone vir die vervoer van wie 'n gedeelte van 'n motorvoertuig ooreenkomsdig die voorwaardes uit-eengesit in 'n motortransportsertifikaat ten opsigte van daardie voertuig uitgereik, afgesonder is nie) wat daardie gedeelte ondanks beswaar deur die kondukteur of persoon belas met die toesig oor daardie voertuig betree, behalwe om tot 'n gedeelte van daardie voertuig, wat nie aldus vir die vervoer van ander persone as persone van die kategorie waartoe hy behoort, afgesonder is nie, toegang te verkry, of om van daardie voertuig af te klim, of wat, nadat hy so 'n gedeelte aldus betree het, weier of versuim om dit te ontruim wanneer hy deur die kondukteur of persoon belas met die toesig oor daardie voertuig daartoe aangesê word, kan met geweld deur 'n polisiebeampte daaruit verwyder word, en is bowen-dien aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens vyf-en-twintig pond of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens een maand.”.

Wysiging van artikel 17 van Wet 39 van 1930, en artikel 1 van Wet 17 van 1944.

15. (1) Artikel sewentien van die Hoofwet word hiermee gewysig deur in sub-artikel (1) na die woord „moet” waar dit die eerste maal voorkom die woorde „behoudens die bepalings van artikel sewentien bis” in te voeg, deur die woorde „spoorweg- en hawefonds” deur die woorde „Gekonsolideerde Inkomstefonds” te vervang en deur al die woorde na die woord „moet” waar dit die tweede maal voorkom deur die woorde „gedek” word uit gelde deur die Parlement uit daardie fonds beskikbaar gestel.” te vervang.

(2) Artikel een van die Finansiële Reëlingswet, 1944, word hiermee gewysig deur paragraaf (b) en al die woorde na die woord „gedek” waar dit vir die tweede keer voorkom, te skrap.

Invoeging van artikels 17bis en 17ter in Wet 39 van 1930.

16. Die volgende artikels word hiermee na artikel sewentien in die Hoofwet ingevoeg:

„Instelling 17bis. (1) Hiermee word 'n Rekening vir Naturellevervoerdienste (hieronder die rekening genoem) ingestel waarin op die tye gedurende elke boekjaar en op die wyse wat die Sekretaris van die Tesourie bepaal, 'n bedrag gestort word gelyk aan die totale bedrag gedurende daardie jaar ingevolge artikel vyf van die Wet op Heffings vir Naturelleledienste, 1952 (Wet No. 64 van 1952), in die Gekonsolideerde Inkomstefonds betaal, en die ander bydrae wat van tyd tot tyd aan die rekening betaalbaar word.

(2) Die rekening word bestuur deur die Raad wat na goeddunkne, maar behoudens die bepalings van sub-artikels (5) en (7), die geldende daarin kan bestee vir—

- (a) die betaling van subsidies of die toestaan van lenings aan enige persoon wat die houer is van 'n motortransportsertifikaat waarby die vervoer van naturellepassasiers deur middel van 'n motorvoertuig teen vergoeding oor 'n aangegewee roete na, van of binne die regsgebied van 'n stedelike plaaslike bestuur wat kragtens die Wet op Heffings vir Naturelleledienste, 1952, gelas is om bedrae aan die Sekretaris van Vervoer te betaal, gemagtig word, ten einde bedoelde persoon in staat te stel om 'n doeltreffende padvervoerdiens teen 'n billike tarief vir die naturellegebruikers daarvan te verskaf;

- (b) assisting natives directly or indirectly to defray the cost of using the road transport service provided by the holder of a motor carrier certificate authorizing the conveyance of native passengers for reward by means of a motor vehicle upon a specified route to, from or within the area of jurisdiction of any such urban local authority, in order to enable such natives to enjoy an efficient road transport service at a reasonable charge to such natives, or to the payment of contributions towards the cost of so assisting natives;
- (c) the payment of the administration expenses of the account as determined from time to time by agreement between the Minister of Finance and the Minister;
- (d) the payment of the cost of any investigation or examination which the Board considers necessary in connection with any payment or proposed payment under paragraph (a) or (b) or any loan or proposed loan under paragraph (a), and which is undertaken on the instructions of the Board by any person who is not in the full-time employment of the State.

(3) Any payment made by the Board under paragraph (a) or (b) of sub-section (2) may, subject to the provisions of sub-section (7), be made—

- (a) subject to such conditions as the Board may consider necessary to impose, and to the right of the Board at any time to vary or cancel any such condition or add further conditions to those already imposed;
- (b) in respect of any past period, but no payment shall be made from a date earlier than that on which amounts became payable under the Native Services Levy Act, 1952, to the Secretary for Transport in respect of the urban local authority to, from or within whose area of jurisdiction the road transport service in respect of which such payment is to be made is operating or will operate.

(4) Any loan made by the Board under paragraph (a) of sub-section (2) may, subject to the provisions of sub-section (7), be made on any such conditions as the Board may consider necessary to impose, and the Board may at any time vary or cancel any such condition or add further conditions to those already imposed.

(5) The moneys paid into the account in terms of sub-section (1) in respect of any particular urban local authority, shall not be applied to any purpose connected with a road transport service within the area of jurisdiction of any other urban local authority, unless the route and service concerned also serve the area under the jurisdiction of the first-mentioned urban local authority.

(6) The Board may, subject to the provisions of sub-section (7), from time to time refund to an urban local authority an amount equal to the amount or a portion of the amount paid into the account under sub-section (1) in respect of that urban local authority and not required for any purpose stated in this section, and any amount so refunded shall be credited by that urban local authority to the Native services levy fund established by it under sub-section (1)*bis* of section *nineteen* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), or in the case of an urban local authority to which the provisions of that Act do not apply, to the special account referred to in sub-section (2) of section *eleven* of the Native Services Levy Act, 1952.

