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EXTRAORDINARY



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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemeen inligting gepubliseer:—

o. 1066.] [15 Junie 1956.

Hierby word bekend gemaak dat dit Sy Eksellensie die oewerneur-generaal behaag het om sy goedkeuring te heg in onderstaande Wette, wat hierby ter algemene inligting publiseer word:—

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OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 1066.]

[15th June, 1956.

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

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No. 55, 1956.]

WET

Om die skale van normale en super-inkomstebelasting vas te stel vir die jaar van aanslag wat op die dertigste dag van Junie 1956 eindig en om die wetsbepalings betreffende inkomstebelasting te wysig.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 12 Junie 1956.)

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

Skale van normale en superbelasting.

1. (1) Ooreenkomsdig onderskeidelik sub-artikel (2) van artikel *wyf* en sub-artikel (2) van artikel *drie-en-twintig* van die Inkomstebelastingwet, 1941 (Wet No. 31 van 1941), hieronder die Hoofwet genoem, is die skale van normale en superbelasting wat gehef word oor die jaar van aanslag wat eindig op die dertigste dag van Junie 1956, as volg:

(A) Wat normale belasting betref—

- (a) ten opsigte van die belasbare inkomste (met uitsondering van soveel as wat uit mynwerksamehede wat in die Unie deur 'n maatskappy voortgesit word, verkry is, maar met inbegrip van soveel as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by bruto-inkomste verkry uit die myn van goud in die Unie van 'n in paragraaf (*f*) van die omskrywing van „bruto-inkomste” in artikel *sewe* van die Hoofwet bedoelde bedrag)—
 - (i) in die geval van alle maatskappye, vyf sjielings op elke pond van die belasbare inkomste;
 - (ii) in die geval van ander persone as maatskappye, agtien pennies op elke pond van die belasbare inkomste wat nie meer as negeduusend driehonderd pond bedra nie, verhoog met een-duisendste van 'n pennie vir elke pond van bedoelde belasbare inkomste wat een pond te bowe gaan, en sewe-en-dertig pennies op elke pond van die belasbare inkomste vir sover dit meer as negeduusend driehonderd pond bedra: Met dien verstande dat die skaal vir 'n getroude persoon op elke pond van die belasbare inkomste wat nie meer as negeduusend driehonderd pond bedra nie, vyftien pennies is, verhoog met een-duisendste van 'n pennie vir elke pond van bedoelde belasbare inkomste wat een pond te bowe gaan, en vier-en-dertig pennies op elke pond van die belasbare inkomste vir sover dit meer as negeduusend driehonderd pond bedra: Met dien verstande voorts dat daar by die bedrag van belasting volgens die voorgaande bepalings van hierdie item (met inbegrip van die voorgaande voorbehoudsbepaling daarby) bereken, 'n bedrag gevoeg word gelyk aan vyftien persent van die netto-bedrag wat verkry word nadat die kortings, waarvoor in artikel *dertien* van die Hoofwet voorsiening gemaak word, afgetrek is van die bedrag van belasting aldus bereken;
 - (b) ten opsigte van soveel van die belasbare inkomste as wat deur 'n maatskappy uit die myn van goud in die Unie verkry is (maar met uitsluiting van soveel van die belasbare inkomste as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by bruto-inkomste van 'n in paragraaf (*f*) van die omskrywing van „bruto-inkomste” in artikel *sewe* van die Hoofwet bedoelde bedrag), op elke pond van die belasbare inkomste vir die tydperk vanaf die eerste dag van Julie 1955 tot en met die een-en-dertigste dag

No. 55, 1956.]

ACT

To fix the rates of normal and super income tax in respect of the year of assessment ending the thirtieth day of June, 1956, and to amend the law relating to income tax.

(Afrikaans text signed by the Governor-General.)
(Assented to 12th June, 1956.)

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

1. (1) In terms of sub-section (2) of section *five* and sub-section (2) of section *twenty-three* respectively of the Income Tax Act, 1941 (Act No. 31 of 1941), hereinafter referred to as the principal Act, the rates of normal and super tax to be levied for the year of assessment ending the thirtieth day of June, 1956, shall be as follows:

(A) In so far as normal tax is concerned—

(a) in respect of the taxable income (excluding so much as is derived from mining operations carried on in the Union by any company but including so much as the Commissioner determines to be attributable to the inclusion in the gross income derived from mining in the Union for gold of any amount referred to in paragraph (f) of the definition of "gross income" in section *seven* of the principal Act)—

(i) in the case of all companies, for each pound of the taxable income, five shillings;

(ii) in the case of persons other than companies, for each pound of the taxable income not exceeding nine thousand three hundred pounds, eighteen pence increased by one one-thousandth of a penny for each pound of such taxable income in excess of one pound, and for each pound of the taxable income over and above nine thousand three hundred pounds, thirty-seven pence: Provided that for a married person the rate for each pound of the taxable income not exceeding nine thousand three hundred pounds shall be fifteen pence increased by one one-thousandth of a penny for each pound of such taxable income in excess of one pound, and for each pound of the taxable income over and above nine thousand three hundred pounds, thirty-four pence: Provided further that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this item (including the foregoing proviso thereto) a sum equal to fifteen per centum of the net amount arrived at after deducting the rebates provided for in section *thirteen* of the principal Act from the amount of tax so calculated;

(b) in respect of so much of the taxable income as has been derived by any company from mining in the Union for gold (but with the exclusion of so much of the taxable income as the Commissioner determines to be attributable to the inclusion in the gross income of any amount referred to in paragraph (f) of the definition of "gross income" in section *seven* of the principal Act), on each pound of the taxable income for the period from the first day of July, 1955, up to and including the thirty-first day of December, 1955, a

van Desember 1955, 'n persentasie vasgestel ooreenkomstig die formule:

378

$$y = 63 - \frac{3}{x}$$

en op elke pond van die belasbare inkomste vir die tydperk vanaf die eerste dag van Januarie 1956 tot en met die dertigste dag van Junie 1956, 'n persentasie vasgestel ooreenkomstig die formule:

360

$$y = 60 - \frac{3}{x}$$

in welke formules (asook in die formules in die voorbehoudsbepaling hierby uiteengesit) y die bedoelde persentasie voorstel en x die verhouding, as 'n persentasie uitgedruk, waarin die aldus verkreë belasbare inkomste (met genoemde uitsluiting) vir die tydperk van twaalf maande ten opsigte waarvan aangeslaan word, staan tot die aldus verkreë inkomste (met genoemde uitsluiting) vir genoemde tydperk van twaalf maande: Met dien verstande dat indien die aldus verkreë belasbare inkomste (met genoemde uitsluiting) vir genoemde tydperk van twaalf maande nie meer as twintigduisend pond bedra nie, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig die formule:

$$y = 20 \left(1 - \frac{6}{x} \right)$$

en indien bedoelde belasbare inkomste meer as twintigduisend pond bedra, die belastingskaal nie hoër is nie as 'n persentasie vasgestel ooreenkomstig 'n formule wat verkry word deur die

getal 20 in die formule $y = 20 \left(1 - \frac{6}{x} \right)$ te verhoog

met een vir elke volle bedrag van twaalfhonderd-en-vyftig pond wat genoemde belasbare inkomste meer as twintigduisend pond bedra;

- (c) ten opsigte van soveel van die belasbare inkomste as wat deur 'n maatskappy uit die myn van diamante in die Unie verkry is, nege sjielings op elke pond van die belasbare inkomste;
- (d) ten opsigte van soveel van die belasbare inkomste as wat deur 'n maatskappy verkry is uit ander mynwerksaamhede as die myn van goud en diamante wat deur sodanige maatskappy in die Unie voortgesit word, ses sjielings op elke pond van die belasbare inkomste;
- (e) ten opsigte van soveel van die belasbare inkomste van 'n maatskappy, wie se enigste of vernaamste besigheid in die Unie die myn van goud is en die vasstelling van die belasbare inkomste waarvan vir die tydperk van aanslag nie op 'n vasgestelde verlies uitloop nie, as wat volgens vasstelling van die Kommissaris toe te skryf is aan die inrekening by sy bruto-inkomste van 'n in paragraaf (f) van die omskrywing van „bruto-inkomste“ in artikel sewe van die Hoofwet bedoelde bedrag, op elke pond wat volgens die vasstelling toe te skryf is aan die inrekening van so 'n bedrag, die bedrag waarby die gemiddelde skaal van normale belasting vasgestel ooreenkomstig paragraaf (b) van sub-artikel (2) meer is as die skaal wat in item (i) van sub-paragraaf (a) voorgeskryf word.

- (B) Wat superbelasting betref, op elke pond van die aan superbelasting onderhewige inkomste wat nie meer as negeduusend driehonderd pond bedra nie, twee sjielings verhoog met een-vierhonderdste van 'n pennie vir elke pond van sodanige aan superbelasting onderhewige inkomste wat een pond te bowe gaan, en vyf sjielings en tien pennies op elke pond van die aan superbelasting onderhewige inkomste vir sover dit meer as negeduusend driehonderd pond bedra: Met dien verstande dat daar by die bedrag van belasting volgens die voorgaande bepalings van hierdie paragraaf bereken, 'n bedrag gevoeg word gelyk aan vyftien persent van die netto-bedrag wat verkry word nadat

percentage determined in accordance with the formula:

$$y = 63 - \frac{378}{x}$$

and on each pound of the taxable income for the period from the first day of January, 1956, up to and including the thirtieth day of June, 1956, a percentage determined in accordance with the formula:

$$y = 60 - \frac{360}{x}$$

in which formulae (and in the formulae set out in the proviso hereto) y represents such percentage and x the ratio expressed as a percentage which the taxable income so derived (with the said exclusion) for the period of twelve months in respect of which the assessment is made, bears to the income so derived (with the said exclusion) for the said period of twelve months: Provided that if the taxable income so derived (with the said exclusion) for the said period of twelve months does not exceed twenty thousand pounds, the rate of tax shall not exceed a percentage determined in accordance with the formula:

$$y = 20\left(1 - \frac{6}{x}\right)$$

and if such taxable income exceeds twenty thousand pounds, the rate of tax shall not exceed a percentage determined in accordance with a formula arrived at by adding to the number 20 in

the formula $y = 20\left(1 - \frac{6}{x}\right)$ one for each completed amount of twelve hundred and fifty pounds by which the said taxable income exceeds twenty thousand pounds;

- (c) in respect of so much of the taxable income as has been derived by any company from mining in the Union for diamonds, for each pound of the taxable income, nine shillings;
 - (d) in respect of so much of the taxable income as has been derived by any company from mining operations (other than mining for gold or diamonds) carried on by such company in the Union, for each pound of the taxable income, six shillings;
 - (e) in respect of so much of the taxable income of any company, the sole or principal business of which in the Union is mining for gold and the determination of the taxable income of which for the period assessed does not result in an assessed loss, as the Commissioner determines to be attributable to the inclusion in its gross income of any amount referred to in paragraph (f) of the definition of "gross income" in section seven of the principal Act, for each pound so determined to be attributable to the inclusion of any such amount, the amount by which the average rate of normal tax as determined under paragraph (b) of sub-section (2) exceeds the rate prescribed in item (i) of sub-paragraph (a).
- (B) In so far as super tax is concerned, for each pound of the income subject to super tax not exceeding nine thousand three hundred pounds, two shillings increased by one four-hundredth of a penny for each pound of such income subject to super tax in excess of one pound, and for each pound of the income subject to super tax over and above nine thousand three hundred pounds, five shillings and ten pence: Provided that there shall be added to the amount of tax calculated in accordance with the preceding provisions of this paragraph a sum equal to fifteen per centum of the net amount arrived at after deducting the rebates

die kortings, waarvoor in artikel *nege-en-twintig* van die Hoofwet voorsiening gemaak word, afgetrek is van die bedrag van belasting aldus bereken.

- (2) (a) Vir die doeleindes van paragraaf (A) van sub-artikel (1) sluit inkomste uit die myn van goud in die Unie verkry ook inkomste in wat verkry is van silwer, osmiridium, uraan, piriet of ander minerale wat in die loop van die myn van goud gewin mag word, en enige inkomste wat volgens die mening van die Kommissaris regstreeks uit die myn van goud voortvloeи.
 - (b) Vir die doeleindes van sub-paragraaf (e) van paragraaf (A) van sub-artikel (1) word die gemiddelde skaal van normale belasting vasgestel deur die totale normale belasting (met uitsluiting van die belasting ooreenkomsdig genoemde sub-paragraaf vir die tydperk van aanslag vasgestel) wat deur die betrokke maatskappy betaal is ten opsigte van sy totale belasbare inkomste uit die myn van goud vir die tydperk vanaf die eerste dag van Julie 1916 tot die end van die tydperk waarvoor aangeslaan word, te deel deur die getal van die ponde wat genoemde totale belasbare inkomste bevat.
 - (c) Die belasting ooreenkomsdig enige van die sub-paragrawe (a) tot (e) van paragraaf (A) van sub-artikel (1) vasgestel, is betaalbaar benewens die belasting vasgestel ooreenkomsdig enige andere van genoemde sub-paragrawe.
- (3) Vir die aanslag van 'n belasting deur 'n provinsiale raad in die uitoefening van sy bevoegdhede kragtens die Konsolidasie-en Wysigingswet op Finansiële Verhoudings, 1945 (Wet No. 38 van 1945), opgelê op inkomste van persone en maatskappye, word die bedrae van normale en superbelasting deur 'n belastingpligte kragtens die Inkomstebelastingwette van die Unie verskuldig vir die jaar van aanslag wat op die dertigste dag van Junie 1956 eindig, geag gelyk te staan aan die onderskeie bedrae wat as normale en superbelasting verskuldig sou gewees het as die bepalings betreffende die byvoeging bedoel in die tweede voorbehoudsbepaling by item (ii) van sub-paragraaf (a) van paragraaf (A) van sub-artikel (1) en die voorbehoudsbepaling by paragraaf (B) van genoemde sub-artikel, nie wet geword het nie.

Wysiging van artikel 1 van Wet 31 van 1941, soos gewysig deur artikel 2 van Wet 39 van 1945, artikel 3 van Wet 55 van 1946, artikel 2 van Wet 40 van 1948, artikel 2 van Wet 45 van 1949, artikel 2 van Wet 56 van 1952 en artikel 2 van Wet 43 van 1955.

2. Artikel een van die Hoofwet word hierby gewysig—
 - (a) deur die voorbehoudsbepaling by die omskrywing van „bystandsfonds” met ingang van die datum van inwerkingtreding daarvan te skrap;
 - (b) deur in genoemde omskrywing, na die woord „pensioenfonds”, waar dit die eerste maal voorkom, die woorde „of voorsorgsfonds” in te voeg, en deur in genoemde omskrywing al die woorde na die woord „lede”, waar dit die tweede maal voorkom, te skrap;
 - (c) deur die volgende omskrywings na die omskrywing van „maatskappy” in te voeg:
 - „beteken, datum van diepmyn-produksie”, met betrekking tot 'n diep-goudmyn, die datum waarop, volgens die sertifikaat van die Staatsmyningingenieur, afbouwerk op 'n vertikale diepte van meer as seweduiseend vyfhonderd voet van die oppervlakte begin het;
 - „beteken ,diep-goudmyn' 'n nuwe goudmyn ten opsigte waarvan—
 - (a) die Goewerneur-generaal of die Minister van Mynwese, na gelang van die geval, op aanbeveling van die mynverhuringsraad, na die dertigste dag van Junie 1956, skriftelik sy besluit te kenne gegee het om 'n huur van die reg om goud te myn, toe te staan; en
 - (b) die Staatsmyningingenieur oortuig is dat, op die tydstip waarop die besluit om die huur toe te staan, te kenne gegee word, dit die hoofdoel is om goudhoudende erts te myn wat na vermoede binne die huurgebied op laer dieptes as 'n vertikale diepte van seweduiseend vyfhonderd voet onder die oppervlakte voorkom; en
 - (c) op die tydstip waarop die besluit om die huur toe te staan, te kenne gegee word, die Staatsmyningingenieur van oordeel is dat 'n tydperk van minstens sewe jaar vanaf die datum waarop skaguitdrawings 'n aanvang neem tot die datum van diepmyn-produksie sal verloop;”;

provided for in section *twenty-nine* of the principal Act from the amount of tax so calculated.

- (2) (a) For the purposes of paragraph (A) of sub-section (1) income derived from mining in the Union for gold shall include any income derived from silver, osmiridium, uranium, pyrites or other minerals which may be won in the course of the mining for gold, and any income which, in the opinion of the Commissioner, results directly from mining for gold.
- (b) For the purposes of sub-paragraph (e) of paragraph (A) of sub-section (1), the average rate of normal tax shall be determined by dividing the total normal tax (excluding the tax determined in accordance with the said sub-paragraph for the period assessed) paid by the company concerned in respect of its aggregate taxable income from gold mining for the period from the first day of July, 1916, to the end of the period assessed, by the number of the pounds contained in the said aggregate taxable income.
- (c) The tax determined in accordance with any one of the sub-paragraphs (a) to (e) of paragraph (A) of sub-section (1), shall be payable in addition to the tax determined in accordance with any other of the said sub-paragraphs.
- (3) For the purposes of assessing any tax imposed by a provincial council in the exercise of its powers under the Financial Relations Consolidation and Amendment Act, 1945 (Act No. 38 of 1945), on the incomes of persons and companies, the amounts of normal tax and super tax payable under the Income Tax Acts of the Union by any taxpayer in respect of the year of assessment ending the thirtieth day of June, 1956, shall be deemed to be equal to the respective amounts which would have been payable as normal tax and super tax if the provisions relating to the addition referred to in the second proviso to item (ii) of sub-paragraph (a) of paragraph (A) of sub-section (1) and in the proviso to paragraph (B) of the said sub-section had not been enacted.

2. Section one of the principal Act is hereby amended—

- (a) by the deletion, with effect from the date of the commencement thereof, of the proviso to the definition of "benefit fund";

Amendment of
section 1 of
Act 31 of 1941,
as amended by
section 2 of
Act 39 of 1945,
section 3 of
Act 55 of 1946,
section 2 of
Act 40 of 1948,
section 2 of
Act 45 of 1949,
section 2 of
Act 56 of 1952
and section 2 of
Act 43 of 1955.