(7) The Board shall obtain the approval of the Minister before making any payment under para-

- (b) die verlening van regstreekse of onregstreekse hulp aan naturelle om die koste te betaal van die gebruik van die padvervoerdien verskaf deur die houer van 'n motortransportsertifikaat waarby die vervoer van naturelle-passasiers deur middel van 'n motorvoertuig teen vergoeding oor 'n aangegewe roete na, van of binne die reggebied van so 'n stedelike plaaslike bestuur gemagtig word, ten einde bedoelde naturelle in staat te stel om 'n doeltreffende padvervoerdien teen redelike tariewe vir daardie naturelle te kan geniet, of vir die betaling van bydraes tot die koste om aldus hulp aan naturelle te verleen;
- (c) die betaling van die administrasiekoste van die rekening soos van tyd tot tyd deur ooreenkoms tussen die Minister van Finansies en die Minister bepaal;
- (d) die betaling van die koste van enige navrae of ondersoek wat die Raad in verband met 'n betaling of voorgestelde betaling ingevolge paragraaf (a) of (b) of 'n lening of voorgestelde lening ingevolge paragraaf (a) nodig ag, en wat onder opdrag van die Raad onderneem word deur iemand wat nie in die voltydse diens van die Staat is nie.

(3) Enige betaling kragtens paragraaf (a) of (b) van sub-artikel (2) deur die Raad gedoen, kan, behoudens die bepalings van sub-artikel (7), geskied—

- (a) onderworpe aan die voorwaardes wat die Raad nodig vind om op te lê, en aan die reg van die Raad om so 'n voorwaarde te eniger tyd te verander of in te trek of om verdere voorwaardes op te lê benewens dié wat reeds opgelê is;
- (b) ten opsigte van 'n tydperk wat verstryk het, maar geen betaling word vanaf 'n vroeër datum gemaak nie as die datum waarop ingevolge die Wet op Heffings vir Naturelle-dienste, 1952, bedrae aan die Sekretaris van Vervoer betaalbaar geword het ten opsigte van die stedelike plaaslike bestuur na, van of binne wie se reggebied die padvervoerdien ten opsigte waarvan die betaling moet geskied, voorsien word of sal word.

(4) Enige lening kragtens paragraaf (a) van sub-artikel (2) deur die Raad toegestaan, kan, behoudens die bepalings van sub-artikel (7), verleen word op die voorwaardes wat die Raad nodig ag om op te lê en die Raad kan te eniger tyd so 'n voorwaarde verander of intrek of verdere voorwaardes oplê benewens dié wat reeds opgelê is.

(5) Die bedrae wat ingevolge sub-artikel (1) ten opsigte van 'n bepaalde stedelike plaaslike bestuur in die rekening inbetaal word, word nie vir 'n doel verbonde aan 'n padvervoerdien binne die reggebied van 'n ander stedelike plaaslike bestuur bestee nie, tensy die betrokke roete en diens ook die gebied onder die regsmag van eersbedoelde stedelike plaaslike bestuur bedien.

(6) Onderworpe aan die bepalings van sub-artikel (7) kan die Raad van tyd tot tyd aan 'n stedelike plaaslike bestuur 'n bedrag terugbetaal wat gelykstaan aan die bedrag of 'n gedeelte van die bedrag kragtens sub-artikel (1) ten opsigte van daardie stedelike plaaslike bestuur in die rekening gestort en wat nie vir enige doel genoem in hierdie artikel nodig is nie, en enige bedrag wat aldus terugbetaal word, moet deur daardie stedelike plaaslike bestuur gekrediteer word aan die heffingsfonds vir naturelle-dienste, deur hom ingestel kragtens sub-artikel (1)*bis* van artikel *negenien* van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), of in die geval van 'n stedelike plaaslike bestuur waarop die bepalings van daardie Wet nie van toepassing is nie, aan die spesiale rekening bedoel in sub-artikel (2) van artikel *elf* van die Wet op Heffings vir Naturelle-dienste, 1952.

(7) Die Raad moet die Minister se goedkeuring verkry voordat hy enige betaling kragtens para-

graph (a) or (b) of sub-section (2), including any payment made under paragraph (b) of sub-section (3) in respect of a past period, or granting any loan under paragraph (a) of sub-section (2), or imposing any conditions under paragraph (a) of sub-section (3) or sub-section (4), or varying or cancelling any such condition or adding further conditions to those already imposed or making any refund under sub-section (6).

(8) The Board shall pay out of the account into the Consolidated Revenue Fund at such times and in such instalments as the Minister of Finance may, after consultation with the Minister, determine, an amount equal to the sum of any non-interest bearing recoverable advance paid out of moneys appropriated by Parliament on or after the first day of April, 1950, to any person referred to in paragraph (a) of sub-section (2) for the purpose mentioned in that paragraph.

(9) In this section the expression 'urban local authority' means an urban local authority as defined in section *one* of the Native Services Levy Act, 1952.

**Keeping
and audit
of accounts.**

17ter. The Board shall deposit with the Paymaster-General all moneys received by it on behalf of the account, keep proper accounting records in respect of all accruals to and payments from the account and in respect of every financial year prepare and submit to the Controller and Auditor-General for examination statements in respect of the account in such form as the Secretary to the Treasury may, in consultation with the Controller and Auditor-General, determine."

**Amendment of
section 18 of Act
39 of 1930.**

17. Section eighteen of the principal Act is hereby amended—

(a) by the substitution for the words "shall, upon conviction, be liable" of the words "for which no other penalty is expressly prescribed, shall be liable on conviction"; and

(b) by the addition at the end of the section of the words "and the court convicting any person of an offence involving the carrying on of unauthorized motor carrier transportation may declare the motor vehicle used in such transportation, or the convicted person's rights in such motor vehicle, to be forfeited to the State: Provided that such declaration shall not affect any rights which any person other than the convicted person may have to the motor vehicle in question if it is proved that such other person did not know that it was being or would be used for the carrying on of unauthorized motor carrier transportation or that he could not prevent such use".

**Amendment of
section 19 of Act
39 of 1930, as
amended by section
17 of Act 31 of
1932 and section
12 of Act 15 of
1941.**

18. (1) Section nineteen of the principal Act is hereby amended—

(a) by the substitution in sub-section (1) for all the words before the word "may" where it occurs for the first time of the words "The Minister";

(b) by the addition at the end of paragraph (d) of sub-section (1) of the words "and in respect of any fee so paid, the circumstances under which a refund thereof shall be made by the Board or a local board and the amount of such refund and the circumstances under which a refund, in whole or in part, may be made in the discretion of the Board";

(c) by the insertion after paragraph (d) of sub-section (1) of the following paragraphs:

"(d)*bis.* prescribing the circumstances under which an application for a temporary motor carrier certificate or a temporary exemption may be granted by the Board or a local board before the receipt of the fee payable in respect of such application;

"(d)*ter.* prescribing the annual fees, if any, payable in respect of motor carrier certificates or exemptions issued for any period in excess of twelve months and the times at which and the manner in which such fees shall be paid;";

(d) by the insertion after paragraph (f) of sub-section (1) of the following paragraph:

"(f)*bis.* prescribing the circumstances under which the Board or a local board may issue without

graaf (a) of (b) van sub-artikel (2) maak, met inbegrip van 'n betaling wat kragtens paragraaf (b) van sub-artikel (3) gemaak word ten opsigte van 'n tydperk wat verstryk het, of enige lening kragtens paragraaf (a) van sub-artikel (2) toestaan, of enige voorwaardes kragtens paragraaf (a) van sub-artikel (3) of sub-artikel (4) oplê, of so 'n voorwaarde verander of intrek of verdere voorwaardes oplê benewens dié wat reeds opgelê is of enige terugbetaling kragtens sub-artikel (6) maak.

(8) Die Raad moet uit die rekening in die Gekonsolideerde Inkomstefonds, en wel op die tye en in die paaimeente wat die Minister van Finansies na oorlegpleging met die Minister bepaal, 'n bedrag inbetaal gelyk aan die som van enige nie-rentedraende verhaalbare voorskot wat op of na die eerste dag van April 1950 uit gelde deur die Parlement bewillig, aan 'n in paragraaf (a) van sub-artikel (2) bedoelde persoon betaal is vir die doel in daardie paragraaf vermeld.

(9) In hierdie artikel beteken die uitdrukking „stedelike plaaslike bestuur“ 'n stedelike plaaslike bestuur soos in artikel een van die Wet op Heffings vir Naturelleidienste, 1952, omskryf.

Hou
en oudit van
rekenings.

17ter. Die Raad moet alle gelde deur hom ten behoeve van die rekening ontvang by die Betaalmeester-generaal stort, behoorlike rekenings hou ten opsigte van alle bedrae wat die rekening toeval en wat daaruit betaal word, en ten opsigte van elke boekjaar state in die vorm deur die Sekretaris van die Tesourie in oorleg met die Kontroleur en Ouditeur-generaal bepaal, ten opsigte van die rekening opmaak en vir ondersoek aan die Kontroleur en Ouditeur-generaal stuur.”.

17. Artikel agtien van die Hoofwet word hiermee gewysig— Wysiging van artikel 18 van Wet 39 van 1930.

- (a) deur na die woord „begaan“ die woorde „waarvoor geen ander straf uitdruklik voorgeskryf word nie“ in te voeg; en
- (b) deur aan die end van die artikel in te voeg die woorde „en die hof wat iemand veroordeel weens 'n misdryf wat met die bedryf van ongemagtigde motortransport in verband staan, kan die motorvoertuig wat in verband met daardie transport gebruik is, of die veroordeelde se regte in bedoelde motorvoertuig, aan die Staat verbeurd verklaar: Met dien verstande dat die verbeurdverklaring geen inbreuk maak op enige regte wat iemand anders as die veroordeelde op die betrokke motorvoertuig mag hê nie, indien bewys word dat so iemand nie geweet het dat dit gebruik was of sou word om ongemagtigde notransport te bedryf nie of dat hy sodanige gebruik nie kon verhoed nie“.

18. (1) Artikel negentien van die Hoofwet word hiermee gewysig—

- (a) deur in sub-artikel (1) al die woorde voor die woord „regulasies“ deur die woorde „Die Minister kan“ te vervang;
- (b) deur aan die end van paragraaf (d) van sub-artikel (1) die woorde „en, ten opsigte van aldus betaalde gelde, die omstandighede waaronder die Raad of 'n plaaslike raad dit moet terugbetaal en die bedrag wat aldus terugbetaal moet word en die omstandighede waaronder terugbetaling geheel of ten dele na goed-dunke van die Raad geskied“ by te voeg;
- (c) deur na paragraaf (d) van sub-artikel (1) die volgende paragrawe in te voeg:
„(d)bis. wat die omstandighede voorskryf waaronder 'n aansoek om 'n tydelike motortransportsertifikaat of 'n tydelike vrystelling deur die Raad of 'n plaaslike raad verleen kan word voor die ontvangs van die gelde wat ten opsigte van so 'n aansoek betaalbaar is;
(d)ter. wat die jaarlikse gelde, as daar is, voorskryf wat betaalbaar is ten opsigte van motortransportsertifikate of vrystellings uitgereik vir 'n tydperk van meer as twaalf maande, en die tye wanlike en die wyse waarop daardie gelde betaal moet word;“;
- (d) deur na paragraaf (f) van sub-artikel (1) die volgende paragraaf in te voeg:
„(f)bis. wat die omstandighede voorskryf waaronder die Raad of 'n plaaslike raad gratis 'n motor-

charge a motor carrier certificate or an exemption or a distinguishing mark or disc associated with such certificate or exemption, or both such certificate or exemption and distinguishing mark or disc or a duplicate of such certificate, exemption, distinguishing mark or disc;”;

(e) by the insertion after paragraph (i) of sub-section (1) of the following paragraph:

“(i)*bis.* prescribing the circumstances under which the Board or a local board may permit the conveyance of goods by the holder of an exemption issued under paragraph (a) or (c) of sub-section (3) of section *nine*, elsewhere than within an area defined in terms of the appropriate paragraph;” and

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

“(1)*bis.* No fee under paragraph (d) or (d)*ter* of sub-section (1) nor any refund under paragraph (d) of that sub-section nor the circumstances under which any such refund shall or may be made shall be prescribed except after consultation with the Minister of Finance.”

(2) The provisions of this Act shall, in so far as they relate to any matter in respect of which regulations may be made under section *nineteen* of the principal Act, be deemed to have come into operation on the date of commencement of that Act.