- (b) by the insertion in the said definition after the words "pension fund" where they occur for the first time of the words "or provident fund" and by the deletion in the said definition of all the words after the word "members" where it occurs for the second time;

- (c) by the insertion after the definition of "company" of the following definitions:

"date of deep level production" in relation to any deep level gold mine means the date which the Government Mining Engineer certifies as the date on which stoping below a vertical depth of seven thousand five hundred feet from the surface commenced;

"deep level gold mine" means any new gold mine in respect of which—

- (a) the Governor-General or the Minister of Mines, as the case may be, on the recommendation of the Mining Leases Board has, after the thirtieth day of June, 1956, signified in writing his decision to grant a lease of the right to mine for gold; and

- (b) the Government Mining Engineer is satisfied that, at the time the decision to grant the lease is signified, the principal object is to mine gold bearing ores believed to exist within the lease area at depths below a vertical depth of seven thousand five hundred feet from the surface; and

- (c) the Government Mining Engineer is of opinion, at the time the decision to grant the lease is signified, that a period of at least seven years will elapse from the date upon which shaft sinking excavations commence to the date of deep level production;"

- (d) deur in paragraaf (a) van die omskrywing van „afhanklike” na die woord „iedereen” die woorde „(behalwe 'n kind of stiefkind van sodanige belastingpligtige ten opsigte van wie hy vir die jaar van aanslag op 'n korting ingevolge paragraaf (a) van sub-artikel (2) van artikel *dertien* geregtig is)”, in te voeg;
- (e) deur in die omskrywing van „pensioenfonds” die woorde „so”, waar dit die eerste maal voorkom, te skrap;
- (f) deur paragraaf (1) van genoemde omskrywing deur die volgende paragraaf te vervang:
- „(1) die fonds 'n permanente fonds is wat *bona fide* ingestel is met die doel om vir werknemers by uitdienstreding, of vir weduwees, kinders, afhanklikes of benoemdes van oorlede werknemers, jaargelde beskikbaar te stel, of hoofsaaklik met genoemde doel en ook met die doel om ander voordele as jaargelde vir voormalde persone beskikbaar te stel; en”;
- (g) deur sub-paragraaf (i) van paragraaf (2) van genoemde omskrywing deur die volgende sub-paragraaf te vervang:
- „(i) dat alle jaarlikse bydraes van 'n terugkerende aard tot die fonds ooreenkomsdig aangegewe skale moet wees;”;
- (h) deur na die omskrywing van „voorgeskrewe” die volgende omskrywing in te voeg:
- „beteken 'voorsorgsfonds' 'n fonds (behalwe 'n pensioenfonds of bystandsfonds) wat deur die Kommissaris ten opsigte van die onderhawige jaar van aanslag goedgekeur word: Met dien verstaande dat die Kommissaris 'n fonds kan goedkeur onderworpe aan die beperkings of voorwaardes wat hy mag bepaal, en 'n fonds nie mag goedkeur nie tensy hy met betrekking tot die onderhawige jaar van aanslag oortuig is dat—
- (1) die fonds 'n permanente fonds is wat *bona fide* ingestel is met die doel om vir werknemers by uitdienstreding voordele beskikbaar te stel, of hoofsaaklik met genoemde doel en ook met die doel om voordele vir weduwees, kinders, afhanklikes of benoemdes van oorlede werknemers beskikbaar te stel; en
- (2) die reglement van die fonds bepalings bevat wat in alle opsigte soortgelyk is aan dié wat ingevolge sub-paragrawe (i), (ii), (iii), (v) en (vi) van paragraaf (2) van die omskrywing van „pensioenfonds” in die reglement van 'n pensioenfonds vervat moet word; en
- (3) die reglement van die fonds nagekom is;”;
- (i) deur na die omskrywing van „hierdie Wet” die volgende omskrywing in te voeg:
- „omvat 'handelsvoorraad' enigets wat deur die belastingpligtige geproduceer, vervaardig, gekoop of op enige ander wyse verkry is vir doeleindes van vervaardiging, verkoop of ruil deur of ten behoeve van hom, of die opbrings uit die van die hand sit waarvan deel van sy bruto-inkomste uitmaak, of sal uitmaak;”.

Wysiging van artikel 7 van Wet 31 van 1941, soos gewysig deur artikel 2 van Wet 34 van 1942, artikel 2 van Wet 26 van 1943, artikel 3 van Wet 39 van 1945, artikel 4 van Wet 55 van 1946, artikel 3 van Wet 45 van 1949, artikel 2 van Wet 64 van 1951, artikel 3 van Wet 56 van 1952 en artikel 4 van Wet 43 van 1955.

3. Artikel *sewe* van die Hoofwet word hierby gewysig—
- (a) deur in die voorbehoudsbepaling by paragraaf (b)*bis* van die omskrywing van „bruto-inkomste”, na die woorde „pensioenfonds”, die woorde „voorsorgsfonds” in te voeg;
- (b) deur na genoemde paragraaf die volgende paragraaf in te voeg:
- „(b)*ter* die totaal van alle bedrae (behalwe jaargelde) aldus ontvang deur of toegeval aan so 'n persoon as lid van enige voorsorgsfondse of enige ander fondse (behalwe bystandsfondse of pensioen fondse) wat ten opsigte van 'n vorige jaar van aanslag deur die Kommissaris as voorsorgsfondse goedgekeur is, en alle bedrae (behalwe jaargelde of enkele betalings ter vervanging van jaargelde of gedeeltes van jaargelde wat aan die bepalings van sub-paragraaf (iv) van paragraaf (2) van die omskrywing van „pensioenfonds” in artikel *een* voldoen) aldus ontvang deur of toegeval aan bedoelde persoon as lid van enige pensioenfondse wat nie by wet ingestel is nie, of enige ander fondse

- (d) by the insertion in paragraph (a) of the definition of "dependant" after the word "person" of the words "(other than any child or step-child of such taxpayer in respect of whom he is for the year of assessment entitled to a rebate in terms of paragraph (a) of sub-section (2) of section thirteen)";
- (e) by the deletion in the definition of "pension fund" of the word "such" where it occurs for the first time;
- (f) by the substitution for paragraph (1) of the said definition of the following paragraph:
 - (1) the fund is a permanent fund *bona fide* established for the purpose of providing annuities for employees on retirement from employment or for widows, children, dependants or nominees of deceased employees, or mainly for the said purpose and also for the purpose of providing benefits other than annuities for the persons aforesaid; and";
- (g) by the substitution for sub-paragraph (i) of paragraph (2) of the said definition of the following sub-paragraph:
 - "(i) that all annual contributions of a recurrent nature to the fund shall be in accordance with specified scales;"
- (h) by the insertion after the definition of "prescribed" of the following definition:
 - "'provident fund' means any fund (other than a pension fund or benefit fund) which is approved by the Commissioner in respect of the year of assessment in question: Provided that the Commissioner may approve a fund subject to such limitations or conditions as he may determine, and shall not approve a fund unless, in respect of the year of assessment in question, he is satisfied that—
 - (1) the fund is a permanent fund *bona fide* established for the purpose of providing benefits for employees on retirement from employment, or mainly for the said purpose and also for the purpose of providing benefits for widows, children, dependants or nominees of deceased employees; and
 - (2) the rules of the fund contain provisions similar in all respects to those required to be contained in the rules of a pension fund in terms of sub-paragraphs (i), (ii), (iii), (v) and (vi) of paragraph (2) of the definition of 'pension fund'; and
 - (3) the rules of the fund have been complied with;"
- (i) by the insertion after the definition of "this Act" of the following definition:
 - "'trading stock' includes anything produced, manufactured, purchased or in any other manner acquired by the taxpayer for purposes of manufacture, sale or exchange by him or on his behalf, or the proceeds from the disposal of which forms, or will form, part of his gross income;"

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

- (a) by the insertion in the proviso to paragraph (b)*bis* of the definition of "gross income" after the word "fund" where it occurs for the first time of the words "provident fund";
- (b) by the insertion after the said paragraph of the following paragraph:
 - "(b)*ter* the aggregate of all amounts (other than annuities) so received by or accrued to such person as a member of any provident funds or any other funds (other than benefit funds or pension funds) which have in respect of any previous year of assessment been approved by the Commissioner as provident funds, and all amounts (excluding annuities or single payments in commutation of any annuities or portions of annuities which conform to the provisions of sub-paragraph (iv) of paragraph (2) of the definition of 'pension fund' in section one) so received by or accrued to such person as a member of any pension funds not established by law, or any

Amendment of
section 7 of
Act 31 of 1941,
as amended by
section 2 of
Act 34 of 1942,
section 2 of
Act 26 of 1943,
section 3 of
Act 39 of 1945,
section 4 of
Act 55 of 1946,
section 3 of
Act 45 of 1949,
section 2 of
Act 64 of 1951,
section 3 of
Act 56 of 1952
and section 4 of
Act 43 of 1955.

(behalwe bystands fondse of voorsorgsfondse) wat ten opsigte van 'n vorige jaar van aanslag deur die Kommissaris as pensioenfondse goedgekeur is, min die som van die bedrae wat ingevolge die volgende sub-paragrawe toegestaan word om afgetrek te word, naamlik—

- (i) die totale bydraes wat ooreenkomsdig die reglemente van die fondse deur bedoelde persoon tot die fondse waaruit bedoelde bedrae gedurende die onderhawige jaar van aanslag deur hom ontvang is of aan hom toegeval het, gemaak is, min soveel van bedoelde totale bydraes as wat ten opsigte van vorige jare van aanslag ingevolge hierdie sub-paragraaf as vermindering toegelaat is;
- (ii) ten opsigte van elke sodanige fonds, die som wat verkry word deur 'n bedrag gelyk aan vier persent van soveel van die bedrag wat in die geval van bedoelde persoon vir die onderhawige jaar van aanslag ingevolge sub-paragraaf (i) toegestaan is om afgetrek te word, as wat toe te skryf is aan die bydraes wat tot die onderhawige fonds deur hom gemaak is, te vermenigvuldig met die aantal volle jare gedurende welke hy tot bedoelde fonds bygedra het; en
- (iii) die grootste van die volgende bedrae, naamlik, tweeduiseend pond of die som van die bedrae wat verkry word deur ten opsigte van elke sodanige fonds die bedrag van eenhonderd-en-vyftig pond te vermenigvuldig met die aantal volle jare in die dienstydperk van bedoelde persoon wat ooreenkomsdig die reglement van die onderhawige fonds in aanmerking geneem word by die vasstelling van die bedrag van sy voordele uit sodanige fonds, terwyl 'n dienstydperk gemeen aan twee of meer sodanige fondse ten opsigte van slegs een van sulke fondse in aanmerking geneem word:

Met dien verstande dat—

- (i) die bedrag wat ingevolge sub-paragraaf (iii) van hierdie paragraaf toegestaan word om in die geval van 'n persoon vir 'n jaar van aanslag afgetrek te word, nie die bedrag te bowe gaan nie wat oorbly nadat daar van die grootste van die volgende bedrae, naamlik, tweeduiseend pond of die som van die bedrae wat verkry word deur ten opsigte van elke fonds waaruit daar gedurende die lopende of 'n vorige jaar van aanslag 'n bedrag wat ingevolge hierdie paragraaf by sy brutotoinkomste ingerekken moet word, deur sodanige persoon ontvang is of aan hom toegeval het, die bedrag van eenhonderd-en-vyftig pond te vermenigvuldig met die aantal volle jare in die dienstydperk van bedoelde persoon wat ooreenkomsdig die bepalings van genoemde sub-paragraaf vasgestel word, afgetrek is die totaal van die bedrae wat in die geval van bedoelde persoon vir vorige jare van aanslag ingevolge daardie sub-paragraaf toegelaat is om afgetrek te word;
- (ii) die bepalings van paragraaf (d) van sub-artikel (1) van artikel *nege mutatis mutandis* van toepassing is in die geval van 'n bedrag wat ooreenkomsdig die bepalings van hierdie paragraaf vasgestel word;
- (iii) indien in die geval van een of ander persoon die som van die bedrae wat ten opsigte van 'n jaar van aanslag ooreenkomsdig die bepalings van sub-paragrawe (i), (ii) en (iii) van hierdie paragraaf vasgestel word, die totaal waarvan dit afgetrek kan word te bowe sou gaan as dit nie vir die bepalings van hierdie paragraaf van hierdie voorbehoudsbepaling was nie, die bedrae wat ingevolge genoemde sub-paragrawe (i) en (iii) toegestaan word om vir sodanige jaar van aanslag afgetrek te word, verminder word in dié verhouding wat die Kommissaris mag bepaal en in dié mate wat die uitwerking sal hê dat (na 'n gevolglike vermindering van die bedrag wat

other funds (other than benefit funds or provident funds) which have in respect of any previous year of assessment been approved by the Commissioner as pension funds, less the sum of the amounts allowed to be deducted in terms of the following sub-paragaphs, namely—

- (i) the total contributions which have in accordance with the rules of the funds been made by such person to the funds from which such amounts have been received by or have accrued to him during the year of assessment in question, less so much of such total contributions as has been allowed as deductions under this sub-paragraph in respect of previous years of assessment;
- (ii) in respect of each such fund, the sum arrived at by multiplying an amount equal to four per centum of so much of the amount allowed to be deducted under sub-paragraph (i) in the case of such person for the year of assessment in question as is attributable to the contributions made by him to the fund in question by the number of completed years during which he contributed to such fund; and
- (iii) the greater of the following amounts, namely, two thousand pounds or the sum of the amounts arrived at by multiplying in respect of each such fund the amount of one hundred and fifty pounds by the number of completed years in the period of employment of such person which in terms of the rules of the fund in question is taken into account for the purpose of determining the amount of his benefits under such fund, any period of employment common to two or more such funds being taken into account in respect of one of such funds only:

Provided that—

- (i) the amount allowed to be deducted under sub-paragraph (iii) of this paragraph in the case of any person for any year of assessment shall not exceed the amount remaining after there has been deducted from the greater of the following amounts, namely, two thousand pounds or the sum of the amounts arrived at by multiplying in respect of each fund from which during the current or any previous year of assessment there has been received by or has accrued to such person any amount required to be included in his gross income in terms of this paragraph, the amount of one hundred and fifty pounds by the number of completed years in the period of employment of such person determined in accordance with the provisions of the said sub-paragraph, the aggregate of the amounts allowed to be deducted under that sub-paragraph in the case of such person for previous years of assessment;
- (ii) the provisions of paragraph (d) of sub-section (1) of section nine shall *mutatis mutandis* apply in the case of any amount determined in accordance with the provisions of this paragraph;
- (iii) if in the case of any person the sum of the amounts determined in respect of any year of assessment in accordance with the provisions of sub-paragraphs (i), (ii) and (iii) of this paragraph would, but for the provisions of this paragraph of this proviso, exceed the aggregate from which it is deductible, the amounts allowed to be deducted for such year of assessment in terms of the said sub-paragraphs (i) and (iii) shall be reduced in such proportions as the Commissioner may determine and to such extent as will (after any consequential reduction in the amount deductible under the said sub-paragraph (ii)) result in the sum

ingevolge genoemde sub-paragraaf (ii) afgetrek kan word) die som van die bedrae wat ingevolge al drie genoemde sub-paragrawe afgetrek kan word, gelyk is aan bedoelde totaal;

- (iv) indien dit tot oortuiging van die Kommisaris bewys word dat die totaal van die som van die bedrae wat met betrekking tot een of ander persoon vir 'n jaar van aanslag ten opsigte van 'n fonds ingevolge die bepalings van sub-paragrawe (i), (ii) en (iii) van hierdie paragraaf vasgestel is, en die som van die bedrae wat vir vorige jare van aanslag in die geval van bedoelde persoon ten opsigte van bedoelde fonds ingevolge genoemde sub-paragrawe toegelaat is om afgetrek te word, minder is as die bedrag wat ingevolge die reglement van bedoelde fonds op die dertigste dag van Junie 1955 ten bate van bedoelde persoon sou toegeval het indien bedoelde fonds op daardie datum gelikwiede was, die bedrag wat behoudens die bepalings van paragraaf (iii) van hierdie voorbehoudsbepaling, ingevolge genoemde sub-paragrawe ten opsigte van bedoelde fonds vir bedoelde jaar van aanslag toegestaan word om afgetrek te word, gelyk is aan die bedrag wat aldus ten bate van bedoelde persoon op die dertigste dag van Junie 1955 sou toegeval het, min alle bedrae wat vir vorige jare van aanslag in die geval van bedoelde persoon ten opsigte van bedoelde fonds ingevolge genoemde sub-paragrawe toegelaat is om afgetrek te word;
- (v) ten einde slegs die skale van normale belasting en superbelasting te bepaal wat ten opsigte van 'n jaar van aanslag betaalbaar is deur 'n persoon wie se inkomste vir daardie jaar 'n ingevolge die bepalings van hierdie paragraaf vasgestelde bedrag insluit, daarvan die belasbare inkomste en aan superbelasting onderhewige inkomste van so 'n persoon afgetrek word die bedrag wat aldus by sy inkomste ingerekken is, dog die skaal van belasting in geen geval minder is as dié wat op die eerste een pond van belasbare inkomste of aan superbelasting onderhewige inkomste, na gelang van die geval, toepaslik is nie, en die bepalings hiervan nie so uitgeleë word dat 'n persoon van aanspreeklikheid vir belasting ingevolge hierdie Wet op enige gedeelte van sy belasbare inkomste vrygestel word nie;".

4. Artikel nege van die Hoofwet word hierby gewysig—

- (a) deur by sub-paragraaf (ii) van paragraaf (d) van sub-artikel (1) die volgende voorbehoudsbepaling te voeg:

„Met dien verstande dat indien die pensioen of jaargeld toegeken is ten opsigte van dienste wat deels binne en deels buite die Unie bewys is, slegs soveel van bedoelde pensioen of jaargeld as wat in dieselfde verhouding staan tot die bedrag van bedoelde pensioen of jaargeld as dié waarin die tydperk gedurende welke die dienste in die Unie bewys is, staan tot die volle tydperk gedurende welke die dienste bewys is, geag word uit 'n bron in die Unie verkry te wees.”;

- (b) deur sub-artikel (7) te skrap.

5. Artikel tien van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (c) van sub-artikel (1) na die woord „pensioenfonds” die woord „voorsorgsfonds” en na die woord „leningsvereniging” die woorde „n getrouheids- of vrywaringsfonds” in te voeg;

- (b) deur paragraaf (iv) van die voorbehoudsbepaling by genoemde sub-artikel te skrap.

Wysiging van artikel 9 van Wet 31 van 1941, soos gewysig deur artikel 3 van Wet 26 van 1943, artikel 4 van Wet 39 van 1945, artikel 5 van Wet 55 van 1946, artikel 4 van Wet 45 van 1949 en artikel 3 van Wet 34 van 1953.

Wysiging van artikel 10 van Wet 31 van 1941, soos gewysig deur artikel 3 van Wet 34 van 1942, artikel 4 van Wet 26 van 1943, artikel 2 van Wet 47 van 1944, artikel 5 van Wet 39 van 1945, artikel 6 van Wet 55 van 1946, artikel 3 van Wet 40 van 1948, artikel 5 van Wet 45 van 1949, artikel 4 van Wet 56 van 1952 en artikel 4 van Wet 34 van 1953.

of the amounts deductible in terms of all three of the said sub-paragraphs being equal to the said aggregate;

- (iv) if it is proved to the satisfaction of the Commissioner that the aggregate of the sum of the amounts determined in accordance with the provisions of sub-paragraphs (i) (ii) and (iii) of this paragraph in relation to any person for any year of assessment in respect of any fund and the sum of the amounts allowed to be deducted under the said sub-paragraphs in the case of such person in respect of such fund for previous years of assessment, is less than the amount which would, in terms of the rules of such fund, have accrued for the benefit of such person on the thirtieth day of June, 1955, if such fund had been liquidated on that date, the amount allowed to be deducted under the said sub-paragraphs in respect of such fund for such year of assessment shall, subject to the provisions of paragraph (iii) of this proviso, be equal to the amount which would have so accrued for the benefit of such person on the thirtieth day of June, 1955, less all amounts which have been allowed to be deducted under the said sub-paragraphs in the case of such person in respect of such fund for previous years of assessment;
- (v) for the purpose only of calculating the rates of normal tax and super tax payable in respect of any year of assessment by any person whose income for that year includes an amount determined in accordance with the provisions of this paragraph, there shall be deducted from the taxable income and income subject to super tax of such person the amount so included in his income, but in no case shall the rate of tax be less than that applicable to the first one pound of taxable income or income subject to super tax, as the case may be, and nothing herein contained shall be construed as relieving any person from liability for taxation under this Act upon any portion of his taxable income;".

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

- (a) by the addition to sub-paragraph (ii) of paragraph (d) of sub-section (1) of the following proviso:

"Provided that if the pension or annuity was granted in respect of services which were rendered partly within and partly outside the Union, only so much of such pension or annuity as bears to the amount of such pension or annuity the same ratio as the period during which the services were rendered in the Union bears to the total period during which the services were rendered, shall be deemed to be derived from a source within the Union.";

Amendment of section 9 of

Act 31 of 1941, as amended by

section 3 of

Act 26 of 1943,

section 4 of

Act 39 of 1945,

section 5 of

Act 55 of 1946,

section 4 of

Act 45 of 1949

and section 3

of Act 34 of

1953.