(3) Regulations made in terms of section *nineteen* of the principal Act and in force on the date of commencement of this Act shall be deemed to have been made by the Minister in terms of that section as amended by paragraph (a) of sub-section (1) of this section.

**Application of
Act 50 of 1949
and Government
Notices 918 of
1950 and 2242 of
1951 to South-
West Africa.**

**Amendment of
section 5 of Act 64
of 1952.**

19. The Motor Carrier Transportation Amendment Act, 1949, and Government Notices Nos. 918 of 1950 and 2242 of 1951 shall be deemed to have been promulgated in the territory of South-West Africa on the eighth day of July, 1949, the twenty-eighth day of April, 1950, and the seventh day of September, 1951, respectively.

20. Section *five* of the Native Services Levy Act, 1952, is hereby amended by the substitution for sub-section (3) of the following sub-section:

“(3) So much of the moneys paid to the Secretary for Transport in terms of sub-section (1) as remains unexpended at the date of commencement of the Motor Carrier Transportation Amendment Act, 1955, and all money so paid after that date, shall be paid into the Consolidated Revenue Fund, and any moneys so paid shall be dealt with as prescribed in section *seventeen bis* of the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930).”.

Short title.

21. This Act shall be called the Motor Carrier Transportation Amendment Act, 1955.

transportsertifikaat of vrystelling of 'n onderskeidingsteken of skyfie wat met so 'n sertifikaat of vrystelling in verband staan, of beide so 'n sertifikaat of vrystelling en onderskeidingsteken of skyfie of 'n duplikaat van so 'n sertifikaat, vrystelling, onderskeidingsteken of skyfie kan uitreik;";

(e) deur na paragraaf (i) van sub-artikel (1) die volgende paragraaf in te voeg:

„(i)bis. wat die omstandigheide voorskryf waaronder die Raad of 'n plaaslike raad die vervoer, deur die houer van 'n ingevolge paragraaf (a) of (c) van sub-artikel (3) van artikel *nege* uitgereikte vrystelling, van goedere elders as binne 'n gebied kragtens die gepaste paragraaf omskryf, kan magtig;" en

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

„(1)bis. Geen gelde word kragtens paragraaf (d) of (d)ter van sub-artikel (1) voorgeskryf nie, nog enige terugbetaling kragtens paragraaf (d) van daardie sub-artikel nog die omstandigheide waaronder so 'n terugbetaling moet of mag geskied, behalwe na oorlegpleging met die Minister van Finansies.".

(2) Die bepalings van hierdie Wet word, vir sover dit betrekking het op 'n aangeleentheid ten opsigte waarvan kragtens artikel *negentien* van die Hoofwet regulasies uitgevaardig kan word, geag op die datum van inwerkingtreding van daardie Wet in werking te getree het.

(3) Regulasies kragtens artikel *negentien* van die Hoofwet uitgevaardig en van krag op die datum van inwerkingtreding van hierdie Wet word geag deur die Minister uitgevaardig te wees kragtens daardie artikel soos gewysig deur paragraaf (a) van sub-artikel (1) van hierdie artikel.

19. Die Wysigingswet op Motortransport, 1949, en Goewermentskennisgewings Nos. 918 van 1950 en 2242 van 1951 word geag onderskeidelik op die agtste dag van Julie 1949, die agt-en-twintigste dag van April 1950, en die sewende dag van September 1951 in die gebied van Suidwes-Afrika aangekondig te gewees het.

Toepassing van
Wet 50 van 1949
en Goewerments-
kennisgewings 918
van 1950 en 2242
van 1951 op
Suidwes-Afrika.

20. Artikel vyf van die Wet op Heffings vir Naturelle dienste, 1952, word hiermee gewysig deur sub-artikel (3) deur die volgende sub-artikel te vervang:

„(3) Soveel van die gelde ingevolge sub-artikel (1) aan die Sekretaris van Vervoer betaal as wat op die datum van inwerkingtreding van die Wysigingswet op Motortransport, 1955, nog nie bestee is nie, en alle gelde na daardie datum aldus betaal, moet in die Gekonsolideerde Inkomstefonds gestort word, en met enige gelde aldus inbetaal word op die in artikel *sewentien bis* van die Motortransportwet, 1930 (Wet No. 39 van 1930), voorgeskreve wyse gehandel.".

21. Hierdie Wet heet die Wysigingswet op Motortransport, Kort titel.
1955.

No. 47, 1955.]

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 20th June, 1955.)*

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 Schedules to this Act, of the approximate length set out, as to each line, in column 2 of those Schedules 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 those Schedules 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.

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

Cost of construction and equipment.

3. In respect of the construction and equipment of the lines of railway authorized by section *one* the Governor-General shall have the powers conferred by the Railway Expropriation of Lands Ordinance 1903 (Ordinance No. 20 of 1903) of the Transvaal, but subject to the obligations imposed by that Ordinance: Provided that the width of the land taken shall not exceed one hundred Cape feet for the construction of 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 authorized by section *one* 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 authorized by section *one*, 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).

Railway and Harbour Fund to be compensated for losses.

6. (1) The Railway and Harbour Fund shall, subject to such terms and conditions as may be agreed upon between the Administration and the Minister of Finance, be compensated

No. 47, 1955.]

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 20 Junie 1955.)*

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 Aanleg en inwerkingtreding van hierdie Wet as wat hy doenlik ag, die toerusting, in kolom 1 van die Bylaes 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 Bylaes 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 Bylaes teenoor die beskrywing van die betrokke lyn vermeld word, laat aanlê en toerus.

(2) Die bevoegdhede by hierdie artikel verleen, sluit in bevoegdhede om alle sylne, stasies, geboue en ander toebehore wat vir die behoorlike eksplotasie 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 toegerus 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 geldie.

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

4. (1) Op alle plekke waar 'n spoorlyn wat by artikel *een* Deursnyding gemagtig word, 'n straat, pad of spoorweg deursny, kan die van strate, Goewerneur-generaal so 'n spoorlyn oor die straat, pad of spoorweg deur middel van of 'n gelykgrondse oorgang of 'n gesikte brug laat lê, of kan hy die straat, pad of spoorweg oor of onder daardie spoorlyn deur middel van 'n gesikte brug of duikweg laat loop.