- (b) by the deletion of sub-section (7).

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

- (a) by the insertion in paragraph (c) of sub-section (1) after the word "fund" where it occurs for the first time of the words "provident fund" and after the word "association" of the words "a fidelity or indemnity fund";
- (b) by the deletion of paragraph (iv) of the proviso to the said sub-section.

Amendment of section 10 of

Act 31 of 1941, as amended by

section 3 of

Act 34 of 1942,

section 4 of

Act 26 of 1943,

section 2 of

Act 47 of 1944,

section 5 of

Act 39 of 1945,

section 6 of

Act 55 of 1946,

section 3 of

Act 40 of 1948,

section 5 of

Act 45 of 1949,

section 4 of

Act 56 of 1952

and section 4 of

Act 34 of 1953.

Wysiging van artikel 11 van Wet 31 van 1941, soos gewysig deur artikel 4 van Wet 34 van 1942, artikel 5 van Wet 26 van 1943, artikel 6 van Wet 39 van 1945, artikel 7 van Wet 55 van 1946, artikel 4 van Wet 40 van 1948, artikel 6 van Wet 45 van 1949, artikel 5 van Wet 56 van 1952, artikel 5 van Wet 34 van 1953, artikel 2 van Wet 55 van 1954 en artikel 5 van Wet 43 van 1955.

6. Artikel *elf* van die Hoofwet word hiermee gewysig—
- (a) deur in paragraaf (c) van sub-artikel (2) na die woord „word”, waar dit die tweede maal voorkom, die woorde „met inbegrip van onkoste aldus gemaak aan die behandeling teen aanval deur kewers van hout wat deel van bedoelde eiendom uitmaak” in te voeg;
 - (b) deur paragraaf (i)*bis* van genoemde sub-artikel deur die volgende paragraaf te vervang:
 - ..(i)*bis* 'n som deur die belastingpligtige gedurende die jaar van aanslag ten bate van sy werknemers tot 'n pensioenfonds, voorsorgsfonds of bystands-fonds bygedra: Met dien verstande dat—
 - (i) die Kommissaris, ten opsigte van 'n bydrae in 'n enkele bedrag, kan vasstel dat bedoelde bedrag in 'n reeks van jaarlikse paaiemende afgetrek word, sodat slegs 'n gedeelte daarvan afgetrek word in die jaar van aanslag waarin dit bygedra word, en die oorskot in sulke daaropvolgende jare van aanslag en in die verhoudings wat die Kommissaris mag vasstel, totdat die bydrae uitgewis is;
 - (ii) indien die bydraes (met inbegrip van betalings in 'n enkele bedrag) wat deur die belastingpligtige ten opsigte van 'n werknemer gedurende 'n jaar van aanslag tot bedoelde fondse gemaak is, 'n bedrag gelyk aan tien persent van die goedgekeurde besoldiging van so 'n werknemer vir bedoelde jaar van aanslag te bowe gaan, en die Kommissaris oortuig is dat die som van bedoelde bydraes en die totaalbedrag van die besoldiging wat gedurende bedoelde jaar van aanslag aan so 'n werknemer ten opsigte van sy diens by bedoelde werkgever toegeval het, buiten-sporig of ongeregverdig is in verhouding tot die waarde van die dienste deur so 'n werknemer aan die belastingpligtige gelewer en met inagneming van ander voordele, as daar is, wat hy ten opsigte van sy diens by die belastingpligtige ontvang het, slegs soveel van bedoelde bydraes as wat vir die Kommissaris billik skyn te wees, maar minstens 'n bedrag gelyk aan tien persent van die goedgekeurde besoldiging van sodanige werknemer vir bedoelde jaar van aanslag, toegelaat word om ingevolge hierdie paragraaf afgetrek te word;
 - (iii) by die toepassing van paragraaf (ii) van hierdie voorbehoudsbepaling beteken „goed-gekeurde besoldiging”, met betrekking tot 'n werknemer vir 'n jaar van aanslag, soveel van die totaalbedrag van die besoldiging wat gedurende bedoelde jaar van aanslag ten opsigte van sy diens by die betrokke belastingpligtige aan hom toegeval het, as wat die Kommissaris billik en redelik ag in verhouding tot die dienste wat deur bedoelde werknemer gedurende bedoelde jaar van aanslag aan die belastingpligtige gelewer is en met inagneming van ander voordele, as daar is, wat hy ten opsigte van sy diens by die belastingpligtige ontvang het; en
 - (iv) 'n beslissing van die Kommissaris kragtens paragraaf (ii) of (iii) van hierdie voorbehoudsbepaling aan beswaar en appèl onderhewig is;”;
 - (c) deur in paragraaf (r) van genoemde sub-artikel die uitdrukking „(a) en (b)” deur die uitdrukking „(a), (b) en (g)” met ingang van die datum van inwerking-treding van genoemde paragraaf te vervang;
 - (d) deur die volgende paragraaf by genoemde sub-artikel te voeg:
 - ..(s) ondanks die bepalings van paragrawe (a) en (b) van artikel *twaalf*, enige onkoste wat, in die geval van 'n mediese praktisy wat sy beroep vir minstens drie jaar in die Unie beoefen het, die Kommissaris oortuig is deur die belastingpligtige gedurende die jaar van aanslag aangegaan is ten opsigte van die bywoning deur hom aan 'n mediese skool of universiteit van 'n na-graadse studiekursus met 'n duur van minstens ses maande.”;

6. Section eleven of the principal Act is hereby amended—
- (a) by the insertion in paragraph (c) of sub-section (2) after the word “receivable” of the words “including any expenditure so incurred on the treatment against attack by beetles of any timber forming part of such property”;
- (b) by the substitution for paragraph (i)*bis* of the said sub-section of the following paragraph:
- “(i)*bis* any sum contributed by the taxpayer during the year of assessment for the benefit of his employees to any pension fund, provident fund or benefit fund: Provided that—
- (i) in respect of any lump sum contribution, the Commissioner may determine that the said sum shall be deducted in a series of annual instalments, so that only a portion thereof is deducted in the year of assessment in which it is contributed, and the residue in such subsequent years of assessment, and in such proportions as the Commissioner may determine, until the contribution is extinguished;
- (ii) if the contributions (including any lump sum payments) made by the taxpayer in respect of any employee during any year of assessment to such funds exceed an amount equal to ten per centum of the approved remuneration of such employee for such year of assessment, and the Commissioner is satisfied that the aggregate of such contributions and the total remuneration accrued during such year of assessment to such employee in respect of his employment by the taxpayer is excessive or unjustifiable in relation to the value of the services rendered by such employee to the taxpayer and having regard to other benefits, if any, derived by him from his employment by the taxpayer, only so much of such contributions as appears to the Commissioner to be reasonable, but not less than an amount equal to ten per centum of the approved remuneration of such employee for such year of assessment, shall be allowed to be deducted under this paragraph;
- (iii) for the purposes of paragraph (ii) of this proviso ‘approved remuneration’ in relation to any employee for any year of assessment means so much of the total remuneration accrued to such employee during such year of assessment in respect of his employment by the taxpayer concerned as the Commissioner considers to be fair and reasonable in relation to the value of the services rendered by such employee during such year of assessment to the taxpayer and having regard to other benefits, if any, derived by him from his employment by the taxpayer; and
- (iv) any decision of the Commissioner under paragraph (ii) or (iii) of this proviso shall be subject to objection and appeal;”;
- (c) by the substitution in paragraph (r) of the said sub-section, with effect from the date of commencement of the said paragraph, for the expression “(a) and (b)” of the expression “(a), (b) and (g)”;
- (d) by the addition to the said sub-section of the following paragraph:
- “(s) notwithstanding the provisions of paragraphs (a) and (b) of section twelve, any expenditure which, in the case of any medical practitioner who has practised his profession in the Union for not less than three years, the Commissioner is satisfied has been incurred by the taxpayer during the year of assessment in respect of the attendance by him of a post-graduate study course of not less than six months’ duration at any medical school or university.”;
- Amendment of
section 11 of
Act 31 of 1941,
as amended by
section 4 of
Act 34 of 1942,
section 5 of
Act 26 of 1943,
section 6 of
Act 39 of 1945,
section 7 of
Act 55 of 1946,
section 4 of
Act 40 of 1948,
section 6 of
Act 45 of 1949,
section 5 of
Act 56 of 1952,
section 5 of
Act 34 of 1953,
section 2 of
Act 55 of 1954
and section 5 of
Act 43 of 1955.

- (e) deur die volgende paragraaf by sub-artikel (4) te voeg:
- „(c) (i) Enige bedrag wat deur 'n persoon betaal is, hetsy in die vorm van huurgeld of andersins, vir die reg van gebruik of bewoning van roerende of onroerende eiendom en wat by die vasstelling van daardie persoon se belasbare inkomste as 'n vermindering toegelaat is en wat, of die ekwivalent waarvan, by die daaropvolgende verkryging deur daardie of 'n ander persoon van bedoelde eiendom, aangewend word ter vermindering of afbetaling van die koopprys van bedoelde eiendom, word by die inkomste van die persoon wat die eiendom soos voormeld verkry het vir die jaar van aanslag waarin bedoelde persoon die opsie uitoefen of, na gelang van die geval, die ooreenkoms sluit as gevolg waarvan hy die eiendom aldus verkry, ingerekken.
- (ii) Waar 'n bedrag deur 'n persoon betaal is vir die reg van gebruik of bewoning van eiendom wat daarna deur daardie of 'n ander persoon verkry word teen 'n vergoeding wat volgens die oordeel van die Kommissaris nie 'n voldoende vergoeding is nie, word dit, tensy die Kommissaris, met inagneming van die omstandighede van die geval, anders besluit, by die toepassing van sub-paragraaf (i) geag dat bedoelde bedrag, of soveel daarvan as wat nie die verskil tussen die billike markwaarde van bedoelde eiendom, soos deur die Kommissaris bepaal, en die bedrag van die vergoeding waarteen dit soos voormeld verkry is, te bowe gaan nie, ter vermindering of afbetaling van die koopprys van bedoelde eiendom aangewend is: Met dien verstande dat 'n beslissing van die Kommissaris kragtens hierdie sub-paragraaf aan beswaar en appèl onderhewig is.”;
- (f) deur die volgende sub-artikel daarby te voeg:
- „(5) (a) Die bedrag wat by die vasstelling van die belasbare inkomste wat deur 'n persoon gedurende 'n jaar van aanslag uit die uitoefening van 'n bedryf (behalwe boerdery) verkry is, ten opsigte van die waarde van handelsvoorraad wat hy aan die einde van bedoelde jaar van aanslag besit en nie van die hand gesit het nie, in rekening gebring moet word, is die kosprys aan sodanige persoon van bedoelde handelsvoorraad, min sodanige bedrag as wat volgens oordeel van die Kommissaris billik en redelik is as verteenwoordigende die bedrag waarmee die waarde van bedoelde handelsvoorraad, wat nie uit aandele wat 'n maatskappy in 'n ander maatskappy hou, bestaan nie, verminder is as gevolg van skade, bederf, verandering van mode, daling in markwaarde of enige ander oorsaak wat vir die Kommissaris bevredigend is.
- (b) Die bedrag wat by die vasstelling van die belasbare inkomste wat deur 'n persoon gedurende 'n jaar van aanslag uit die uitoefening van 'n bedryf (behalwe boerdery) verkry is, ten opsigte van die waarde van handelsvoorraad wat hy aan die begin van die jaar van aanslag besit en nie van die hand gesit het nie, in rekening gebring moet word, is—
- (i) indien bedoelde handelsvoorraad deel van bedoelde persoon se handelsvoorraad aan die einde van die onmiddellik voorafgaande jaar van aanslag uitgemaak het, die bedrag wat by die vasstelling van bedoelde persoon se belasbare inkomste vir bedoelde voorafgaande jaar van aanslag in rekening gebring is ten opsigte van die waarde van bedoelde handelsvoorraad aan die einde van bedoelde voorafgaande jaar van aanslag; of
- (ii) indien bedoelde handelsvoorraad nie deel van sodanige persoon se handelsvoorraad aan die einde van die onmiddellik voorafgaande jaar van aanslag uitgemaak het nie, die kosprys aan bedoelde persoon van bedoelde handelsvoorraad.

(e) by the addition of the following paragraph to sub-section (4):

"(c) (i) Any amount which has been paid, whether in the form of rent or otherwise, by any person for the right of use or occupation of any movable or immovable property and has been allowed as a deduction in the determination of such person's taxable income and which, or the equivalent of which, is upon the subsequent acquisition of such property by that or any other person applied in reduction or towards settlement of the purchase price of such property, shall be included in the income of the person by whom the property is acquired as aforesaid for the year of assessment in which such person exercises the option or concludes the agreement, as the case may be, in consequence of which the property is acquired by him.
(ii) Where any amount has been paid by any person for the right of use or occupation of any property which is thereafter acquired by that or any other person for a consideration which in the opinion of the Commissioner is not an adequate consideration, it shall for the purposes of sub-paragraph (i) be deemed, unless the Commissioner, having regard to the circumstances of the case, otherwise decides, that the said amount, or so much thereof as does not exceed the difference between the fair market value, as determined by the Commissioner, of such property and the amount of the consideration for which it has been acquired as aforesaid, has been applied in reduction or towards settlement of the purchase price of such property: Provided that any decision of the Commissioner under this sub-paragraph shall be subject to objection and appeal.";

(f) by the addition thereto of the following sub-section:

"(5) (a) The amount which shall, in the determination of the taxable income derived by any person during any year of assessment from carrying on any trade (other than farming), be taken into account in respect of the value of any trading stock held and not disposed of by him at the end of such year of assessment, shall be the cost price to such person of such trading stock, less such amount as the Commissioner may think just and reasonable as representing the amount by which the value of such trading stock, not being shares held by any company in any other company, has been diminished by reason of damage, deterioration, change in fashion, decrease in the market value or for any other reason satisfactory to the Commissioner.

(b) The amount which shall, in the determination of the taxable income derived by any person during any year of assessment from carrying on any trade (other than farming), be taken into account in respect of the value of any trading stock held and not disposed of by him at the beginning of any year of assessment, shall—

(i) if such trading stock formed part of the trading stock of such person at the end of the immediately preceding year of assessment, be the amount which was, in the determination of the taxable income of such person for such preceding year of assessment, taken into account in respect of the value of such trading stock at the end of such preceding year of assessment; or

(ii) if such trading stock did not form part of the trading stock of such person at the end of the immediately preceding year of assessment, be the cost price to such person of such trading stock.

- (c) By die toepassing van hierdie sub-artikel is die kosprys van handelsvoorraad met betrekking tot 'n persoon op enige datum die koste wat deur so 'n persoon, hetsy in die lopende of 'n vorige jaar van aanslag, aangegaan is by die verkryging van bedoelde handelsvoorraad, plus enige verdere koste wat deur hom tot en met bedoelde datum aangegaan is om bedoelde handelsvoorraad in die toestand of op die plek waarin of waar dit dan is, te kry.
- (d) Indien handelsvoorraad deur 'n persoon teen geen vergoeding of teen 'n vergoeding waarvan die waarde nie in geld bepaalbaar is nie, verkry is, word so 'n persoon by die toepassing van paraagraaf (c) geag bedoelde handelsvoorraad te verkry het teen 'n koste gelyk aan die prys wat na die oordeel van die Kommissaris die heersende markprys van bedoelde handelsvoorraad was op die datum waarop dit deur bedoelde persoon verkry is.
- (e) Vir die doeleindes van die vasstelling van die kosprys van enige handelsvoorraad kan 'n persoon, indien en vir so lank hy aantekenings hou ten opsigte van sy handelsvoorraad wat die Kommissaris bevredigend ag, die basis van handelsvoorraad-waardering toepas waarvolgens die laaste item van een of ander klas handelsvoorraad wat op enige datum deur 'n persoon aangekoop word, geag word die eerste item van daardie klas handelsvoorraad te wees wat op of na daardie datum deur bedoelde persoon verkoop word: Met dien verstande dat 'n persoon wat voormalde basis van handelsvoorraad-waardering kies, die Kommissaris skriftelik daarvan in kennis moet stel wanneer hy sy opgawe van inkomste vir die eerste jaar van aanslag ten opsigte waarvan genoemde basis toegepas word, instuur, en so 'n keuse vir so 'n persoon bindend is en nie deur hom ten opsigte van enige daaropvolgende jaar van aanslag gewysig kan word nie, dan alleen met toestemming van die Kommissaris en onderworpe aan die voorwaardes wat die Kommissaris mag bepaal.
- (f) 'n Verwysing in hierdie sub-artikel na die begin of einde van 'n jaar van aanslag beteken—
 - (i) waar die tydperk waarvoor die aanslag geskied minder as twaalf maande is, ook 'n verwysing na die begin of einde, na gelang van die geval, van die tydperk waarvoor die aanslag geskied; en
 - (ii) waar 'n opgaaf ingevolge die voorbehoudsbepaling by sub-artikel (13) van artikel *vyf-en-vyftig* tot op 'n ander datum as die dertigste dag van Junie aangeneem word, ook 'n verwysing na die begin of einde, na gelang van die geval, van die tydperk wat deur die opgaaf gedek word.”.

Wysiging van artikel 13 van Wet 31 van 1941, soos gevysig deur artikel 7 van Wet 39 van 1945, artikel 8 van Wet 55 van 1946, artikel 2 van Wet 52 van 1947, artikel 5 van Wet 40 van 1948, artikel 6 van Wet 56 van 1952, artikel 3 van Wet 55 van 1954 en artikel 6 van Wet 43 van 1955.

- 7. Artikel dertien van die Hoofwet word hierby gewysig—**
- (a) deur paraagraaf (a) van sub-artikel (2) deur die volgende paraagraaf te vervang:
 - “(a) elke kind of stiefkind van die belastingpligtige wat in die lewe was gedurende enige gedeelte van die jaar van aanslag waarvoor die aanslag geskied, en wat—
 - (i) op die laaste dag van bedoelde jaar van aanslag ongetroud was en nie bo die leeftyd van agtien jaar of, as hy geheel-en-al van die belastingpligtige afhanklik was vir sy onderhoud, bo die ouderdom van een-en-twintig jaar of, as hy geheel-en-al van die belastingpligtige afhanklik was vir sy onderhoud en die Kommissaris oortuig is dat hy 'n voltydse student aan 'n opvoedkundige inrigting van 'n openbare aard was, bo die ouderdom van vier-en-twintig jaar was of sou gewees het as hy die lewe behou het nie; of
 - (ii) nie 'n in die voorafgaande sub-paragraaf bedoelde kind of stiefkind is nie, en wat weens gees- of liggaamsgebrek nie in staat was om homself te onderhou nie en

- (c) For the purposes of this sub-section the cost price at any date of any trading stock in relation to any person shall be the cost incurred by such person, whether in the current or any previous year of assessment, in acquiring such trading stock, plus any further costs incurred by him up to and including the said date in getting such trading stock into its then existing condition or location.
- (d) If any trading stock has been acquired by any person for no consideration or for a consideration which is not measurable in terms of money, such person shall, for the purposes of paragraph (c), be deemed to have acquired such trading stock at a cost equal to the price which in the opinion of the Commissioner was the current market price of such trading stock on the date on which it was acquired by such person.
- (e) For the purpose of determining the cost price of any trading stock, any person may, if and as long as he maintains records in respect of his trading stock which the Commissioner considers to be satisfactory, adopt the basis of trading stock valuation whereunder the last item of any class of trading stock purchased by any person on any date is deemed to be the first item of that class of trading stock sold by such person on or after that date: Provided that any person electing to adopt the aforesaid basis of trading stock valuation shall give the Commissioner written notice thereof when he renders his return of income for the first year of assessment in respect of which the said basis is adopted, and any such election shall be binding upon such person and may not be varied by him in respect of any subsequent year of assessment, save with the consent of the Commissioner and subject to such conditions as the Commissioner may determine.
- (f) Any reference in this sub-section to the beginning or end of a year of assessment includes—
 - (i) where the period assessed is less than twelve months, a reference to the beginning or end, as the case may be, of the period assessed; and
 - (ii) where a return is accepted under the proviso to sub-section (13) of section fifty-five to a date other than the thirtieth day of June, a reference to the beginning or end, as the case may be, of the period covered by the return.”.