(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 bevoegdhede in verband met die aanleg en toerusting van enige spoorlyn wat by artikel *een* gemagtig word, word die geskil besleg ooreenkomsdig die tweede voorbehoudbepaling by paragraaf (a) van artikel *drie* van die „Spoorwegen en Havens Reglement, Bestuur en Beheer Wet, 1916” (Wet No. 22 van 1916).

6. (1) Onderworpe aan die bedinge en voorwaardes waarop tussen die Spoorwegadministrasie en die Minister van Finansies ooreengekom word, word die Spoorweg- en Hawefonds uit vergoed.

Spoorweg- en
Hawefonds word
vir verliese
vergoed.

from the Consolidated Revenue Fund, out of moneys appropriated by Parliament for the purpose, for all losses (as determined in a manner to be likewise so agreed upon) that may be sustained in the working of the lines of railway mentioned in the First Schedule to this Act.

(2) Any agreement entered into pursuant to sub-section (1) shall provide *inter alia* that—

- (a) the financial results of the working of the said lines of railway shall be calculated in respect of each financial year as from the date when the first of the said lines of railway is opened for public traffic; and
- (b) settlement of accounts between the parties shall be effected at the expiration of each consecutive period of five financial years, on the basis of the said working results over the whole of each such period; and
- (c) any profit earned in the working of the said lines during any financial year included in any such period of five years shall be set off against any loss sustained during any other financial year included in the same period.

Short title.

7. This Act shall be called the Second Railway Construction Act, 1955.

First Schedule.

LINES OF RAILWAY AUTHORIZED BY SECTION One.

COLUMN 1.	COLUMN 2.	COLUMN 3.
Description of Line.	Approximate Length.	Estimated Cost.
From Dube to Doornkop. (Province of the Transvaal)	6·28	2,148,860
From Crown to West Street. (Province of the Transvaal)	1·33	1,317,058
From Angus to a junction with the existing railway line between Germiston and Elsburg at approximately mileage 703 miles 51 chains. (Province of the Transvaal)	13·64	3,884,326
From Cor Delfos to Atteridgeville/Saulsville. (Province of the Transvaal) ..	4·96	507,886

Second Schedule.

ADDITIONAL LINE OF RAILWAY AUTHORIZED BY SECTION One.

COLUMN 1.	COLUMN 2.	COLUMN 3.
Description of Line.	Approximate Length.	Estimated Cost.
From Maitland to a junction with the existing avoiding line between Cape Town and Woltemade	·47	28,750

die Gekonsolideerde Inkomstefonds vergoed, uit geld deur die Parlement vir die doel bewillig, vir alle verliese (bereken op 'n wyse waarop insgelyks aldus oorengekom moet word) wat met die eksplorasie van die spoorlyne in die Eerste Bylae by hierdie Wet vermeld, gely mag word.

(2) 'n Ooreenkoms wat ingevolge sub-artikel (1) aangegaan word, moet onder meer bepaal dat—

- (a) die finansiële resultate van die eksplorasie van bedoelde spoorlyne bereken moet word ten opsigte van elke boekjaar met ingang van die datum waarop die eerste van bedoelde spoorlyne vir openbare verkeer oopgestel word; en
- (b) afrekening tussen die partye moet geskied na die verstryking van elke agtereenvolgende tydperk van vyf boekjare, op grondslag van bedoelde bedryfsresultate oor elke sodanige tydperk in sy geheel; en
- (c) 'n wins wat afgewerp word in die eksplorasie van bedoelde lyne gedurende enige boekjaar wat binne so 'n tydperk van vyf jaar val, in rekening gebring moet word teen 'n verlies wat gedurende enige ander boekjaar wat binne dieselfde tydperk val, gely mag word.

7. Hierdie Wet heet die Tweede Spoerwegaanlegwet, 1955. Kort titel.

Eerste Bylae.

SPOORLYNE GEMAGTIG BY ARTIKEL Een.

KOLOM 1.	KOLOM 2.	KOLOM 3.
Beskrywing van lyn.	Benaderde lengte.	Geraamde koste.
Van Dube na Doornkop. (Provinsie Transvaal)	Myl. 6·28	£ 2,148,860
Van Crown na Wesstraat. (Provinsie Transvaal)	1·33	1,317,058
Van Angus tot by 'n aansluiting met die bestaande spoorlyn tussen Germiston en Elsburg ongeveer by mylafstand 703 myl 51 ketting. (Provinsie Transvaal)	13·64	3,884,326
Van Cor Delfos na Atteridgeville/Saulsville. (Provinsie Transvaal)	4·96	507,886

Tweede Bylae.

ADDISIONELE SPOORLYN GEMAGTIG BY ARTIKEL Een.

KOLOM 1.	KOLOM 2.	KOLOM 3.
Beskrywing van lyn.	Benaderde lengte.	Geraamde koste.
Van Maitland tot by 'n aansluiting met die bestaande vermyspoor tussen Kaapstad en Woltemade	Myl. ·47	£ 28,750

No. 48, 1955.]

ACT

To apply a further sum not exceeding three million pounds from the Railway and Harbour Fund for the services of the railways and harbours for the year ending the thirty-first day of March, 1956.

(Afrikaans text signed by the Governor-General.)
(Assented to 20th June, 1955.)

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:—

Railway and Harbour Fund charged with £3,000,000.

How moneys to be applied.

Minister may authorize variations.

Lines under construction.

Increase in expenditure on authorized line.

Utilization of £1,000,000 from working capital savings.

Sources from which moneys appropriated will be provided.

Short title.

1. The Railway and Harbour Fund is hereby charged with such sums of money as may be required for the capital and betterment services of the railways and harbours of the Union for the year ending the thirty-first day of March, 1956, not exceeding in the whole the sum of three million pounds in addition to the sums provided by the Railways and Harbours Appropriation Act, 1955 (Act No. 14 of 1955).