7. Section thirteen of the principal Act is hereby amended— Amendment of section 13 of

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

“(a) each child or stepchild of the taxpayer who was alive during any portion of the year of assessment for which the assessment is made and who—

(i) was unmarried and was not, or would not have been had he lived, over the age of eighteen years, or, if he was wholly dependent for his maintenance upon the taxpayer, over the age of twenty-one years, or, if he was wholly dependent for his maintenance upon the taxpayer and the Commissioner is satisfied that he was a full-time student at an educational institution of a public character, over the age of twenty-four years, on the last day of the said year of assessment; or

(ii) not being a child or stepchild referred to in the preceding sub-paragraph, was incapacitated by mental or physical infirmity from maintaining himself and was wholly

Act 31 of 1941,
as amended by
section 7 of
Act 39 of 1945,
section 8 of
Act 55 of 1946,
section 2 of
Act 52 of 1947,
section 5 of
Act 40 of 1948,
section 6 of
Act 56 of 1952,
section 3 of
Act 55 of 1954
and section 6 of
Act 43 of 1955.

geheel-en-al van die belastingpligtige vir sy onderhou afhanklik was,
die som van veertien pond: Met dien verstande dat aan 'n ouer wat uit die eg geskei is of ingevolge 'n regterlike bevel of skriftelike ooreenkoms van tafel en bed geskei is, die aftrekking nie toegestaan word ten opsigte van 'n kind wat gebore is uit die huwelik wat deur die skeidingsbevel ontbind is of waarop die bevel of ooreenkoms van skeiding betrekking het nie, tensy—

- (i) hy so 'n kind gedurende bedoelde tydperk onderhou het; en
- (ii) die koste van sodanige onderhou nie ooreenkomsdig sub-artikel (3) van artikel *agt-en-vyftig* van sy belasbare inkomste afgerek is nie;";
- (b) deur sub-paragraaf (ii) van paragraaf (b) van genoemde sub-artikel deur die volgende sub-paragraaf te vervang:
„(ii) gelde, subskripsies of bydraes deur hom gedurende daardie jaar aan 'n voorsorgsfonds of bystands-fonds betaal; en";
- (c) deur in genoemde paragraaf die woorde „vier pond as hoogste aftrekking wanneer so iemand geregtig is op 'n aftrekking ooreenkomsdig die bepalings van paragraaf (i) van sub-artikel (2) van artikel *elf*, en met" en die woorde „andersins" te skrap.

Wysiging van artikel 20 van Wet 31 van 1941, soos gewysig deur artikel 11 van Wet 55 van 1946, artikel 4 van Wet 52 van 1947, artikel 6 van Wet 40 van 1948 en artikel 3 van Wet 64 van 1951.

- 8. Artikel *twintig*** van die Hoofwet word hierby gewysig—
(a) deur in die omskrywing van „kapitaaluitgawe" in sub-artikel (10) die woorde „uitgawe aan" te skrap;
(b) deur aan die begin van paragraaf (a) en paragraaf (b) van genoemde omskrywing die woorde „uitgawe aan" in te voeg;
(c) deur in paragraaf (a) van genoemde omskrywing die woorde „vyfduisend" deur die woorde „twintigduisend" te vervang;
(d) deur aan die end van paragraaf (b) van genoemde omskrywing die woorde „en" by te voeg;
(e) deur die volgende paragraaf by genoemde omskrywing te voeg:
„(c) in die geval van 'n diep-goudmyn, 'n bedrag bereken teen die koers van vyf persent per jaar op die totaal van die bedrag van die in paragrawe (a) en (b) bedoelde uitgawe (behalwe rente in paragraaf (b) bedoel) en die bedrag, as daar is, wat ingevolge artikel *een-en-twintig* toegelaat word om as kapitaaluitgawe in aanmerking te kom, plus uitgawe wat gedurende enige tydperk van produksie aangegaan word aan ontginning op 'n rif waarop daar op die datum van sodanige ontginning nog nie met afbouing begin is nie, vir die tydperk vanaf die einde van die maand waarin die uitgawe werklik aangegaan word tot die datum van diepmyn-produksie: Met dien verstande dat die bedrag ingevolge hierdie paragraaf—

- (i) nie bereken word nie vir enige tydperk gedurende welke mynwerksaamhede nie ooreenkomsdig die bepalings van die tersaaklike huur voortgesit word nie; en
- (ii) ondanks andersluidende wetsbepalings, nie by die berekening van die kapitaaltoelaag waarvoor in sub-artikel (3) van artikel *negentien* van die *Precious and Base Metals Act, 1908*, van Transvaal, voorsiening gemaak word, of by die vasstelling van die winste waarvan 'n deel ooreenkomsdig 'n mynhuur aan die Staat betaalbaar is, in rekening geneem word nie;".

Wysiging van artikel 29 van Wet 31 van 1941, soos vervang deur artikel 4 van Wet 47 van 1944 en gewysig deur artikel 8 van Wet 39 van 1945 en artikel 8 van Wet 43 van 1955.

- 9. Artikel *nege-en-twintig*** van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (1) na die woorde „pond" die woorde „en ten opsigte van enige van die jare van aanslag beginnende met dié wat op die dertigste dag van Junie 1944 geëindig het en eindigende met dié wat op die dertigste dag van Junie 1955 geëindig het, die som van tweehonderd-en-tien pond" in te voeg;

dependent for his maintenance upon the taxpayer,

the sum of fourteen pounds: Provided that a parent who has been divorced or separated under a judicial order or written agreement shall not be allowed the deduction in respect of any child born of the marriage which has been dissolved by the order of divorce or to which the order or agreement of separation relates, unless—

- (i) he has maintained such child during such period; and
- (ii) there has not been deducted the cost of such maintenance in terms of sub-section (3) of section *fifty-eight* from his taxable income;”;
- (b) by the substitution for sub-paragraph (ii) of paragraph (b) of the said sub-section of the following sub-paragraph:
 - “(ii) fees, subscriptions or contributions paid by him during that year to any provident fund or benefit fund; and”;
- (c) by the deletion in the said paragraph after the word “subject” of all the words up to and including the word “otherwise”.

8. Section twenty of the principal Act is hereby amended—

- (a) by the deletion in the definition of “capital expenditure” in sub-section (10) of the word “expenditure”; Amendment of section 20 of Act 31 of 1941, as amended by section 11 of Act 55 of 1946, section 4 of Act 52 of 1947, section 6 of Act 40 of 1948 and section 3 of Act 64 of 1951.
- (b) by the insertion at the beginning of paragraph (a) and of paragraph (b) of the said definition of the word “expenditure”;
- (c) by the substitution in paragraph (a) of the said definition for the word “five” of the word “twenty”;
- (d) by the addition at the end of paragraph (b) of the said definition of the word “and”;
- (e) by the addition to the said definition of the following paragraph:
 - “(c) in the case of any deep level gold mine, an amount calculated at the rate of five per centum per annum on the aggregate of the amount of the expenditure referred to in paragraphs (a) and (b) (excluding any interest referred to in paragraph (b)), and the amount (if any) allowed to rank as capital expenditure in terms of section *twenty-one*, plus any expenditure incurred during any period of production on development on any reef on which at the date of such development stoping has not yet been commenced, for the period from the end of the month in which the expenditure is actually incurred up to the date of deep level production: Provided that the amount under this paragraph—

- (i) shall not be calculated for any period during which mining operations are not carried on in accordance with the terms of the relevant lease; and
- (ii) shall, notwithstanding anything to the contrary in any law contained, not be taken into account for the purpose of calculating the capital allowance provided for in sub-section (3) of section *nineteen* of the Precious and Base Metals Act, 1908, of Transvaal, or for the purpose of determining the profits of which a share is payable to the State in terms of any mining lease.”.

9. Section twenty-nine of the principal Act is hereby amended—

- (a) by the addition at the end of paragraph (a) of sub-section (1) of the words “and in respect of any of the years of assessment commencing with that ended on the thirtieth day of June, 1944, and terminating with that ended on the thirtieth day of June, 1955, the sum of two hundred and ten pounds”;

Amendment of section 29 of Act 31 of 1941, as substituted by section 4 of Act 47 of 1944 and amended by section 8 of Act 39 of 1945 and section 8 of Act 43 of 1955

Wysiging van artikel 30 van Wet 31 van 1941, soos vervang deur artikel 5 van Wet 47 van 1944 en gewysig deur artikel 7 van Wet 56 van 1952 en artikel 9 van Wet 43 van 1955.

- (b) deur in paragraaf (b) van genoemde sub-artikel die syfers „1944” deur die syfers „1956” en die woord „tweehonderd-en-tien” deur die woorde „tweehonderd vyf-en-tig” te vervang.
- 10.** (1) Artikel *dertig* van die Hoofwet word hierby gewysig—
 (a) deur die voorbehoudsbepaling by paragraaf (a) van sub-artikel (1) te skrap;
 (b) deur die volgende paragrawe by genoemde sub-artikel te voeg:
 „(c) diwidende ontvang deur of toegeval aan 'n persoon (behalwe 'n maatskappy) wat gewoonlik in die Unie woonagtig is, van 'n maatskappy wat nie in die Unie geregistreer is nie, ten opsigte van aandele wat deur so 'n persoon verkry is—
 (i) voor hy vir die eerste maal gewoonlik in die Unie woonagtig geword het;
 (ii) by wyse van erflating of by wyse van skenkking indien die skenker 'n persoon (behalwe 'n maatskappy) was wat op die datum van die skenkking nie gewoonlik in die Unie woonagtig was nie;
 (iii) uit fondse wat deur hom verkry is uit 'n bedryf wat hy buite die Unie voortgesit het;
 (iv) as bonus-aandele wat aan hom toegeken is as die houer van aandele die diwidende waarop ingevolge hierdie paragraaf in sy besit van superbelasting vrygestel is, of aldus vrygestel sou gewees het as bedoelde diwidende op of na die datum van inwerkintreding van hierdie paragraaf deur hom ontvang was of aan hom sou toegeval het;
 (v) uit fondse deur hom verkry uit die van die hand sit van aandele die diwidende waarop ingevolge hierdie paragraaf in sy besit van superbelasting vrygestel was, of aldus vrygestel sou gewees het as bedoelde diwidende op of na die datum van inwerkintreding van hierdie paragraaf deur hom ontvang was of aan hom sou toegeval het;
 (d) diwidende gedurende 'n jaar van aanslag ontvang deur of toegeval aan 'n persoon (behalwe 'n maatskappy) wat gewoonlik in die Unie woonagtig is, van 'n maatskappy wat in die gebied Suidwes-Afrika opgerig is, as die Kommissaris oortuig is dat soveel van die totale netto-winst van bedoelde maatskappy vir bedoelde jaar van aanslag as wat nie uit diwidende bestaan nie, geheel en al of hoofsaaklik uit 'n bron binne bedoelde gebied verkry is, en dat enige diwidende wat by die totale netto-winst van bedoelde maatskappy vir bedoelde jaar van aanslag ingerekken is, van 'n maatskappy of maatskappye verkry is wie se totale netto-winst vir bedoelde jaar van aanslag uitsluitlik of hoofsaaklik uit belasbare inkomste, vasgestel ingevolge die inkomstebelastingwette van, en verkry uit bronne binne, bedoelde gebied, bestaan het: Met dien verstande dat by die toepassing van hierdie paragraaf die uitdrukking 'totale netto-winst', met betrekking tot 'n maatskappy ten opsigte van enige jaar van aanslag, die netto-winst van daardie maatskappy vir bedoelde jaar van aanslag, bereken op die wyse wat ingevolge die inkomstebelastingwette van bedoelde gebied voorgeskryf is vir die vasstelling van belasbare inkomste vir die doeleindest van normale belasting ten opsigte van daardie jaar van aanslag, maar afgesien daarvan of die winste uit 'n bron binne of buite bedoelde gebied verkry is en onderworpe aan die inrekening by die winste van bedoelde maatskappy van alle diwidende uit watter bron ook al, beteken.”;
 (c) deur sub-paragraaf (ii) van paragraaf (c) van sub-artikel (2) deur die volgende sub-paragrawe te vervang:
 „(ii) eenduisend sewehonderd vyf-en-sewentig pond, as die betrokke jaar van aanslag enigeen van die jare van aanslag beginnende met dié wat op die dertigste dag van Junie 1944 geëindig het en eindigende met dié wat op die dertigste dag van Junie 1955 geëindig het, is; of

(b) by the substitution in paragraph (b) of the said sub-section for the figures "1944" of the figures "1956" and for the word "ten" of the word "eighty-five".

10. (1) Section *thirty* of the principal Act is hereby amended—

(a) by the deletion of the proviso to paragraph (a) of sub-section (1);

(b) by the addition to the said sub-section of the following paragraphs:

"(c) dividends received by or accrued to any person (other than a company) ordinarily resident in the Union from any company not registered in the Union in respect of shares acquired by such person—

(i) before he became ordinarily resident in the Union for the first time;

(ii) by inheritance or by a donation if at the date of the donation the donor was a person (other than a company) not ordinarily resident in the Union;

(iii) out of funds derived by him from any trade carried on by him outside the Union;

(iv) as bonus shares awarded to him as the holder of shares the dividends on which are exempt from super tax in his hands in terms of this paragraph, or would have been so exempt if such dividends had been received by or had accrued to him on or after the date of commencement of this paragraph; or

(v) out of funds derived by him from the disposal of shares the dividends on which were exempt from super tax in his hands in terms of this paragraph, or would have been so exempt if such dividends had been received by or had accrued to him on or after the date of commencement of this paragraph;

(d) dividends received by or accrued to any person (other than a company) ordinarily resident in the Union during any year of assessment from any company incorporated in the territory of South-West Africa, if the Commissioner is satisfied that so much of the total net profits of such company for such year of assessment as does not consist of dividends was derived wholly or mainly from a source within the said territory, and that any dividends included in the total net profits of such company for such year of assessment were derived from a company or companies the total net profits of which for such year of assessment consisted solely or mainly of taxable income, determined under the income tax laws of, and derived from sources within, the said territory: Provided that for the purposes of this paragraph the expression 'total net profits' in relation to any company in respect of any year of assessment means the net profits of that company for such year of assessment calculated in the manner prescribed under the income tax laws of the said territory for the determination of taxable income for normal tax purposes in respect of that year of assessment, but irrespective of whether the profits are derived from a source within or outside the said territory and subject to the inclusion in the profits of such company of all dividends from whatever source.";

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

"(ii) one thousand seven hundred and seventy-five pounds, if the year of assessment concerned is any of the years of assessment commencing with that ended on the thirtieth day of June, 1944, and terminating with that ended on the thirtieth day of June, 1955; or

Amendment of section 30 of Act 31 of 1941, as substituted by section 5 of Act 47 of 1944 and amended by section 7 of Act 56 of 1952 and section 9 of Act 43 of 1955.

(iii) tweeduistend driehonderd pond, as die betrokke jaar van aanslag die jaar van aanslag wat op die dertigste dag van Junie 1956 eindig, of 'n latere jaar van aanslag is;".

(2) Die wysiging by paragraaf (b) van sub-artikel (1) aanbring, word geag vir die eerste maal ten opsigte van aanslae vir die jaar van aanslag wat op die dertigste dag van Junie 1955 geëindig het, in werking te getree het.

Wysiging van artikel 48 van Wet 31 van 1941, soos gewysig deur artikel 12 van Wet 34 van 1942 en artikel 9 van Wet 47 van 1944.

Wysiging van artikel 50 van Wet 31 van 1941, soos ingevoeg deur artikel 10 van Wet 43 van 1955.

11. Artikel *agt-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „of ten opsigte van diwidende wat uit hoofde van die voorbehoudsbepaling by paragraaf (a) van sub-artikel (1) van artikel *dertig* nie van superbelasting vrygestel is nie” te skrap.

12. (1) Artikel *vyftig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (b) van die omskrywing van „uitkeerbare inkomste” die uitdrukking „paragraaf (i)” deur die uitdrukking „paragrawe (i) en (v)” te vervang;
- (b) deur die woorde „en” aan die end van paragraaf (ii) van genoemde omskrywing te skrap;
- (c) deur die voorbehoudsbepaling by paragraaf (iii) van genoemde omskrywing deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat, in die geval van 'n publieke maatskappy wie se totale netto-winst uitsluitlik of hoofsaaklik uit diwidende verkry word, die vermindering ingevolge hierdie paragraaf 'n bedrag is gelyk aan veertig persent van die som van die in paragrawe (a) en (b) van hierdie omskrywing bedoelde bedrae;”;

- (d) deur aan die end van genoemde omskrywing die volgende paragrawe by te voeg:

„(iv) 'n vermindering gelyk aan dertig persent van enige bedrag wat ingevolge paragraaf 11 van die Derde Bylae by die inkomste van die maatskappy vir die jaar van aanslag ingerekken is; en

- (v) in die geval van 'n maatskappy wat, hetsy in die lopende of in 'n vorige jaar van aanslag, 'n kontrak gesluit het vir die verkryging deur hom van nuwe of ongebruikte masjinerie of installasie en wat die Kommissaris oortuig dat bedoelde masjinerie of installasie binne 'n tydperk van drie jaar na die einde van die lopende jaar van aanslag deur hom vir die doeleindes van sy bedryf in gebruik geneem en deur hom regstreeks by 'n vervaardigingsproses gebruik sal word, 'n vermindering ten opsigte van die lopende jaar van aanslag gelyk aan die gedeelte, as daar is, van die kosprys van bedoelde masjinerie of installasie wat gedurende daardie jaar van aanslag deur hom betaal is: Met dien verstande dat—

(i) 'n maatskappy ten opsigte van enige sodanige nuwe of ongebruikte masjinerie of installasie kan kies om ten opsigte van die jaar van aanslag waarin bedoelde masjinerie of installasie vir die doeleindes van sy bedryf in gebruik geneem en deur hom regstreeks by 'n vervaardigingsproses gebruik word, 'n bedrag gelyk aan die koste vir hom van sodanige masjinerie of installasie as 'n vermindering ingevolge hierdie paragraaf af te trek, welke vermindering in plaas van en nie benewens enige vermindering is nie waarop so 'n maatskappy ten opsigte van bedoelde masjinerie of installasie ingevolge die voorgaande bepalings van hierdie paragraaf geregtig sou gewees het as dit nie vir bedoelde keuse was nie;

(ii) waar 'n maatskappy gedurende 'n jaar van aanslag nuwe of ongebruikte masjinerie of installasie, ten opsigte waarvan hy nie 'n keuse ingevolge paragraaf (i) van hierdie voorbehoudsbepaling gemaak het nie, vir die doeleindes van sy bedryf in gebruik neem en regstreeks by 'n vervaardigingsproses gebruik, daar, by die vasstelling van bedoelde maatskappy se uitkeerbare inkomste vir bedoelde jaar van aanslag benewens enige

(iii) two thousand three hundred pounds, if the year of assessment concerned is the year of assessment ending on the thirtieth day of June, 1956, or any subsequent year of assessment;".

(2) The amendment effected by paragraph (b) of sub-section (1) shall be deemed first to have taken effect in respect of assessments for the year of assessment ended upon the thirtieth day of June, 1955.

11. Section *forty-eight* of the principal Act is hereby amended by the deletion of the words "or in respect of dividends which by virtue of the proviso to paragraph (a) of sub-section (1) of section *thirty*, are not exempt from super tax".

Amendment of section 48 of Act 31 of 1941, as amended by section 12 of Act 34 of 1942 and section 9 of Act 47 of 1944.

12. (1) Section *fifty* of the principal Act is hereby amended—

(a) by the substitution in paragraph (b) of the definition of "distributable income" for the expression "paragraph (i)" of the expression "paragraphs (i) and (v)";

(b) by the deletion at the end of paragraph (ii) of the said definition of the word "and";

(c) by the substitution for the proviso to paragraph (iii) of the said definition of the following proviso:

"Provided that in the case of any public company whose total net profits are derived solely or mainly from dividends, the allowance under this paragraph shall be an amount equal to forty per centum of the sum of the amounts referred to in paragraphs (a) and (b) of this definition;";

(d) by the addition at the end of the said definition of the following paragraphs:

"(iv) an allowance equal to thirty per centum of any amount which has in terms of paragraph 11 of the Third Schedule been included in the income of the company for the year of assessment; and

(v) in the case of any company which, whether in the current or any previous year of assessment, has concluded a contract for the acquisition by it of any new or unused machinery or plant and which satisfies the Commissioner that within a period of three years after the end of the current year of assessment such machinery or plant will be brought into use by it for the purposes of its trade and will be used by it directly in a process of manufacture, an allowance in respect of the current year of assessment equal to the portion, if any, of the cost price of such machinery or plant paid by it during that year of assessment: Provided that—

(i) any company may in respect of any such new or unused machinery or plant elect to deduct as an allowance under this paragraph, in respect of the year of assessment during which such machinery or plant is brought into use by it for the purposes of its trade and is used by it directly in a process of manufacture, an amount equal to the cost to it of such machinery or plant, which allowance shall be in lieu of and not in addition to any allowances to which such company would but for such election have been entitled under the preceding provisions of this paragraph in respect of such machinery or plant;

(ii) if during any year of assessment any company brings into use for the purposes of its trade and uses directly in a process of manufacture any new or unused machinery or plant in respect of which it has not made an election under paragraph (i) of this proviso, there shall be allowed to be deducted in the determination of the distributable income of such company for such year of

Amendment of section 50 of Act 31 of 1941, as inserted by section 10 of Act 43 of 1955

ander bedrag wat ingevolge hierdie paragraaf toegelaat word om ten opsigte van sodanige masjinerie of installasie vir bedoelde jaar van aanslag afgetrek te word, 'n vermindering gelyk aan die gedeelte, as daar is, van die kosprys van bedoelde masjinerie of installasie wat gedurende die jaar van aanslag wat op die dertigste dag van Junie 1955 geëindig het, deur bedoelde maatskappy betaal is, toegelaat word om afgetrek te word;

- (iii) indien daar by die vasstelling van 'n maatskappy se uitkeerbare inkomste vir 'n jaar van aanslag 'n bedrag (behalwe 'n bedrag in paragraaf (i) of (ii) van hierdie voorbehoudsbepaling bedoel) ten opsigte van enige masjinerie of installasie ingevolge hierdie paragraaf toegelaat is om afgetrek te word, en bedoelde masjinerie of installasie nie binne drie jaar na die einde van bedoelde jaar van aanslag deur sodanige maatskappy in gebruik geneem en regstreeks by 'n vervaardigingsproses gebruik word nie, bedoelde bedrag by die toepassing van sub-artikel (1) van artikel *ses-en-sestig* geag word 'n bedrag te wees ten opsigte waarvan die Kommissaris oortuig is dat dit ten opsigte van bedoelde jaar van aanslag aan belasting onderhewig behoort te gewees het en nie vir belasting aangeslaan is nie;".

(2) Die wysiging by paragraaf (d) van sub-artikel (1) aangebring, word, vir sover dit op die byvoeging van paragraaf (iv) by die omskrywing van „uitkeerbare inkomste“ betrekking het, geag vir die eerste maal ten opsigte van aanslae vir die jaar van aanslag wat op die dertigste dag van Junie 1955 geëindig het, in werking te getree het.

Wysiging van artikel 51 van Wet 31 van 1941, soos ingevoeg deur artikel 10 van Wet 43 van 1955.

Wysiging van artikel 54^{quat} van Wet 31 van 1941, soos ingevoeg deur artikel 10 van Wet 43 van 1955.

Wysiging van artikel 63 van Wet 31 van 1941, soos gewysig deur artikel 19 van Wet 55 van 1946.

Wysiging van artikel 67 van Wet 31 van 1941, soos gewysig deur artikel 14 van Wet 45 van 1949.

Wysiging van artikel 83 van Wet 31 van 1941, soos gewysig deur artikel 5 van Wet 64 van 1951.

13. Artikel een-en-vyftig van die Hoofwet word hierby gewysig deur in paragraaf (f) die woorde „maatskappy wat nie ingevolge paragraaf (a) van sub-artikel (2) van artikel *drie-en-dertig* as 'n publieke maatskappy erken word nie en“ deur die woorde „private maatskappy“ te vervang, en deur in sub-paragrawe (i) en (ii) van genoemde paragraaf die woorde „vyftienduisend“ en „dertig“ deur die woorde „vyftigduisend“ en „veertig“ onderskeidelik te vervang.

14. Artikel vier-en-vyftig quat van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (I) van sub-artikel (1), met ingang van die datum van inwerkingtreding daarvan, deur die volgende paragraaf te vervang:
„(I) indien oor sodanige eiendom ingevolge en ooreenkomsdig 'n trust beskik word.“;
- (b) deur in paragraaf (a) van sub-artikel (2) die woorde „tweehonderd“ deur die woorde „wyfhonderd“ te vervang.

15. Artikel drie-en-sestig van die Hoofwet word hierby gewysig deur in paragraaf (f) van sub-artikel (1) na die woorde „fakte“ die woorde „inventarisse“ in te voeg, en deur die volgende voorbehoudsbepaling by genoemde paragraaf te voeg:

„Met dien verstande dat 'n persoon met goedkeuring van die Kommissaris en onderworpe aan die voorwaardes wat die Kommissaris bepaal en ten opsigte van die boeke (behalwe grootboeke, kasboeke en joernale) of dokumente wat die Kommissaris aandui, 'n mikrofilm-afdruk in plaas van die oorspronklike van enige boek of dokument kan behou.“.

16. Artikel sewe-en-sestig van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by sub-artikel (2) te voeg:

„Met dien verstande dat 'n aanslag wat aldus aanteken of opgeberg is, deur die Kommissaris na verloop van sodanige tydperk vanaf die datum van aanteking of opberging as wat die Kontroleur en Ouditeur-generaal mag goedkeur, vernietig kan word.“.

17. Artikel drie-en-tachtig van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by sub-artikel (1) te skrap.

assessment, in addition to any amount allowed to be deducted under this paragraph in respect of such machinery or plant for such year of assessment, an allowance equal to the portion, if any, of the cost price of such machinery or plant paid by such company during the year of assessment ended the thirtieth day of June, 1955;

(iii) if in the determination of the distributable income of any company for any year of assessment any amount has been allowed to be deducted under this paragraph (other than an amount referred to in paragraph (i) or (ii) of this proviso) in respect of any machinery or plant, and such machinery or plant is not brought into use and used by such company directly in a process of manufacture within three years after the end of such year of assessment, such amount shall for the purposes of sub-section (1) of section *sixty-six* be deemed to be an amount which the Commissioner is satisfied should have been subject to tax for such year of assessment and which has not been assessed to tax;".

(2) The amendment effected by paragraph (d) of sub-section (1) shall, in so far as it relates to the addition of paragraph (iv) to the definition of "distributable income", be deemed first to have taken effect in respect of assessments for the year of assessment ended on the thirtieth day of June, 1955.

13. Section fifty-one of the principal Act is hereby amended by the substitution in paragraph (f) for the words "company which is not recognized as a public company in terms of paragraph (a) of sub-section (2) of section *thirty-three and*" of the words "private company", and by the substitution in sub-paragraphs (i) and (ii) of the said paragraph for the words "fifteen" and "thirty", of the words "fifty" and "forty", respectively.

Amendment of
section 51 of
Act 31 of 1941,
as inserted by
section 10 of
Act 43 of 1955.

14. Section fifty-four quat of the principal Act is hereby amended—

(a) by the substitution, with effect from the date of commencement thereof for paragraph (l) of sub-section (1) of the following paragraph:

Amendment of
section 54quat
of Act 31 of
1941, as inserted
by section 10 of
Act 43 of 1955.

"(l) if such property is disposed of under and in pursuance of any trust;";

(b) by the substitution in paragraph (a) of sub-section (2) for the word "two" of the word "five".

15. Section sixty-three of the principal Act is hereby amended by the insertion in paragraph (f) of sub-section (1) after the word "invoices" of the words "stock lists", and by the addition to the said paragraph of the following proviso:

Amendment of
section 63 of
Act 31 of 1941,
as amended by
section 19 of
Act 55 of 1946.

"Provided that any person may, with the approval of the Commissioner and subject to such conditions as the Commissioner may determine and in respect of such books (other than ledgers, cash books and journals) or documents as the Commissioner may specify, retain a microfilm copy, in lieu of the original, of any book or document".

16. Section sixty-seven of the principal Act is hereby amended by the addition to sub-section (2) of the following proviso:

Amendment of
section 67 of
Act 31 of 1941,
as amended by
section 14 of
Act 45 of 1949.

"Provided that any assessment so recorded or filed may be destroyed by the Commissioner after the expiry of such period from the date of recording or filing as may be approved by the Controller and Auditor-General."

17. Section eighty-three of the principal Act is hereby amended by the deletion of the proviso to sub-section (1).

Amendment of
section 83 of
Act 31 of 1941,
as amended by
section 5 of
Act 64 of 1951.

Inwerkingtreding
van sekere wysis-
gings.

18. Behalwe waar andersins bepaal word en behalwe in die geval van die wysisings by artikels *vijftien*, *zesien* en *sewentien* aangebring, tree die wysisings by hierdie Wet aanbring vir die eerste maal in werking ten opsigte van aanslae vir die jaar van aanslag wat op die dertigste dag van Junie 1956 eindig.

Kort titel.

19. Hierdie Wet heet die Inkomstebelastingwet, 1956.

18. Except where otherwise provided and except in the case of certain amendments effected by sections fifteen, sixteen and seventeen, the amendments effected by this Act shall first take effect in respect of assessments for the year of assessment ending upon the thirtieth day of June, 1956.

19. This Act shall be called the Income Tax Act, 1956.

Short title.

No. 56, 1956.]

WET

Tot wysiging van die „Civil Service and Pensions Funds Act, 1895” (Kaap), die Ouderdomspensioenwet, 1928, die Oorlogspensioenwet, 1941, die Oorlogspensioenwet, 1942, die Wet op Ongeskiktheidstoelaes, 1946, die Wysigingswet op die Pensioenwette, 1955, die Regeringsdiens-pensioenwet, 1955, en die Wet op Beroepsonderwys, 1955, en om voor-siening te maak vir die betaling van bonusse aan persone wat sekere pensioene en toelaes ontvang, om sekere persone 'n verdere keuse te gee om ten opsigte van sekere tydperke van diens tot pensioenfondse by te dra, en om vir ander aange-leenthede wat daarmee in verband staan, voorsiening te maak.

*(Engelse teks deur die Gouverneur-generaal geteken.)
(Goedgekeur op 12 Junie 1956.)*

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

Herroeping van artikel 60 van Wet 32 van 1895 (Kaap).

Wysiging van artikel 63 van Wet 32 van 1895 (Kaap), soos ge-wysig deur artikel 1 van Wet 49 van 1952.

Wysiging van artikel 6 van Wet 22 van 1928, soos vervang deur artikel 3 van Wet 34 van 1931 en ge-wysig deur artikel 2 van Wet 34 van 1937, artikel 8 van Wet 33 van 1943, artikel 3 van Wet 48 van 1944, artikel 1 van Wet 43 van 1946, arti-kel 2 van Wet 41 van 1948, artikel 1 van Wet 47 van 1951, artikel 2 van Wet 49 van 1952 en artikel 2 van Wet 44 van 1953.

Wysiging van artikel 28 van Wet 45 van 1941, soos gewysig deur artikel 57 van Wet 44 van 1942 en artikel 2 van Wet 41 van 1955.

Wysiging van artikel 30 van Wet 45 van 1941, soos gewysig deur artikel 58 van Wet 44 van 1942, arti-kel 10 van Wet 48 van 1944, artikel 2 van Wet 43 van 1946, artikel 5 van Wet 41 van 1948, artikel 9 van Wet 35 van 1949, artikel 15 van Wet 52 van 1954 en artikel 3 van Wet 41 van 1955.

Wysiging van artikel 20 van Wet 44 van 1942, soos deur artikel 19 van Wet 58 van 1946 vervang.

1. Artikel *sesig* van die „Civil Service and Pensions Funds Act, 1895”, van die Kaap die Goeie Hoop, word hiermee herroep.

2. Artikel *drie-en-sesig* van die „Civil Service and Pensions Funds Act, 1895”, van die Kaap die Goeie Hoop, word hiermee gewysig deur die woorde „on the actual contributions of such contributor to such fund”, die woorde „calculated on a like basis and” en die voorbehoudsbepaling daarby, te skrap.

3. Artikel *ses* van die Ouderdomspensioenwet, 1928, word hiermee gewysig deur in paragraaf (i) van sub-artikel (1) na die woorde „onderhou” die woorde „en ten opsigte van elke kind bo die ouerdom van sestien jaar maar onder die ouerdom van agtien jaar wat 'n voltydse student aan 'n onderwysinrigting is en deur hom onderhou word” in te voeg.

4. Artikel *agt-en-twintig* van die Oorlogspensioenwet, 1941, word hiermee gewysig deur in die omskrywing van „oudstryder” na die woorde „vlootdiens” waar dit die eerste keer voorkom die woorde „in Suid-Afrika” in te voeg.

5. (1) Artikel *dertig* van die Oorlogspensioenwet, 1941, word hiermee gewysig deur in die laaste voorbehoudsbepaling by sub-artikel (1) die woorde „militêre of vlootdiens” deur die woorde „voltydse militêre of vlootdiens in Suid-Afrika” te vervang.

(2) Die bepalings van sub-artikel (1) word geag op die eerste dag van April 1955 in werking te getree het: Met dien verstande dat indien daar voor die inwerkingtreding van hierdie Wet, 'n oudstryderspensioen toegeken was aan iemand wat nie op so 'n pensioen geregtig sou gewees het nie, indien die bepalings van sub-artikel (1) inderdaad op die eerste dag van April 1955 in werking getree het, so iemand geag word op bedoelde pensioen geregtig te gewees het tot en met die dertigste dag van April 1956.

6. Artikel *twintig* van die Oorlogspensioenwet, 1942, word hiermee gewysig deur aan die end daarvan die volgende paragraaf by te voeg:

„(c) Ten aansien van 'n kind ten opsigte van wie 'n toe-laag ingevolge paragraaf (b) betaal word, word daar

No. 56, 1956.]

ACT

To amend the Civil Service and Pensions Funds Act, 1895 (Cape), the Old Age Pensions Act, 1928, the War Pensions Act, 1941, the War Pensions Act, 1942, the Disability Grants Act, 1946, the Pension Laws Amendment Act, 1955, the Government Service Pensions Act, 1955, and the Vocational Education Act, 1955, and to provide for the payment of bonuses to persons in receipt of certain pensions and allowances, to give a further option to certain persons to contribute in respect of certain periods of service to pension funds and to provide for other incidental matters.

(English text signed by the Governor-General.)
(Assented to 12th June, 1956.)

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

1. Section *sixty* of the Civil Service and Pensions Funds Repeal of section Act, 1895, of the Cape of Good Hope, is hereby repealed. 60 of Act 32 of 1895 (Cape).

2. Section *sixty-three* of the Civil Service and Pensions Amendment of Funds Act, 1895, of the Cape of Good Hope, is hereby amended section 63 of Act by the deletion of the words "on the actual contributions of 32 of 1895 (Cape), such contributor to such fund", the words "calculated on a as amended by section 1 of Act like basis and" and the proviso thereto. 49 of 1952.

3. Section *six* of the Old Age Pensions Act, 1928, is hereby Amendment of amended by the addition at the end of paragraph (i) of sub-section 6 of Act section 6 of Act 22 of 1928, as substituted by section 3 of Act 34 of 1931 and amended section 2 of by section 2 of Act 34 of 1937, section 8 of Act 33 of 1943, section 3 of Act 48 of 1944, section 1 of Act 43 of 1946, section 2 of Act 41 of 1948, section 1 of Act 47 of 1951, section 2 of Act 49 of 1952 and section 2 of Act 44 of 1953.

4. Section *twenty-eight* of the War Pensions Act, 1941, is hereby Amendment of amended by the insertion in the definition of "war section 28 of Act veteran" after the words "naval service", where they occur for 45 of 1941, as the first time, of the words "in South Africa". amended by section 57 of Act 44 of 1942 and section 2 of Act 41 of 1955.

5. (1) Section *thirty* of the War Pensions Act, 1941, is hereby Amendment of amended by the substitution in the last proviso to sub-section section 30 of Act 45 of 1941, as (1) for the words "military or naval service" of the words "full-amended by section 58 of Act 44 time military or naval service in South Africa".

(2) The provisions of sub-section (1) shall be deemed to have come into operation on the first day of April, 1955: Provided that if prior to the commencement of this Act, a veteran's pension was awarded to any person who would not have been entitled to such a pension, had the provisions of sub-section (1) in fact come into operation on the first day of April, 1955, such person shall be deemed to have been entitled to the said pension up to and including the thirtieth day of April, 1956. of 1942, section 10 of Act 48 of 1944, section 2 of Act 43 of 1946, section 5 of Act 41 of 1948, section 9 of Act 35 of 1949, section 15 of Act 52 of 1954 and section 3 of Act 41 of 1955.

6. Section *twenty* of the War Pensions Act, 1942, is hereby Amendment of amended by the addition at the end thereof of the following section 20 of Act paragraph: 44 of 1942, as substituted by

"(c) There shall be paid in respect of a child in respect section 19 of Act of whom an allowance is being paid in terms of para- 58 of 1946.

teen 'n skaal van hoogstens die in die Derde Bylae vermelde skaal 'n opvoedingstoekenning betaal, wat ooreenstem met die mate van die vrywilliger se pensioengewende ongeskiktheid ten tyde van sy dood, om onderwysgelde wat ten opsigte van die kind betaalbaar is, terwyl hy 'n skool, kollege, tegniese inrigting of universiteit bywoon, te dek.”.

Wysiging van artikel 9 van Wet 36 van 1946, soos deur artikel 10 van Wet 49 van 1948, artikel 8 van Wet 47 van 1951 en artikel 1 van Wet 49 van 1954 gewysig.

Wysiging van artikel 6 van Wet 41 van 1955.

Wysiging van artikel 1 van Wet 58 van 1955.

Wysiging van artikel 8 van Wet 58 van 1955.

Wysiging van artikel 11 van Wet 58 van 1955.

Wysiging van artikel 13 van Wet 58 van 1955.

7. Artikel *nege* van die Wet op Ongeskikheidstoelaes, 1946, word hiermee gewysig deur aan die end van paragraaf (i) van sub-artikel (1) die woorde „en ten opsigte van elke kind bo die ouderdom van sestien jaar maar onder die ouderdom van agtien jaar wat 'n voltydse student aan 'n onderwysinrigting is en deur hom onderhou word” by te voeg.