2. The moneys appropriated by this Act shall be applied to the purposes set forth in the First Schedule to this Act and more particularly specified in the Estimates of Additional Expenditure [U.G. 31—1955] for the said year as approved by Parliament, but no portion of the sum of one hundred thousand pounds contributed from the Betterment Fund as specified in the Second Schedule to this Act shall be utilized for any purposes other than those mentioned under Head No. 2 in the said First Schedule.

3. (1) With the approval of the Minister of Transport a saving on the head set out in column 1 of the First Schedule to this Act may be made available for any excess of expenditure on any other head appearing in column 1 of the Second Schedule to Act No. 14 of 1955.

(2) No excess shall be incurred on the sum appearing in column 2 of the First Schedule to this Act, and savings thereon shall not be available for any purpose other than that for which the money is hereby appropriated as indicated in that Schedule.

4. In the case of the service falling under Head No. 1 of the First Schedule to this Act the total expenditure on any line under construction shall not exceed the amount prescribed by law as the maximum amount which may be expended thereon.

5. Anything to the contrary notwithstanding in any law authorizing the construction and equipment of the line of railway mentioned in column 1 of the Third Schedule to this Act, the amount mentioned in column 2 of that Schedule (being the amount prescribed by law as the maximum sum to be expended on that line) shall be increased to the sum set out in column 3.

6. It shall be lawful to devote to the services appearing in the First Schedule to this Act the sum of one million pounds, being part of the moneys previously voted for working capital and now available in consequence of reduction of stores stocks.

7. The moneys appropriated by this Act shall be provided from the sources set out in the Second Schedule hereto.

8. This Act shall be called the Railways and Harbours Second Additional Appropriation Act, 1955.

No. 48, 1955.]

WET

Tot aanwending van 'n verdere som van hoogstens driemiljoen pond uit die Spoorweg- en Hawefonds vir die dienste van die spoorweë en hawens vir die jaar wat op die een-en-dertigste dag van Maart 1956 eindig.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 20 Junie 1955.)

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

1. Die Spoorweg- en Hawefonds word hiermee belas met sodanige somme geld as wat nodig mag wees vir die kapitaal- en verbeteringsdienste van die spoorweë en hawens van die Unie gedurende die jaar wat op die een-en-dertigste dag van Maart 1956 eindig, maar gesamentlik ten bedrae van hoogstens driemiljoen pond bo en behalwe die bedrae waarvoor voor-siening gemaak is deur die Spoorweg- en Hawebegrotingswet, 1955 (Wet No. 14 van 1955).

Spoorweg- en
Hawefonds belas
met £3,000,000.

2. Die gelde deur hierdie Wet beskikbaar gestel, moet aangewend word vir die doeleindes vermeld in die Eerste Bylae by hierdie Wet en nader omskrywe in die Addisionele Begroting van Uitgawe [U.G. 31—1955] vir die genoemde jaar soos deur die Parlement goedgekeur, maar geen deel van die som van eenhonderdduisend pond getrek uit die verbeteringsfonds, soos in die Tweede Bylae by hierdie Wet aangetoon, mag bestee word vir ander doeleindes as dié wat onder Hoof No. 2 van bedoelde Eerste Bylae vermeld word nie.

Hoe die gelde
bestee moet word.

3. (1) Met goedkeuring van die Minister van Vervoer kan 'n besparing op die hoof aangetoon in kolom 1 van die Eerste Bylae by hierdie Wet beskikbaar gestel word vir 'n oorskryding van uitgawe op 'n ander hoof wat voorkom in kolom 1 van die Tweede Bylae by Wet No. 14 van 1955.

Minister kan
afwykings magtig.

(2) Die bedrag wat voorkom in kolom 2 van die Eerste Bylae by hierdie Wet mag nie oorskry word nie, en besparings daarop mag vir geen ander doel as dié waarvoor die geld hiermee beskikbaar gestel word, soos aangetoon in daardie Bylae, aangewend word nie.

4. By die diens vermeld onder Hoof No. 1 van die Eerste Bylae by hierdie Wet mag die gesamentlike uitgawe vir 'n lyn wat in aanbou is, nie meer bedra nie as die bedrag wat deur 'n wet vasgestel is as die maksimum-bedrag wat daaraan bestee mag word.

Lyne in aanbou.

5. Ondanks andersluidende bepalings in enige wet wat magtiging verleen vir die aanleg en uitrusting van die spoorlyn vermeld in kolom 1 van die Derde Bylae by hierdie Wet word die bedrag vermeld in kolom 2 van daardie Bylae, naamlik, die bedrag deur 'n wet vasgestel as die maksimum-som wat aan daardie lyn bestee mag word, vermeerder tot die som wat in kolom 3 uitgedruk staan.

Vermeerdering
van uitgawe op
goedgekeurde
spoorlyn.

6. Die som van eenmiljoen pond wat 'n gedeelte is van gelde wat vroeër vir bedryfskapitaal bewillig en nou beskikbaar is as gevolg van 'n vermindering van magasynvoorraade, kan wettig aangewend word vir die dienste in die Eerste Bylae by hierdie Wet vermeld.

Aanwending van
£1,000,000 uit
besparings van
bedryfskapitaal.

7. Die gelde wat deur hierdie Wet beskikbaar gestel word, moet uit die in die Tweede Bylae by hierdie Wet vermelde bronne verskaf word.

Bronne waaruit
beskikbaar gestelde
gelde verskaf
sal word.

8. Hierdie Wet heet die Tweede Addisionele Spoorweg- en Kort titel, Hawebegrotingswet, 1955.

First Schedule.**CAPITAL AND BETTERMENT SERVICES.**

Head No.	Head.	Column 1.	Column 2.
		£	£
1 2	Construction of Railways New Works on Open Lines	1,895,000	1,105,000
	TOTAL		£3,000,000

Second Schedule.

Sources from which the additional funds for capital and betterment services will be provided:—

	£
1. Additional Loan Funds	1,900,000
2. Betterment Fund	100,000
3. Surrender of working capital in excess of requirements	1,000,000
	<hr/>
	£3,000,000

Third Schedule.