8. Artikel *ses* van die Wysigingswet op die Pensioenwette, 1955, word hiermee gewysig deur in sub-artikel (1) die uitdrukking „of ingevolge paragraaf (c) van sub-artikel (1) van artikel vier-en-tachtig van die Kinderwet, 1937 (Wet No. 31 van 1937),” en die uitdrukking, „maar nie na die een-en-dertigste dag van Maart 1956 nie,” te skrap.

9. Artikel *een* van die Regeringsdiens-pensioenwet, 1955, hieronder die Hoofwet genoem, word hiermee gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Van die bedrag, as daar is, ooreenkombig 'n bepaling ingevolge paragraaf (b) van sub-artikel (5) van artikel *agt* deur 'n bydraer betaalbaar, word slegs die gedeeltes wat voorgeskryf word, geag onderskeidelik by sy eie bydraes ingesluit te wees of meerdere bydraes te wees.”.

10. Artikel *agt* van die Hoofwet word hiermee gewysig—

(a) deur paragraaf (b) van sub-artikel (5) deur die volgende paragraaf te vervang:

„(b) vir die betaling deur bedoelde lid, ten opsigte van enige tydperk kragtens sub-paragraaf (ii) van paragraaf (a) of paragraaf (b) van sub-artikel (3), of sub-artikel (4), by sy pensioengewende diens ingesluit, van 'n bedrag wat die Tesourie na oorlegging met die Kommissie en 'n aktuaris bepaal;”; en

(b) deur in sub-paragraaf (iii) van paragraaf (d) van daardie sub-artikel die uitdrukking „of paragraaf (b)” te skrap.

11. Artikel *elf* van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende sub-artikel by te voeg:

„(3) 'n Lid van 'n nuwe fonds wat tydelik oorgeplaas is na diens ten opsigte waarvan hy ingevolge sub-artikel (1) van artikel *twaalf* onder verpligting sou gekom het om tot 'n ander nuwe fonds by te dra indien hy na sodanige diens oorgeplaas was, gaan, onderwyl hy aldus tydelik oorgeplaas is en op die voorwaarde wat die Tesourie op aanbeveling van die Kommissie bepaal, voort om tot die nuwe fonds waarvan hy 'n lid is, by te dra: Met dien verstande dat die bydraes waarmee aldus voortgegaan word, gebaseer word op die bedrag (wat nie minder mag wees nie as die pensioengewende verdienste wat so 'n lid sou getrek het indien hy nie tydelik oorgeplaas was nie) wat die Tesourie van tyd tot tyd op aanbeveling van die Kommissie bepaal, en 'n aldus bepaalde bedrag word, by die toepassing van hierdie Hoofstuk, geag die pensioengewende verdienste van die lid gedurende die betrokke tydperk te wees.”.

12. Artikel *dertien* van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende sub-artikel by te voeg:

„(4) Indien iemand wat ooreenkombig sub-artikel (2) kies om sy vorige pensioengewende diens as pensioengewende diens ingevolge hierdie Wet te reken, voor die datum waarop 'n pensioenwet in sub-artikel (1) bedoel, op hom van toepassing geword het, 'n bydraer tot 'n nuwe fonds of die ou fonds was en gekies het dat met betrekking tot hom gehandel moet word ooreenkombig die bepalings van paragraaf (b) van sub-artikel (2) van artikel *veertien* van hierdie Wet of van paragraaf (b) van sub-artikel (2) van artikel *sewe-en-twintig* van die Pensioenwet, dan word sy pensioengewende diens ingevolge hierdie Wet of die Pensioenwet voor bedoelde datum, op die voorwaardes wat die Tesourie bepaal, as aaneenlopend met sy daaropvolgende pensioengewende diens ingevolge hierdie Wet

graph (b), an educational grant at a rate not exceeding the rate specified in the Third Schedule, which corresponds to the volunteer's degree of pensionable disablement at the time of his death, to meet any tuition fees payable in respect of such child while attending any school, college, technical institute or university.”

7. Section *nine* of the Disability Grants Act, 1946, is hereby amended by the addition at the end of paragraph (i) of sub-section (1) of the words “and in respect of each child over the age of sixteen years but under the age of eighteen years, who is a full-time student at an educational institution and is maintained by him”.

Amendment of
section 9 of Act
36 of 1946, as
amended by
section 10 of Act
49 of 1948, sec-
tion 8 of Act 47
of 1951 and
section 1 of Act
49 of 1954.

8. (1) Section *six* of the Pension Laws Amendment Act, 1955, is hereby amended by the deletion in sub-section (1) of the expression “or in terms of paragraph (c) of sub-section (1) of section *eighty-four* of the Children's Act, 1937 (Act No. 31 of 1937)”, and of the expression “but not beyond the thirty-first day of March, 1956.”

Amendment of
section 6 of Act
41 of 1955.

9. Section *one* of the Government Service Pensions Act, 1955, hereinafter referred to as the principal Act, is hereby amended by the substitution for sub-section (2) of the following sub-section:

Amendment of
section 1 of Act
58 of 1955.

“(2) Of the amount, if any, payable by any contributor in pursuance of a determination under paragraph (b) of sub-section (5) of section *eight*, only such portions as may be prescribed shall be deemed to be included in his own contributions, or to be excess contributions respectively.”.

10. Section *eight* of the principal Act is hereby amended— Amendment of
(a) by the substitution for paragraph (b) of sub-section (5) section 8 of
of the following paragraph: Act 58 of 1955.

“(b) for the payment by such member, in respect of any period included in his pensionable service in terms of sub-paragraph (ii) of paragraph (a) or paragraph (b) of sub-section (3), or sub-section (4), of an amount determined by the Treasury after consultation with the Commission and an actuary;”; and

(b) by the deletion in sub-paragraph (iii) of paragraph (d) of that sub-section of the expression “or paragraph (b)”.

11. Section *eleven* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section: Amendment of
section 11 of
Act 58 of 1955.

“(3) A member of a new fund who is seconded to employment in respect of which he would have become liable to contribute to another new fund in terms of sub-section (1) of section *twelve* if he had been transferred to such employment shall, on such conditions as the Treasury, on the recommendation of the Commission, may determine, continue while so seconded, to make contributions to the new fund of which he is a member: Provided that the contributions so continued to be made shall be based upon such an amount, not being less than the pensionable emoluments which such member would have drawn if he had not been seconded, as may be determined by the Treasury from time to time on the recommendation of the Commission, and any amount so determined shall for the purposes of this Chapter be deemed to be the pensionable emoluments of the member during the period concerned.”.

12. Section *thirteen* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section: Amendment of
section 13 of
Act 58 of 1955.

“(4) If a person who elects in terms of sub-section (2) to reckon his past pensionable service as pensionable service under this Act, was, prior to the date on which he became subject to a pension law referred to in sub-section (1), a contributor to a new fund or the old fund and elected to be dealt with in accordance with the provisions of paragraph (b) of sub-section (2) of section *fourteen* of this Act or of paragraph (b) of sub-section (2) of section *twenty-seven* of the Pensions Act, then his pensionable service under this Act or the Pensions Act prior to such date shall, on such conditions as the Treasury may determine, be reckoned as continuous with his subsequent pensionable service under this Act: Provided that the rate

Wysiging van artikel 15 van Wet 58 van 1955.

gereken: Met dien verstande dat die skaal van sy bydraes tot die nuwe fonds waartoe hy bydra, volgens sy leeftyd op sy laaste verjaarsdag by die aanvangsdatum van sy eerste tydperk van pensioengewende diens ingevolge hierdie Wet of die Pensioenwet vasgestel word.”.

Wysiging van artikel 16 van Wet 58 van 1955.

13. Artikel *vyftien* van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende sub-artikel by te voeg:

„(7) Indien iemand in sub-artikel (1) vermeld, voor die datum waarop sy pensioengewende diens in die spoorwegadministrasie begin het, 'n bydraer tot 'n nuwe fonds of die ou fonds was en gekies het dat met betrekking tot hom gehandel moet word ooreenkomsdig die bepalings van paraaf (b) van sub-artikel (4) van hierdie artikel of sub-paragraaf (ii) van paragraaf (b) van sub-artikel (2) van artikel *agt-en-twintig* van die Pensioenwet, dan word sy pensioengewende diens in die staatsdiens voor bedoelde datum, op die voorwaardes wat die Tesourie bepaal, as aaneenlopend met sy daaropvolgende pensioengewende diens ingevolge hierdie Wet gereken: Met dien verstande dat die skaal van sy bydraes tot die nuwe fonds waartoe hy bydra, volgens sy leeftyd op sy laaste verjaarsdag by die aanvangsdatum van sy eerste tydperk van pensioengewende diens ingevolge hierdie Wet of die Pensioenwet vasgestel word.”.

Wysiging van artikel 18 van Wet 58 van 1955.

14. Artikel *sestien* van die Hoofwet word hiermee gewysig deur in die omskrywing van „pensioenleeftyd” na die uitdrukking „sub-artikel (1)” die uitdrukking „sub-artikel (1)*bis*” in te voeg.

15. Artikel *agtien* van die Hoofwet word hiermee gewysig—
(a) deur na sub-artikel (1) die volgende sub-artikel in te voeg:

„(1)*bis*. Die bepalings van sub-artikel (1) van artikel *vyf-en-dertig* is, behoudens die bepalings van sub-artikels (4) en (5), *mutatis mutandis* van toepassing op ou lede wat lede van die staande mag is.”.

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

„(3) Die bepalings van sub-artikels (1), (2), (3) en (4) van artikel *ses-en-veertig* is, behoudens die bepalings van sub-artikels (4) en (5), *mutatis mutandis* van toepassing op ou lede wat lede van die polisiemag of gevangenisdien is.”.

Wysiging van artikel 19 van Wet 58 van 1955.

16. Artikel *negentien* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) na die woord „gesondheid” die woorde „of ooreenkomsdig die bepalings van sub-artikel (3) van artikel *ses-en-twintig* of sub-artikel (2) van artikel *ses-en-veertig*” in te voeg.

Wysiging van artikel 26 van Wet 58 van 1955.

17. Artikel *ses-en-twintig* van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende sub-artikel by te voeg:

„(6) Ondanks die bepalings van sub-artikel (1) of van enige ander wetsbepaling, is die bepalings van sub-artikels (2) en (3) *mutatis mutandis* van toepassing op iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n lid was van die voorsorgfonds gestig kragtens artikel *negentien* van die „Hoger Onderwijs Wet, 1923” (Wet No. 30 van 1923), en wat ooreenkomsdig sub-artikel (2) van artikel *vyf-en-twintig* van die Wet op Beroepsonderwys, 1955 (Wet No. 70 van 1955), kies om 'n lid van die fonds te word, asof bedoelde persoon onmiddellik voor bedoelde inwerkingtreding 'n bydraer tot die ou fonds was.”.

Wysiging van artikel 27 van Wet 58 van 1955.

18. Artikel *sewe-en-twintig* van die Hoofwet word hiermee gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) 'n Nuwe lid wat 'n vroupersoon is, wat minstens vyf jaar pensioengewende diens gehad het en wat weens haar huwelik ontslaan word, of met die voorneme om te trou vrywilliglik uit diens tree, nadat sy die hoof van haar departement skriftelik te dien effekte in kennis gestel het, en binne drie maande na bedoelde uitdienstreding trou, ontvang 'n gratifikasie gelyk aan, na gelang van watter die meeste is, of—

(a) 'n bedrag bereken ooreenkomsdig die bepalings van sub-artikel (1) van artikel *nege-en-twintig*; of

(b) 'n persentasie van die bedrag van die maandelikse gemiddelde van haar pensioengewende verdienste

of his contributions to the new fund to which he contributes shall be determined by his age last birthday at the date of commencement of his first period of pensionable service under this Act or the Pensions Act.”.

13. Section *fifteen* of the principal Act is hereby amended Amendment of by the addition at the end thereof of the following sub-section: section 15 of Act 58 of 1955.

“(7) If a person referred to in sub-section (1) was, prior to the date on which his pensionable service under the railway administration commenced, a contributor to a new fund or the old fund and elected to be dealt with in accordance with the provisions of paragraph (b) of sub-section (4) of this section or sub-paragraph (ii) of paragraph (b) of sub-section (2) of section *twenty-eight* of the Pensions Act, then his pensionable service in the public service prior to such date shall, on such conditions as the Treasury may determine, be reckoned as continuous with his subsequent pensionable service under this Act: Provided that the rate of his contributions to the new fund to which he contributes shall be determined by his age last birthday at the date of commencement of his first period of pensionable service under this Act or the Pensions Act.”.

14. Section *sixteen* of the principal Act is hereby amended Amendment of by the insertion in the definition of “pensionable age” after section 16 of the expression “sub-section (1)” of the expression “sub-section Act 58 of 1955. (1)*bis*”.

15. (1) Section *eighteen* of the principal Act is hereby Amendment of amended— section 18 of Act 58 of 1955.

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

“(1)*bis* Subject to the provisions of sub-sections (4) and (5), the provisions of sub-section (1) of section *thirty-five* shall *mutatis mutandis* apply in respect of old members who are members of the permanent force.”; and

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

“(3) Subject to the provisions of sub-sections (4) and (5), the provisions of sub-sections (1), (2), (3) and (4) of section *forty-six* shall *mutatis mutandis* apply in respect of old members who are members of the police force or prisons service.”.

16. Section *nineteen* of the principal Act is hereby amended Amendment of by the insertion in sub-section (1) after the word “ill-health” section 19 of of the words “or in accordance with the provisions of sub-Act 58 of 1955. section (3) of section *twenty-six* or sub-section (2) of section *forty-six*”.

17. Section *twenty-six* of the principal Act is hereby amended Amendment of by the addition at the end thereof of the following sub-section: section 26 of Act 58 of 1955.

“(6) Notwithstanding anything to the contrary contained in sub-section (1) or in any other law the provisions of sub-sections (2) and (3) shall *mutatis mutandis* apply in respect of any person who immediately prior to the commencement of this Act was a member of the provident fund established under section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923), and who elects in terms of sub-section (2) of section *twenty-five* of the Vocational Education Act, 1955 (Act No. 70 of 1955), to become a member of the fund, as if such person were a contributor to the old fund immediately prior to such commencement.”.

18. Section *twenty-seven* of the principal Act is hereby Amendment of amended by the substitution for sub-section (2) of the following sub-section: section 27 of Act 58 of 1955.

“(2) A new member who is a female, who has not less than five years pensionable service and who is discharged on account of her marriage, or retires voluntarily in contemplation of marriage after having notified the head of her department in writing to that effect, and marries within three months after such retirement, shall receive, according to whichever is the greater, a gratuity equal to either—

- (a) an amount calculated in accordance with the provisions of sub-section (1) of section *twenty-nine*; or
- (b) a percentage of the amount of the monthly average of her pensionable emoluments for the last seven years

gedurende die laaste sewe jaar van haar pensioengewende diens of die hele tydperk van daardie diens, na gelang van watter tydperk die kortste is, ten opsigte van elke voltooide jaar van haar pensioengewende diens, bereken ooreenkomsdig die volgende skaal:

Aantal voltooide jare pensioenge- wende diens:	Persentasie van maande- likse gemiddelde van pensioengewende ver- dienste:
Tot 5	68 $\frac{3}{4}$
6	75
7	81 $\frac{1}{4}$
8	87 $\frac{1}{2}$
9	93 $\frac{3}{4}$
10 en meer	100."

Wysiging van artikel 28 van Wet 58 van 1955.

19. Artikel *agt-en-twintig* van die Hoofwet word hiermee gewysig deur in sub-artikel (3) na die woord „gesondheid” die woorde „of anders as ingevolge die bepalings van sub-artikel (3) van artikel *ses-en-twintig*”, in te voeg.

Wysiging van artikel 29 van Wet 58 van 1955.

20. Artikel *nege-en-twintig* van die Hoofwet word hiermee gewysig—

- (a) deur in sub-artikel (1) na die woorde „bereik het” die woorde „en 'n nuwe lid wat 'n vroupersoon met minder as vyf jaar pensioengewende diens is en wat weens haar huwelik ontslaan word” in te voeg; en
- (b) deur in sub-artikel (1) die woorde „sy” waar dit ook al voorkom deur die woorde „die lid se” en die woorde „hom” deur die woorde „die lid” te vervang.

Wysiging van artikel 40 van Wet 58 van 1955.

21. Artikel *veertig* van die Hoofwet word hiermee gewysig deur in die omskrywing van „pensioenleeftyd” die uitdrukking „(2)” te skrap.

Wysiging van artikel 45 van Wet 58 van 1955.

22. Artikel *vyf-en-veertig* van die Hoofwet word hiermee gewysig deur aan die end daarvan die volgende sub-artikel by te voeg:

- „(3) 'n Nie-blanke lid van die polisiemag of gevangenisdiens wat—
- (a) voor die vasgestelde datum in 'n pos in bedoelde mag of diens aangestel was en wat op daardie datum nie drie jaar diens in daardie mag of diens voltooi het nie; of
- (b) op of na die vasgestelde datum maar voor die inwerkingtreding van hierdie Wet in 'n pos in bedoelde mag of diens aangestel was; en
- (c) ooreenkomsdig artikel *drie-en-veertig* kies om 'n bydraer tot die fonds te word, moet gedurende die eerste drie jaar van sy diens in die polisiemag of gevangenisdiens, voorlopig tot die fonds bydra.”.

Wysiging van artikel 46 van Wet 58 van 1955.

23. Artikel *ses-en-veertig* van die Hoofwet word hiermee gewysig deur sub-artikels (1), (2) en (3) deur die volgende sub-artikels te vervang:

„(1) Behoudens die bepalings van sub-artikels (2) en (3), het 'n lid die reg om met pensioen af te tree wanneer hy die leeftyd van agt-en-vyftig jaar bereik, en moet hy, behoudens die bepalings van sub-artikel (4), met pensioen afgedank word wanneer hy daardie leeftyd bereik.

(2) 'n Lid wat voor die inwerkingtreding van hierdie Wet in 'n pos in die polisiemag of gevangenisdiens aangestel was, het die reg om te eniger tyd die hoof van sy department skriftelik kennis te gee van sy begeerte om met pensioen afgedank te word, en indien hy aldus kennis gee, word hy—

- (a) indien bedoelde kennisgewing minstens drie maande voor die datum waarop hy die leeftyd van vyf-en-vyftig jaar bereik, gegee word, afgedank met pensioen wanneer hy daardie leeftyd bereik; of
- (b) indien bedoelde kennisgewing nie minstens drie maande voor die datum waarop hy bedoelde leeftyd bereik, gegee word nie, afgedank met pensioen op die eerste dag van die vierde maand na die maand waarin bedoelde kennisgewing ontvang word.

(3) Indien 'n lid wat—

- (a) voor die inwerkingtreding van hierdie Wet in 'n pos in die polisiemag of gevangenisdiens aangestel was; en

of her pensionable service or for the whole period of such service, whichever is the lesser period, in respect of each completed year of her pensionable service, calculated according to the following scale:

<i>Number of completed years of pensionable service:</i>	<i>Percentage of monthly average of pensionable emoluments:</i>
Up to 5	68½
6	75
7	81½
8	87½
9	93½
10 and over	100."

19. Section *twenty-eight* of the principal Act is hereby amended by the insertion in sub-section (3) after the word "ill-health" of the words "or otherwise than under the provisions of sub-section (3) of section *twenty-six*,".

20. Section *twenty-nine* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (1) after the words "section *twenty-six*" of the words "and a new member who is a female having less than five years pensionable service and who is discharged on account of her marriage"; and
- (b) by the substitution in sub-section (1) for the word "his" wherever it occurs of the words "the member's".

21. Section *forty* of the principal Act is hereby amended by the deletion in the definition of "pensionable age" of the expression "(2)".

22. Section *forty-five* of the principal Act is hereby amended by the addition at the end thereof of the following sub-section:

- "(3) A non-European member of the police force or prisons service who—
- (a) was appointed to a post in such force or service prior to the fixed date and who on that date had not completed three years employment in that force or service; or
- (b) was appointed to a post in such force or service on or after the fixed date but before the commencement of this Act; and
- (c) elects in terms of section *forty-three* to become a contributor to the fund,

shall contribute provisionally to the fund during the first three years of his employment in the police force or prisons service.".

23. Section *forty-six* of the principal Act is hereby amended by the substitution for sub-sections (1), (2) and (3) of the following sub-sections:

"(1) Subject to the provisions of sub-sections (2) and (3), a member shall have the right to retire on pension on attaining the age of fifty-eight years, and shall, subject to the provisions of sub-section (4), be retired on pension on reaching that age.

(2) A member who was appointed to a post in the police force or prisons service prior to the commencement of this Act shall have the right at any time to give written notification to the head of his department of his wish to be retired on pension, and if he gives such notification he shall—

- (a) if such notification is given at least three months prior to the date on which he attains the age of fifty-five years, be retired on pension on attaining that age; or
- (b) if such notification is not given at least three months prior to the date on which he attains the said age, be retired on pension on the first day of the fourth month following the month in which such notification is received.

(3) If a member who—

- (a) was appointed to a post in the police force or prisons service prior to the commencement of this Act; and

(b) op of binne ses maande na die inwerkingtreding van die Wysigingswet op die Pensioenwette, 1956, die leeftyd van vyf-en-vyftig jaar bereik, onmiddellik voor die in paragraaf (b) vermelde inwerkingtreding, die reg gehad het om met pensioen af te tree wanneer hy die leeftyd van vyf-en-vyftig jaar bereik, dan, ondanks die bepalings van sub-artikels (1) en (2), behou so 'n lid die reg om met pensioen af te tree wanneer hy die leeftyd van vyf-en-vyftig jaar bereik, en word hy, behoudens die bepalings van sub-artikel (4), met pensioen afgedank wanneer hy daardie leeftyd bereik: Met dien verstande dat so 'n lid te eniger tyd voordat hy daardie leeftyd bereik, skriftelik kan kies om onder die bepalings van sub-artikels (1) en (2) te val en indien hy aldus kies, is die bepalings van hierdie sub-artikel nie langer op hom van toepassing nie.”.

Wysiging van artikel 48 van Wet 58 van 1955.

24. Artikel *agt-en-veertig* van die Hoofwet word hiermee gewysig deur in sub-artikel (3) na die woord „ongeskiktheid” die woorde „of anders as ingevolge die bepalings van sub-artikel (2) van artikel *ses-en-veertig*” in te voeg.

Wysiging van artikel 49 van Wet 58 van 1955.

25. Artikel *nege-en-veertig* van die Hoofwet word hiermee gewysig—

- (a) deur in sub-artikel (1) na die woord „wat”, waar dit die eerste keer voorkom, die woerde „anders as ingevolge die bepalings van sub-artikel (2) van artikel *ses-en-veertig*” in te voeg; en
- (b) deur in die voorbeholdsbepling by sub-artikel (1) die woerde „en wat nie ingevolge sub-artikel (3) van artikel *ses-en-veertig* 'n keuse gedaan het nie,” te skrap.

Wysiging van artikel 56 van Wet 58 van 1955.

26. Artikel *ses-en-vyftig* van die Hoofwet word hiermee gewysig—

- (a) deur na die omskrywing van „rekenbare diens” die volgende omskrywing in te voeg:
„,voordeelgewende diens”, diens deur 'n lid verrig—
 - (a) in 'n pos in die polisiemag;
 - (b) as 'n „ondergeschikte beambte” ooreenkomsdig die omskrywing van „ondergeschikte beambte” soos dit in artikel *twee* van die „Wet op Gevangenissen en Verbetergestichten, 1911” (Wet No. 13 van 1911), omskryf was voor die inwerkingtreding van die Wysigingswet op Gevangenisse en Verbetergestigte, 1955 (Wet No. 11 van 1955);
 - (c) as 'n „beambte” soos in artikel *twee* van die „Wet op Gevangenissen en Verbetergestichten, 1911” omskryf;
 - (d) as 'n „ondergeschikte beambte” (soos omskryf in die „Wet op Gevangenissen en Verbetergestichten, 1911”, soos op die gebied van toepassing verklaar deur die Administrateur se Proklamasie No. 6 van 1916, soos gewysig deur Proklamasies No. 20 van 1922 en No. 4 van 1923) in die departement van gevangenis van die gebied;
 - (e) in 'n pos in sub-artikel (1) van artikel *vier* of sub-artikel (1) van artikel *vyf* van die „Wet op Gevangenissen en Verbetergestichten, 1911”, vermeld, voor die datum waarop hy volgens die omskrywing van „beambte” in artikel *twee* van daardie Wet, 'n lid van die gevangenisdiens geword het,
maar nie ook enige tydperk van diens wat nie pensioengewende diens is nie.”;
- en
- (b) deur die omskrywing van „rekenbare diens” deur die volgende omskrywing te vervang:
„, rekenbare diens” 'n tydperk van of een-vyfde van die tydperk waarmee 'n lid se voordeelgewende diens dertien jaar te bowe gaan, of 'n tydperk van vyf jaar, na gelang van watter tydperk die kortste is.”.

Wysiging van artikel 58 van Wet 58 van 1955.

27. Artikel *agt-en-vyftig* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) die woord „pensioengewende” waar dit die eerste keer voorkom deur die woord „voordeelgewende” te vervang.

Wysiging van artikel 90 van Wet 58 van 1955.

28. Artikel *negentig* van die Hoofwet word hiermee gewysig deur in sub-artikel (4) die woord „by” deur die woord „weens” te vervang.

- (b) attains the age of fifty-five years on or within six months after the commencement of the Pension Laws Amendment Act, 1956,

had the right, immediately prior to the commencement referred to in paragraph (b), to retire on pension on attaining the age of fifty-five years, then, notwithstanding anything to the contrary contained in sub-sections (1) and (2), such member shall retain the right to retire on pension on attaining the age of fifty-five years, and shall, subject to the provisions of sub-section (4), be retired on pension on reaching that age: Provided that such a member may at any time prior to the date on which he attains that age, elect in writing to be subject to the provisions of sub-sections (1) and (2) and if he so elects, the provisions of this sub-section shall cease to apply to him.”.

- 24.** Section *forty-eight* of the principal Act is hereby amended by the insertion in sub-section (3) after the word “unfitness” of the words “or otherwise than under the provisions of sub-section (2) of section *forty-six*,”.

- 25.** Section *forty-nine* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (1) after the words “pensionable age” of the words “otherwise than under the provisions of sub-section (2) of section *forty-six*”; and
- (b) by the deletion in the proviso to sub-section (1) of the words “and who has not made an election in terms of sub-section (3) of section *forty-six*,”.

- 26.** Section *fifty-six* of the principal Act is hereby amended—

- (a) by the insertion after the definition of “member” of the following definition:

“‘qualifying service’ means service rendered by a member—

- (a) in a post in the police force;
- (b) as a subordinate officer in terms of the definition of ‘subordinate officer’ as it was defined in section *two* of the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911), prior to the commencement of the Prisons and Reformatories Amendment Act, 1955 (Act No. 11 of 1955);
- (c) as an officer as defined in section *two* of the Prisons and Reformatories Act, 1911;
- (d) as a subordinate officer (as defined in the Prisons and Reformatories Act, 1911, as applied to the territory by Administrator’s Proclamation No. 6 of 1916, as amended by Proclamations No. 20 of 1922 and No. 4 of 1923) in the prisons department of the territory;
- (e) in a post referred to in sub-section (1) of section *four* or sub-section (1) of section *five* of the Prisons and Reformatories Act, 1911, prior to the date upon which, in accordance with the definition of ‘officer’ in section *two* of that Act, he became a member of the prisons service,

but shall not include any period of service which is not pensionable service,”;

and

- (b) by the substitution for the definition of “reckonable service” of the following definition:

“‘reckonable service’ means a period of either one-fifth of the period by which a member’s qualifying service exceeds thirteen years, or a period of five years, whichever is the lesser period;”.

- 27.** Section *fifty-eight* of the principal Act is hereby amended by the substitution in sub-section (1) for the word “pensionable” where it occurs for the first time, of the word “qualifying”.

- 28.** Section *ninety* of the principal Act is hereby amended by the insertion in sub-section (4) after the word “on” of the words “account of”.

Wysiging van artikel 1 van Wet 70 van 1955.

- 29.** Artikel *een* van die Wet op Beroepsonderwys, 1955, word hiermee gewysig—
 (a) deur die omskrywing van „Pensioenfonds” deur die volgende omskrywing te vervang:
 „,Pensioenfonds”, die Unie-pensioenfonds kragtens artikel *twee* van die Pensioenwet gestig;”;
 (b) deur paragraaf (a) van die omskrywing van „pensioenleeftyd” deur die volgende paragraaf te vervang:
 „(a) in die geval van 'n lid van die Pensioenfonds, die pensioenleeftyd soos in artikel *een-en-twintig* van die Pensioenwet omskryf;”;
 (c) deur die omskrywing van „pensioengewende verdienste” deur die volgende omskrywing te vervang:
 „,pensioengewende verdienste”, pensioengewende verdienste soos in artikel *honderd-en-nege* van die Pensioenwet omskryf;”; en
 (d) deur na die omskrywing van „pensioengewende verdienste” die volgende omskrywing in te voeg:
 „,Pensioenwet”, die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955);”.

Wysiging van artikel 22 van Wet 70 van 1955.

- 30.** Artikel *twee-en-twintig* van die Wet op Beroepsonderwys, 1955, word hiermee gewysig deur in die voorbehoudsbepaling by sub-artikel (3) die woorde „Regeringsdiens Pensioenwet, 1936” deur die woorde „Pensioenwet” te vervang.

Wysiging van artikel 23 van Wet 70 van 1955.

- 31.** Artikel *drie-en-twintig* van die Wet op Beroepsonderwys, 1955, word hiermee gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Ondanks die bepalings van die Pensioenwet, maar behoudens die bepalings van artikel *ses-en-tagtig* van daardie Wet, word 'n blanke persoon wat op 'n voltydse grondslag en in 'n tydelike hoedanigheid by 'n staatsondersteunde beroepskool of voortsettingsklas in diens is en wie se salaris ten volle deur die Departement betaal word, by die toepassing van Hoofstuk V van bedoelde Wet geag 'n werknemer van die Regering te wees.”.

Wysiging van artikel 24 van Wet 70 van 1955.

- 32.** Artikel *vier-en-twintig* van die Wet op Beroepsonderwys, 1955, word hiermee gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Ondanks die bepalings van die Pensioenwet, word die bedrag wat ingevolge artikel *dertien* van bedoelde Wet bereken word ten opsigte van enige tydperk van die vorige pensioengewende diens van 'n persoon wat 'n keuse ingevolge sub-artikel (2) van artikel *vyf-en-twintig* gedoen het, vir die doeleindes van die Pensioenfonds of die Regeringswerkernemersondersteuningsfonds in artikel *vier-en-tagtig* van bedoelde Wet vermeld, na gelang van die geval, op sodanige verdienste gebaseer as wat die Tesourie, op aanbeveling van die Kommissie, bepaal, en daardie verdienste word by die toepassing van bedoelde Wet geag die pensioengewende verdienste van daardie persoon te gewees het of te wees, na gelang van die geval.”.

Wysiging van artikel 25 van Wet 70 van 1955.

- 33.** Artikel *vyf-en-twintig* van die Wet op Beroepsonderwys, 1955, word hiermee gewysig deur in sub-artikel (2) die woorde „*ses-en-twintig* van die Regeringsdiens Pensioenwet, 1936”, oral waar die woorde voorkom, deur die woorde „*dertien* van die Pensioenwet” te vervang.

Toekennung van bonus aan persone wat militêre pensioene ontvang.

- 34.** (1) Indien 'n Suid-Afrikaanse burger ongeskik geraak het of te sterwe gekom het as gevolg van diens by die militêre, vloot- of lugmagte van 'n regering wat 'n bondgenoot van die Unie-regering gedurende die oorlog was, en daar deur die regering van so 'n bondgenoot ten opsigte van die ongeskiktheid of dood 'n pensioen of toelae toegeken is wat minder bedra as die totaal van—

- (a) die pensioen of toelae wat ooreenkomsdig die Oorlogspensioenwet betaalbaar sou gewees het, indien bedoelde burger 'n vrywilliger was; en
 (b) die bonus wat betaalbaar sou gewees het as die bepalings van artikel *dertien* van die Wysigingswet op die Pensioenwette, 1951 (Wet No. 47 van 1951), ten opsigte van laasgenoemde pensioen of toelae van toepassing was,

dan kan daar van tyd tot tyd aan of ten opsigte van bedoelde burger 'n bonus betaal word van hoogstens die bedrag waarmee bedoelde totaal die pensioen of toelae aldus toegeken, te bowe gaan, indien bedoelde Suid-Afrikaanse burger ten tyde van die begin van die oorlog gewoonlik in die Unie woonagtig

29. Section *one* of the Vocational Education Act, 1955, is Amendment of hereby amended— section 1 of Act 70 of 1955.

- (a) by the substitution for the definition of "Pension Fund" of the following definition:
"Pension Fund" means the Union pension fund established under section *two* of the Pensions Act;";
- (b) by the substitution for paragraph (a) of the definition of "pensionable age" of the following paragraph:
(a) in the case of a member of the Pension Fund, the pensionable age as defined in section *twenty-one* of the Pensions Act;";
- (c) by the substitution for the definition of "pensionable emoluments" of the following definition:
"pensionable emoluments" means pensionable emoluments as defined in section *one hundred and nine* of the Pensions Act; and
- (d) by the insertion after the definition of "pensionable emoluments" of the following definition:
"Pensions Act" means the Government Service Pensions Act, 1955 (Act No. 58 of 1955);".

30. Section *twenty-two* of the Vocational Education Act, Amendment of 1955, is hereby amended by the substitution in the proviso to section 22 of sub-section (3) for the words "Government Service Pensions Act, 1936" of the words "Pensions Act".

31. Section *twenty-three* of the Vocational Education Act, Amendment of 1955, is hereby amended by the substitution for sub-section (2) section 23 of 1 of the following sub-section:

"(2) Notwithstanding anything to the contrary contained in the Pensions Act, but subject to the provisions of section *eighty-six* of that Act, any European person employed at a State-aided vocational school or continuation class on a whole-time basis and in a temporary capacity, whose salary is paid in full by the Department, shall for the purposes of Chapter V of the said Act be deemed to be an employee of the Government.".

32. Section *twenty-four* of the Vocational Education Act, Amendment of 1955, is hereby amended by the substitution for sub-section section 24 of 1 of the following sub-section:

"(2) Notwithstanding anything to the contrary contained in the Pensions Act, the amount computed in terms of section *thirteen* of the said Act in respect of any period of the past pensionable service of a person who had made an election in terms of sub-section (2) of section *twenty-five* shall for purposes of the Pension Fund or the Government Employees' Provident Fund referred to in section *eighty-four* of the said Act, as the case may be, be based on such emoluments as the Treasury, on the recommendation of the Commission may determine, and such emoluments shall for the purposes of the said Act be deemed to have been or to be, as the case may be, the pensionable emoluments of that person.".

33. Section *twenty-five* of the Vocational Education Act, 1955, is hereby amended by the substitution in sub-section (2) for the words "*twenty-six* of the Government Service Pensions Act, 1936", wherever they occur, of the words "*thirteen* of the Pensions Act".

34. (1) If any South African citizen suffered disablement or death as a result of service with the military, naval or air forces of any government allied to the Government of the Union in the war, and a pension or allowance has been awarded by such allied government in respect of such disablement or death which is less than the aggregate of—

- (a) the pension or allowance that would have been payable in terms of the War Pensions Act, if such citizen had been a volunteer; and
- (b) the bonus which would have been payable if the provisions of section *thirteen* of the Pension Laws Amendment Act, 1951 (Act No. 47 of 1951), had been applicable in respect of the last-mentioned pension or allowance,

then there may from time to time be paid to or in respect of the said citizen a bonus of not more than the amount whereby the said aggregate exceeds the pension or allowance so awarded, if the said South African citizen was normally resident in the

Amendment of section 25 of Act 70 of 1955.

Grant of bonus to persons in receipt of military pensions.

was: Met dien verstande dat geen bonus ingevolge hierdie artikel betaalbaar is nie aan of ten opsigte van iemand wat nie gewoonlik in die Unie woonagtig is nie of aan wie ooreenkomsdig artikel *dertien* van die Wysigingswet op die Pensioenwette, 1951, 'n bonus betaalbaar is.

(2) By die toepassing van artikels *nege-en-dertig* en *een-en-veertig* van die Oorlogspensioenwet, 1942 (Wet No. 44 van 1942), word 'n bonus wat ingevolge sub-artikel (1) betaalbaar is, geag 'n voordeel te wees wat ingevolge daardie Wet betaalbaar is.

(3) By die toepassing van sub-artikel (1) in die geval van 'n Suid-Afrikaanse burger wat gedurende die oorlog wat op die vierde dag van Augustus 1914 begin het, ongeskik geraak het of te sterwe gekom het, beteken die uitdrukking „die Oorlogspensioenwet” die „Oorlogs Speciale Pensioenen Wet, 1919” (Wet No. 42 van 1919), en het die uitdrukking „die oorlog” en „vrywilliger” die betekenis wat daaraan toegeskryf is by artikel *een* van daardie Wet, en in die geval van 'n Suid-Afrikaanse burger wat gedurende die oorlog wat op die sesde dag van September 1939 begin het, ongeskik geraak het of te sterwe gekom het, beteken die uitdrukking „die Oorlogspensioenwet” die Oorlogspensioenwet, 1942 (Wet No. 44 van 1942), en het die uitdrukking „die oorlog” en „vrywilliger” die betekenis wat daaraan toegeskryf is by artikel *een* van laasgenoemde Wet.

Verdere keuse deur sekere persone om ten opsigte van sekere tydperke van diens tot fondse ingevolge artikel 2 van Wet 58 van 1955 gestig, by te dra.

35. (1) Iemand wat 'n bydraer is tot 'n fonds ingevolge artikel *twee* van die Regeringsdiens-pensioenwet, 1955 (Wet No. 58 van 1955), gestig en wat nie—

- (a) ooreenkomsdig die laaste voorbehoudsbepaling by sub-artikel (5) van artikel *twintig* van die „Staatsdienst en Pensioenwet, 1912” (Wet No. 29 van 1912), of paragraaf (a) van die voorbehoudsbepaling by sub-artikel (2) van artikel *nege-en-dertig* van daardie Wet, gekies het om tot 'n fonds ingevolge artikel *negentien* van bedoelde Wet gestig, ten opsigte van sy proefdiens of sy eerste vyf jaar diens, na gelang van die geval, by te dra nie;
- (b) ooreenkomsdig sub-artikel (2) van artikel *ses-en-twintig* van die „Staatsdienst en Pensioen Wet, 1923” (Wet No. 27 van 1923), of paragraaf (i) van die voorbehoudsbepaling by paragraaf (d) van sub-artikel (1) van artikel *ses-en-veertig* van daardie Wet, gekies het om tot 'n fonds ingevolge artikel *vyf-en-twintig* van bedoelde Wet gestig, ten opsigte van sy proefdiens of sy eerste drie jaar diens, na gelang van die geval, by te dra nie;
- (c) of voor of na die inwerkingtreding van die Wysigingswet op Regeringsdiens-pensioene, 1946 (Wet No. 32 van 1946), ooreenkomsdig artikel *dertien* van die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936), gekies het om tot die Unie-staatsdienspensioenfonds ingevolge artikel *drie* van laasgenoemde Wet gestig, ten opsigte van sy proefdiens by te dra nie;
- (d) of voor of na die inwerkingtreding van die Wysigingswet op Regeringsdiens-pensioene, 1946, ooreenkomsdig artikel *veertien* van die Regeringsdiens Pensioenwet, 1936, gekies het om tot die Unie-staatsdienspensioenfonds ingevolge artikel *drie* van laasgenoemde Wet gestig, ten opsigte van die eerste drie jaar van sy diens in die dienste by te dra nie,

kan, ondanks enige ander wetsbepalings, binne dertig dae na die datum waarop hy aangesê word om dit te doen, skriftelik kies om ten opsigte van 'n deur die Kommissaris goedgekeurde tydperk van bedoelde diens by te dra, en indien hy aldus kies om by te dra, moet hy, ten opsigte van bedoelde tydperk, aan die fonds ingevolge artikel *twee* van die Regeringsdiens-pensioenwet, 1955, gestig, waartoe hy 'n bydraer is, bydraes betaal volgens die skaal wat die Tesourie bepaal, tesame met rente op bedoelde bydraes teen die koers van vier persent per jaar, jaarliks op die een-en-dertigste dag van Maart saamgestel en bereken volgens die datums waarop genoemde bydraes betaalbaar sou gewees het as hy gedurende daardie tydperk 'n bydraer tot bedoelde fonds was.