Column 1.	Column 2.	Column 3.
	£	£
Kamfersdam—Beaconsfield	185,000	208,000

Eerste Bylae.**KAPITAAL- EN VERBETERINGSDIENSTE.**

Hoof No.	Hoof.	Kolom 1.	Kolom 2.
		£	£
1	Aanleg van spoorweë	—	1,105,000
2	Nuwe werke aan oopgestelde lyne	1,895,000	—
	TOTAAL		£3,000,000

Tweede Bylae.

Bronne waaruit die addisionele fondse vir kapitaal- en verbeteringsdienste verskaf sal word:

	£
1. Addisionele leningsfondse	1,900,000
2. Verbeteringsfonds	100,000
3. Teruggawe van bedryfskapitaal in oorskryding van vereistes	1,000,000
	<u>£3,000,000</u>

Derde Bylae.

Kolom 1.	Kolom 2.	Kolom 3.
	£	£
Kamfersdam—Beaconsfield	185,000	208,000

No. 54, 1955.]

ACT

To amend the University of South Africa Act, 1916.

(Afrikaans text signed by the Governor-General.)
(Assented to 20th June, 1955.)

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 4 of Act 12 of 1916 as amended by section 1 of Act 18 of 1946 and section 2 of Act 30 of 1951.

Substitution of section 6 of Act 12 of 1916 as amended by section 2 of Act 3 of 1943.

Insertion of section 6bis in Act 12 of 1916.

Amendment of section 7 of Act 12 of 1916 as substituted by section 3 of Act 30 of 1951.

Amendment of section 8 of Act 12 of 1916 as amended by section 1 of Act 21 of 1939, section 4 of Act 3 of 1943, section 3 of Act 18 of 1946 and section 4 of Act 30 of 1951.

Substitution of section 9bis of Act 12 of 1916 as inserted by section 4 of Act 18 of 1946.

1. Section *four* of the University of South Africa Act, 1916 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for paragraph *(b)* of the following paragraph:
- “(b) an officer who shall be styled the principal of the University and who shall also be the vice-chancellor of the University;” ; and
- (b) by the substitution for paragraph *(f)* of the following paragraph:
- “(f) the professors, lecturers and students of the University.”.

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

“Vice-chancellor of the University.

6. The vice-chancellor shall in the absence of the chancellor perform all duties and functions appertaining to the office of chancellor, and shall also perform such other duties as are assigned to him by this Act or by the statutes.”.

3. The following section is hereby inserted in the principal Act after section *six*:

“Principal of the University.

6bis. The principal of the University shall, subject to the approval of the Minister, be appointed by the council in the manner prescribed by the statutes, and his powers, privileges, functions, period of office and duties shall be as thereby prescribed.”.

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

- (a) by the substitution for paragraph *(b)* of sub-section *(1)* of the following paragraph:
- “(b) two persons chosen by the senate of the University;”;
- (b) by the substitution in paragraph *(e)* of sub-section *(1)* for the word “two” of the word “four”; and
- (c) by the substitution for sub-section *(5)* of the following sub-section:
- “(5) The council shall elect from amongst its members a chairman, who shall hold office as such for a period of two years: Provided that if the chairman is not present at any meeting of the council, the members present may elect a chairman out of their number to preside at such meeting.”.

5. Section *eight* of the principal Act is hereby amended—

- (a) by the substitution for paragraph *(b)* of sub-section *(1)* of the following paragraph:
- “(b) the principal of the University *ex officio*, who shall be chairman;”;
- (b) by the substitution in paragraphs *(c)* and *(d)* of sub-section *(1)* for the words “division of external studies” of the word “University”; and
- (c) by the deletion in sub-section *(3)* of the words “The election of chairman.”.

6. The following section is hereby substituted for section *nine bis* of the principal Act:

“*9bis.* (1) There shall be a division of studies of the University, consisting of the principal of the University and such professors and lecturers as the council may determine.

No. 54, 1955.]

WET

Tot wysiging van „De Universiteit van Zuid Afrika Wet, 1916”.

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 20 Junie 1955.)*

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

- 1.** Artikel vier van „De Universiteit van Zuid Afrika Wet, Wysiging van 1916” (hieronder die Hoofwet genoem) word hiermee gewysig—
 (a) deur paragraaf (b) deur die volgende paragraaf te vervang:
 „(b) een ambtenaar die de naam draagt van principaal van de Universiteit en die tevens vice-kanselier van de Universiteit is;”; en
 (b) deur paragraaf (f) deur die volgende paragraaf te vervang:
 „(f) de professoren, lektoren en studenten van de Universiteit.”.
- 2.** Artikel ses van die Hoofwet word hiermee deur die volgende artikel vervang:
 „Vice-kanselier van de Universiteit” vervult de vice-kanselier alle plichten en functies welke aan het ambt van de kanselier verbonden zijn, en vervult verder zodanige andere plichten als hem door deze Wet of de statuten opgedragen zijn.”.
- 3.** Die volgende artikel word hiermee in die Hoofwet na artikel ses ingevoeg:
 „Principaal van de Universiteit” 6bis. Onderworpen aan de goedkeuring van de Minister wordt de principaal van de Universiteit aangesteld door de raad op die wijze in die statuten voorgeschreven, zullende zijn bevoegdheden, voorrechten, functies, ambtstijd en plichten zijn zoals daarin omschreven.”.
- 4.** Artikel sewe van die Hoofwet word hiermee gewysig—
 (a) deur paragraaf (b) van sub-artikel (1) deur die volgende paragraaf te vervang:
 „(b) twee door de senaat van de Universiteit gekozen personen;”;
 (b) deur in paragraaf (e) van sub-artikel (1) die woord „twee” deur die woord „vier” te vervang; en
 (c) deur sub-artikel (5) deur die volgende sub-artikel te vervang:
 „(5) De raad kiest uit zijn leden een voorzitter die zijn ambt als zulks gedurende een tydperk van twee jaar bekleedt: Met dien verstande dat indien de voorzitter op een vergadering van de raad niet tegenwoordig is, de leden die tegenwoordig zijn een voorzitter uit hun midden kunnen verkiezen om op zulk een vergadering die voorzitterstoel te bekleden.”.
- 5.** Artikel agt van die Hoofwet word hiermee gewysig—
 (a) deur paragraaf (b) van sub-artikel (1) deur die volgende paragraaf te vervang:
 „(b) de principaal van de Universiteit ambtshalve, die als voorzitter optreedt;”;
 (b) deur in paragrawe (c) en (d) van sub-artikel (1) die woorde „afdeling buiten-studies” te vervang deur die woord „Universitet”; en
 (c) deur in sub-artikel (3) die woerde „De verkiezing van een voorzitter,” te skrap.
- 6.** Artikel nege bis van die Hoofwet word hiermee deur die volgende artikel vervang:
 „9bis. (1) Er zal zijn een studie-afdeling van de Universiteit bestaande uit die principaal van de Universiteit en zodanige professoren en lektoren als die raad mocht bepalen.”.