(2) By die toepassing van sub-artikel (1) word 'n tydperk waarin die bepalings van—

- (i) paragraaf (a), (c), (e) of (g) van sub-artikel (5) van artikel *twintig* van die „Staatsdienst en Pensioenwet, 1912”;
- (ii) paragraaf (a), (c), (e) of (f) van sub-artikel (4) van artikel *ses-en-twintig* van die „Staatsdienst en Pensioen Wet, 1923”; of

Union at the date of commencement of the war: Provided that no bonus shall be payable under this section to or in respect of any person who is not normally resident in the Union or to whom a bonus is payable in terms of section *thirteen* of the Pension Laws Amendment Act, 1951.

(2) For the purposes of sections *thirty-nine* and *forty-one* of the War Pensions Act, 1942 (Act No. 44 of 1942), any bonus payable in terms of sub-section (i) shall be regarded as a benefit payable under that Act.

(3) For the purposes of sub-section (1), in the case of a South African citizen who suffered disablement or death during the war which commenced on the fourth day of August, 1914, the expression "the War Pensions Act" means the War Special Pensions Act, 1919 (Act No. 42 of 1919), and the expressions "the war" and "volunteer" shall bear the meanings assigned to them in section *one* of that Act, and in the case of a South African citizen who suffered disablement or death during the war which commenced on the sixth day of September, 1939, the expression "the War Pensions Act" means the War Pensions Act, 1942 (Act No. 44 of 1942), and the expressions "the war" and "volunteer" shall bear the meanings assigned to them in section *one* of the last-mentioned Act.

35. (1) A person who is a contributor to a fund established under section *two* of the Government Service Pensions Act, 1955 (Act No. 58 of 1955), and who did not—

Further election by certain persons to contribute to funds established under section 2 of Act 58 of 1955, in respect of certain periods of service.

- (a) elect in terms of the last proviso to sub-section (5) of section *twenty* of the Public Service and Pensions Act, 1912 (Act No. 29 of 1912), or paragraph (a) of the proviso to sub-section (2) of section *thirty-nine* of that Act, to contribute to a fund established under section *nineteen* of the said Act, in respect of his probationary service or his first five years' service, as the case may be;
- (b) elect in terms of sub-section (2) of section *twenty-six* of the Public Service and Pensions Act, 1923 (Act No. 27 of 1923), or paragraph (i) of the proviso to paragraph (d) of sub-section (1) of section *forty-six* of that Act, to contribute to a fund established under section *twenty-five* of the said Act, in respect of his probationary service or his first three years' service, as the case may be;
- (c) either before or after the commencement of the Government Service Pensions Amendment Act, 1946 (Act No. 32 of 1946), elect in terms of section *thirteen* of the Government Service Pensions Act, 1936 (Act No. 32 of 1936), to contribute to the Union public service pension fund established under section *three* of the last-mentioned Act, in respect of his probationary service;
- (d) either before or after the commencement of the Government Service Pensions Amendment Act, 1946, elect in terms of section *fourteen* of the Government Service Pensions Act, 1936, to contribute to the Union public service pension fund established under section *three* of the last-mentioned Act, in respect of the first three years of his employment in the services,

may, notwithstanding anything to the contrary contained in any other law, elect in writing within thirty days after the date upon which he is called upon to do so, to contribute in respect of any period of such service or employment approved by the Commissioner, and if he so elects to contribute, he shall, in respect of such period, pay to the fund established under section *two* of the Government Service Pensions Act, 1955, to which he is a contributor, contributions at such rate as the Treasury may determine, together with interest on such contributions at the rate of four per cent. per annum, annually compounded as at the thirty-first day of March and calculated according to the dates upon which the said contributions would have been payable had he during that period been a contributor to the said fund.

(2) For the purposes of sub-section (1) any period during which the provisions of—

- (i) paragraph (a), (c), (e) or (g) of sub-section (5) of section *twenty* of the Public Service and Pensions Act, 1912;
- (ii) paragraph (a), (c), (e) or (f) of sub-section (4) of section *twenty-six* of the Public Service and Pensions Act, 1923; or

(iii) paragraaf (a), (c), (e) of (f) van artikel *sestien* van die Regeringsdiens Pensioenwet, 1936, op die betrokke persoon van toepassing was, nie by 'n tydperk van diens bygereken nie.

(3) Indien bedoelde persoon nie in staat is om die bedrag wat ten gevolge van 'n keuse wat hy ingevolge sub-artikel (1) gedoen het, deur hom verskuldig word, in een paaiement te betaal nie, word bedoelde bedrag op hom verhaal op die wyse en in die paaiemente wat die Kommissaris vasstel, en moet hy rente teen die koers van vier persent per jaar, jaarliks op die een-en-dertigste dag van Maart saamgestel, betaal op die bedrag wat aan die end van elke maand nog nie betaal is nie.

(4) Daar word uit inkomste in die betrokke fonds ingevolge artikel *twee* van die Regeringsdiens-pensioenwet, 1955, gestig, 'n bedrag gestort gelyk aan die bydraes en rente wat ooreenkomsdig sub-artikel (1) deur iemand betaalbaar word.

(5) By die toepassing van hierdie artikel het die uitdrukings „die dienste”, „inkomste”, „Kommissaris” en „Tesorie” die betekenis wat daaraan toegeskryf is by artikel *honderd-en-nege* van die Regeringsdiens-pensioenwet, 1955.

Inwerkingtreding
van sekere
bepalings.

36. (1) Artikels *een* en *twee* tree in werking op die eerste dag van Julie 1956.

(2) Artikel *vier* word geag op die eerste dag van April 1955 in werking te getree het.

(3) Artikel *agt* word geag op die eerste dag van April 1956 in werking te getree het.

(4) Artikels *nege* tot en met *dertien*, en artikels *agtien*, *negentien*, *twintig*, *twee-en-twintig*, *ses-en-twintig*, *sewe-en-twintig* en *agt-en-twintig* word geag op die vier-en-twintigste dag van Junie 1955 in werking te getree het.

(5) Artikel *sewentien* en artikels *nege-en-twintig* tot en met *drie-en-dertig* word geag op die dertigste dag van September 1955 in werking te getree het.

Kort titel.

37. Hierdie Wet heet die Wysigingswet op die Pensioenwette, 1956.

(iii) paragraph (a), (c), (e) or (f) of section *sixteen* of the Government Service Pensions Act, 1936, applied in respect of the person concerned, shall not be included in any period of service or employment.

(3) If the said person is unable to liquidate, in one payment, the amount which becomes due by him by virtue of an election made by him in terms of sub-section (1), such amount shall be recovered from him in such manner and in such instalments as the Commissioner may determine and he shall pay interest at the rate of four per cent. per annum, annually compounded as at the thirty-first day of March, on the amount which remains unpaid at the end of each month.

(4) There shall be paid from revenue to the appropriate fund established under section *two* of the Government Service Pensions Act, 1955, an amount equal to the contributions and interest which become payable by a person in terms of sub-section (1).

(5) For the purposes of this section the expressions "Commissioner", "revenue", "the services", and "Treasury" shall bear the meanings assigned to them in section *one hundred and nine* of the Government Service Pensions Act, 1955.

36. (1) Sections *one* and *two* shall come into operation on the first day of July, 1956. Commencement
of certain
provisions.

(2) Section *four* shall be deemed to have come into operation on the first day of April, 1955.

(3) Section *eight* shall be deemed to have come into operation on the first day of April, 1956.

(4) Sections *nine* to *thirteen*, inclusive, and sections *eighteen*, *nineteen*, *twenty*, *twenty-two*, *twenty-six*, *twenty-seven* and *twenty-eight* shall be deemed to have come into operation on the twenty-fourth day of June, 1955.

(5) Section *seventeen* and sections *twenty-nine* to *thirty-three*, inclusive, shall be deemed to have come into operation on the thirtieth day of September, 1955.

37. This Act shall be called the Pension Laws Amendment Short title. Act, 1956.

No. 58, 1956.]

WET

Om voorsiening te maak vir die verdere voortsetting van sekere regulasies uitgevaardig kragtens artikel *een bis* van die Wet op Oorlogsmaatreëls, 1940, of afgekondig by proklamasies deur artikel *twee* van genoemde Wet bekragtig.

*(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 12 Junie 1956.)*

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

Sekere regulasies uitgevaardig kragtens artikel *1bis* van Wet 13 van 1940, soos deur artikel 1 van Wet 32 van 1940 ingeveog, of afgekondig by proklamasies deur artikel 2 van Wet 13 van 1940 bekragtig, bly van krag.

Kort titel.

1. (1) Ondanks die bepalings van artikel *een* van die Wet op die Voortsetting van Oorlogsmaatreëls, 1954 (Wet No. 51 van 1954), of enige ander wet, bly die regulasies wat in die Bylae uiteengesit word, van krag in die mate in die vierde kolom van bedoelde Bylae vermeld, tot die dertigste dag van Junie 1959, tensy hulle eerder deur die Goewerneur-generaal ingevolge sub-artikel (2) herroep word.

(2) Die Goewerneur-generaal kan te eniger tyd by proklamasie in die *Staatskoerant* enigeen van die in sub-artikel (1) bedoelde regulasies herroep.

2. Hierdie Wet heet die Wet op die Voortsetting van Oorlogsmaatreëls, 1956.

Bylae.

Item No.	Proklamasie No.	Titel of Onderwerp van Regulasies.	In hoeverre voortgesit.
1	201 van 1939, soos gewysig deur Proklamasies Nos. 31 van 1940, 170 van 1944 (Oorlogsmaatreël No. 68 van 1944) en 73 van 1945 (Oorlogsmaatreël No. 13 van 1945), en artikel <i>twee</i> van Wet No. 29 van 1950.	Landsnoodtoestandregulasies.	Regulasie No. 8ter.
2	247 van 1941 (Oorlogsmaatreël No. 60 van 1941).	Regulasies vir die toepassing in verband met die oorlog tussen die Unie aan die een kant en Finland, Hongarye, Roemenië of Japan aan die ander kant, van sekere maatreëls wat in verband met die oorlog tussen die Unie en Duitsland geneem is.	Die geheel.
3	110 van 1942 (Oorlogsmaatreël No. 43 van 1942), soos gewysig deur Proklamasies Nos. 249 van 1942 (Oorlogsmaatreël No. 110 van 1942), 114 van 1943 (Oorlogsmaatreël No. 39 van 1943), 181 van 1944 (Oorlogsmaatreël No. 71 van 1944), 216 van 1945 (Oorlogsmaatreël No. 69 van 1945), 258 van 1945 (Oorlogsmaatreël No. 80 van 1945), artikel <i>twee</i> van Wet No. 18 van 1948 en artikel <i>twee</i> van Wet No. 29 van 1950.	Lewenskostetoeleae	Die geheel.

No. 58, 1956.]

ACT

To provide for the further continuation of certain regulations made under section *one bis* of the War Measures Act, 1940, or promulgated by proclamations validated by section *two* of the said Act.

(English text signed by the Governor-General.)
(Assented to 12th June, 1956.)

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

1. (1) The regulations set out in the Schedule shall, notwithstanding the provisions of section *one* of the War Measures Continuation Act, 1954 (Act No. 51 of 1954), or any other law, continue in operation to the extent mentioned in the fourth column of the said Schedule, until the thirtieth day of June, 1959, unless previously repealed by the Governor-General in terms of sub-section (2).

(2) The Governor-General may at any time by proclamation in the *Gazette* repeal any of the regulations referred to in sub-section (1).

Certain regulations made under section *1bis* of Act 13 of 1940, as inserted by section 1 of Act 32 of 1940, or promulgated under proclamations validated by section 2 of Act 13 of 1940, to continue in operation.

2. This Act shall be called the War Measures Continuation Act, 1956. Short title.

Schedule.

Item No.	Proclamation No.	Title or Subject of Regulations.	Extent of Continuation.
1	201 of 1939, as amended by Proclamations Nos. 31 of 1940, 170 of 1944 (War Measure No. 68 of 1944) and 73 of 1945 (War Measure No. 13 of 1945), and section <i>two</i> of Act No. 29 of 1950.	National Emergency Regulations.	Regulation No. 8 <i>ter</i> .
2	247 of 1941 (War Measure No. 60 of 1941).	Regulations to apply, in relation to the war between the Union on the one hand and Finland, Hungary, Roumania or Japan, on the other hand, certain measures taken in connection with the war between the Union and Germany.	The whole.
3	110 of 1942 (War Measure No. 43 of 1942), as amended by Proclamations Nos. 249 of 1942 (War Measure No. 110 of 1942), 114 of 1943 (War Measure No. 39 of 1943), 181 of 1944 (War Measure No. 71 of 1944), 216 of 1945 (War Measure No. 69 of 1945), 258 of 1945 (War Measure No. 80 of 1945), section <i>two</i> of Act No. 18 of 1948 and section <i>two</i> of Act No. 29 of 1950.	Cost of Living Allowance.	The whole.

Item No.	Proklamasie No.	Titel of Onderwerp van Regulasies.	In hoeverre voortgesit.
4	319 van 1942 (Oorlogsmaatreël No. 146 van 1942), soos gewysig deur Proklamasies Nos. 15 van 1943 (Oorlogsmaatreël No. 8 van 1943), 72 van 1943 (Oorlogsmaatreël No. 26 van 1943), 115 van 1943 (Oorlogsmaatreël No. 44 van 1943), 116 van 1943 (Oorlogsmaatreël No. 46 van 1943), 132 van 1943 (Oorlogsmaatreël No. 57 van 1943), 178 van 1943 (Oorlogsmaatreël No. 74 van 1943), 207 van 1943 (Oorlogsmaatreël No. 85 van 1943), 222 van 1943 (Oorlogsmaatreël No. 94 van 1943), 237 van 1943 (Oorlogsmaatreël No. 102 van 1943), 245 van 1943 (Oorlogsmaatreël No. 105 van 1943), 276 van 1943 (Oorlogsmaatreël No. 114 van 1943), 54 van 1944 (Oorlogsmaatreël No. 17 van 1944), 95 van 1944 (Oorlogsmaatreël No. 41 van 1944), 107 van 1944 (Oorlogsmaatreël No. 46 van 1944), 127 van 1944 (Oorlogsmaatreël No. 54 van 1944), 96 van 1945 (Oorlogsmaatreël No. 15 van 1945), 226 van 1945 (Oorlogsmaatreël No. 75 van 1945), 246 van 1946 (Oorlogsmaatreël No. 63 van 1946), 69 van 1947 (Oorlogsmaatreël No. 17 van 1947), artikel vier van Wet No. 18 van 1948, artikel twee van Wet No. 29 van 1950, artikel twee van Wet No. 31 van 1952 en artikel een van Wet No. 30 van 1953.	Nasionale Voor-sieningsraad en Directeur-generaal van Voorrade.	Die geheel, behalwe Regulasies Nos. 4, 5, 7, 8 en 20 en behalwe sover dit betrekking het op die bevoegdhede en werkzaamhede wat nog by die Directeur-generaal van Voorrade berus.
5	185 van 1946 (Oorlogsmaatreël No. 49 van 1946), soos gewysig deur artikel twee van Wet No. 31 van 1952, en paragraaf (b) van artikel twee van Wet No. 51 van 1954.	Beheer van pryse en voorkoming van opgaring van goedere.	Die geheel.
6	197 van 1946 (Oorlogsmaatreël No. 53 van 1946), en paragraaf (g) van artikel twee van Wet No. 48 van 1948.	Oorgang op die Bewaarder van Vyandseindom van die eindomsreg op aandele, effekte en obligasies en die bevoegdheide van die Bewaarder ten opsigte daarvan.	Die geheel vir sover dit betrekking het op die bevoegdhede van die Bewaarder van Vyandseindom betreffende aandele, effekte en obligasies, waarvan die eindomsreg op 31 Desember 1948 by hom berus het.
7	205 van 1946 (Oorlogsmaatreël No. 55 van 1946), soos gewysig deur artikel twee van Wet No. 29 van 1950.	Beheer oor voedingstowwe en sekere ander handelsware.	Die geheel.

Item No.	Proclamation No.	Title or Subject of Regulations.	Extent of Continuation.
4	319 of 1942 (War Measure No. 146 of 1942), as amended by Proclamations Nos. 15 of 1943 (War Measure No. 8 of 1943), 72 of 1943 (War Measure No. 26 of 1943), 115 of 1943 (War Measure No. 44 of 1943), 116 of 1943 (War Measure No. 46 of 1943), 132 of 1943 (War Measure No. 57 of 1943), 178 of 1943 (War Measure No. 74 of 1943), 207 of 1943 (War Measure No. 85 of 1943), 222 of 1943 (War Measure No. 94 of 1943), 237 of 1943 (War Measure No. 102 of 1943), 245 of 1943 (War Measure No. 105 of 1943), 276 of 1943 (War Measure No. 114 of 1943), 54 of 1944 (War Measure No. 17 of 1944), 95 of 1944 (War Measure No. 41 of 1944), 107 of 1944 (War Measure No. 46 of 1944), 127 of 1944 (War Measure No. 54 of 1944), 96 of 1945 (War Measure No. 15 of 1945), 226 of 1945 (War Measure No. 75 of 1945), 246 of 1946 (War Measure No. 63 of 1946), 69 of 1947 (War Measure No. 17 of 1947), section <i>four</i> of Act No. 18 of 1948, section <i>two</i> of Act No. 29 of 1950, section <i>two</i> of Act No. 31 of 1952, and section <i>one</i> of Act No. 30 of 1953.	National Council of Supply and Director-General of Supplies.	The whole, except Regulations Nos. 4, 5, 7, 8 and 20 and except in so far as it relates to the powers and functions still vested in the Director-General of Supplies.
5	185 of 1946 (War Measure No. 49 of 1946), as amended by section <i>two</i> of Act No. 31 of 1952 and paragraph (b) of section <i>two</i> of Act No. 51 of 1954.	Control of prices and prevention of hoarding of goods.	The whole.
6	197 of 1946 (War Measure No. 53 of 1946) and paragraph (g) of section <i>two</i> of Act No. 48 of 1948.	Vesting of shares, stocks and debentures in the Custodian of Enemy Property and the powers of the Custodian in regard thereto.	The whole, in so far as it relates to the powers of the Custodian of Enemy Property in regard to shares, stocks and debentures vested in him as at the 31st December, 1948.
7	205 of 1946 (War Measure No. 55 of 1946), as amended by section <i>two</i> of Act No. 29 of 1950.	Control of food-stuffs and certain other commodities.	The whole.