(2) The professors and lecturers of the division of studies shall be appointed by the council subject to such conditions as the council may prescribe.”.

Amendment of section 13 of Act 12 of 1916 as substituted by section 1 of Act 11 of 1930.

7. Section *thirteen* of the principal Act is hereby amended by the addition to paragraph (b) of the words “or who are able to furnish evidence to the satisfaction of the senate of having attained such qualifications as are, in the opinion of the senate, equivalent to the qualifications prescribed for a degree in the University.”.

Amendment of section 15 of Act 12 of 1916 as substituted by section 6 of Act 30 of 1951.

8. Section *fifteen* of the principal Act is hereby amended—
(a) by the insertion after the words “control of the senate” of the words “, subject to such conditions and”; and
(b) by the deletion in paragraph (b) of the word “external” wherever it occurs.

Insertion of section 18bis in Act 12 of 1916.

9. The following section is hereby inserted in the principal Act after section *eighteen*:

“Discipline. 18bis. Every student of the University shall be subject to such disciplinary provisions as the statutes may prescribe.”.

Short title.

10. This Act shall be called the University of South Africa Amendment Act, 1955.

No. 52, 1955.]

ACT

To amend the Expropriation (Establishment of Undertakings) Act, 1951.

(Afrikaans text signed by the Governor-General.)
(Assented to 20th June, 1955.)

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 39 of 1951.

1. Section *two* of the Expropriation (Establishment of Undertakings) Act, 1951 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in sub-section (1) for the words “pipe line” of the words “structure used for or in connection with the conveyance of any solid, liquid or gas, including any pipe line, conveyor belt, cable-way, cocopan tramline, rackrailway”; and by the deletion in the said sub-section of the words “in connection with such undertaking”;
- (b) by the substitution in paragraphs (a) and (b) of sub-section (2) for the words “pipe line, private railway branch line or railway siding” of the words “proposed structure”; and
- (c) by the substitution in paragraph (b) of sub-section (3) for the words “pipe line, railway branch line or railway siding” of the word “structure”.

Amendment of long title of Act 39 of 1951.

2. The long title of the principal Act is hereby amended by the substitution for the words “pipe lines, private railway branch lines or railway sidings” of the words “certain structures”.

Short title.

3. This Act shall be called the Expropriation (Establishment of Undertakings) Amendment Act, 1955.

(2) De professoren en lektoren van die studie-afdeling worden door de raad aangesteld op zodanige voorwaarden als de raad mocht voorschrijven.”.

7. Artikel dertien van die Hoofwet word hiermee gewysig deur aan paragraaf (b) die woorde „of die bewijs tot overtuiging van die senaat kunnen leveren van zodanige kwalifikasies te hebben behaald als naar het oordeel van de senaat gelijk staan met die kwalifikasies welke voorgeschreven zijn voor een graad aan de Universiteit.” toe te voeg.

Wysiging van artikel 13 van Wet 12 van 1916 soos vervang deur artikel 1 van Wet 11 van 1930.

8. Artikel vyftien van die Hoofwet word hiermee gewysig—
 (a) deur na die woorde „toezicht van die senaat” die woorde „onderworpen aan die door die senaat bepaalde voorwaarden en” in te voeg; en
 (b) deur in paragraaf (b) die woorde „afdeling buitenstudies”, waar hulle ookal voorkom, deur die uitdrukking „studie-afdeling” te vervang.

Wysiging van artikel 15 van Wet 12 van 1916 soos vervang deur artikel 6 van Wet 30 van 1951.

9. Die volgende artikel word hiermee in die Hoofwet na artikel *agtien* ingevoeg:
 „Discipline. 18bis. Iedere student van die Universiteit staat onder zodanige tuchtbepalingen als die statuten mochten voorschrijven.”.

Invoeging van artikel 18bis in Wet 12 van 1916.

10. Hierdie Wet heet die Wysigingswet op die Universiteit Kort titel van Suid-Afrika, 1955.

No. 52, 1955.]

WET

Tot wysiging van die Wet op Onteiening (Oprigting van Ondernemings), 1951.

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)
 (Goedgekeur op 20 Junie 1955.)*

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 Onteiening (Oprigting van Ondernemings), 1951 (hieronder die Hoofwet genoem), word hiermee gewysig—

Wysiging van artikel 2 van Wet 39 van 1951.

- (a) deur in sub-artikel (1) die woorde „n pyplyn” deur die woorde „enige struktuur wat gebruik word vir of in verband met die vervoer van enige vaste stof, vloeistof of gas, met inbegrip van ‘n pyplyn, vervoerband, kabelbaan, koekepanspoor, tandratspoorweg,” te vervang; en deur in bedoelde sub-artikel die woorde „in verband met die onderneming” te skrap;
- (b) deur in paragrawe (a) en (b) van sub-artikel (2) die woorde „pyplyn, private spoorwegtaklyn of spoorgewegsylyn” deur die woorde „voorgestelde struktuur” te vervang; en
- (c) deur in paragraaf (b) van sub-artikel (3) die woorde „pyplyn, spoorwegtaklyn of spoorgewegsylyn” deur die woorde „struktuur” te vervang.

2. Die lang titel van die Hoofwet word hiermee gewysig deur die woorde „pyplyne, private spoorwegtaklyne of spoorgeweg-sylyne” deur die woorde „sekere strukture” te vervang.

Wysiging van lang titel van Wet 39 van 1951.

3. Hierdie Wet heet die Wysigingswet op Onteiening (Op- rigting van Ondernemings), 1955.