



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 20c Price
Oorsee 30c Overseas
POSVRY—POST FREE

Vol. 129]

KAAPSTAD, 17 MAART 1976

CAPE TOWN, 17 MARCH 1976

[No. 5016

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 413. 17 Maart 1976.

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

No. 8 van 1976: Wysigingswet op Spoorweg- en Hawewette, 1976.

No. 413. 17 March 1976.

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

No. 8 of 1976: Railways and Harbours Acts Amendment Act, 1976.

WET

Tot wysiging van artikel 1 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, artikels 1, 3, 3A, 4, 13, 14, 17, 18, 20, 21, 33 en 34 van die Wet op Spoorweg- en Hawediens, 1960, artikel 4 van die Spoorwegraadwet, 1962, en artikel 1 van die Spoorweg- en Hawepensioenwet, 1971, om voorsiening te maak vir aangeleenthede wat voortspuit uit die toekenning van gesalarieerde status aan sekere dienare van die Administrasie wat voorheen as werksmanne geklassifiseer is; tot wysiging van artikel 41 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, om voorsiening te maak vir die aanstelling van plaasvervangende lede in Hawe-adviesrade; tot vervanging van artikel 55 van gemelde Wet om die Administrasie te magtig om die werk van besteldienskontraktante of -agente na of van enige houerstapelwerf in Durbanhawe tot die uitsluiting van enige ander karweier, te onderneem; tot wysiging van artikel 73 van gemelde Wet om voorsiening te maak vir die vrystelling, in sekere gevalle, van die betaling van hereregte ten opsigte van eiendomme wat ingevolge die Huiseienaarskema aangekoop is; tot wysiging van artikel 1, vervanging van artikel 11, en wysiging van artikels 13 en 16 van die Wet op Spoorweg- en Hawediens, 1960, om sekere bepalinge met betrekking tot pensioenaangeleenthede wat verouderd geraak het, te skrap of te wysig; tot wysiging van artikel 16 van gemelde Wet om vir die verandering van die benaming van die betrekking hoofvlootkaptein en die verhoging van die maksimum uitdienstree-ouderdom van vliegpersoneel in die lugdiensdepartement van die Diens voorsiening te maak; tot wysiging van artikel 32 van gemelde Wet om die bepaling rakende die uitvaardiging van regulasies met betrekking tot die Siekefonds te wysig; tot wysiging van die Bylae by die Spoorwegaanlegwet, 1961, die Bylae by die Tweede Spoorwegaanlegwet, 1963, die Tweede Bylae by die Spoorwegaanlegwet, 1965, Bylae 2 by die Spoorwegaanlegwet, 1966, en Bylaes 2 en 3 by die Spoorwegaanlegwet, 1971, om wysigings in die ooreenkomste met betrekking tot die bestryding van bedryfsverliese ten opsigte van onderskeidelik die Hoedspruit—Phalaborwa-, Delmas—Hawerklip-, Kensington—Chempet-, Stoffberg—Roosenekal-, Groveput—Copperton- en Beestekraal—Atlanta-spoorlyne, te bewerkstellig; tot wysiging van artikels 8, 10, 17 en 19 van die Spoorweg- en Hawepensioenwet, 1971, om sekere anomalie voortspuitend uit die toekenning van verbeterde pensioenvoordele uit die weg te ruim, voorsiening te maak vir die betaling van rente op agterstallige bydraes deur dienare wie se lidmaatskap van die Nuwe Fonds teruggedateer word, en om verwysing na sekere fondse waarin daar nie meer gelde beskikbaar is nie, te skrap; tot wysiging van artikel 2 van die Spoorweg- en Haweleningswet, 1973, om enige moontlike misverstand uit die weg te ruim aangaande die bevoegdheid van die Regering om die terugbetaling van 'n lening wat aangegaan is, te waarborg; en om vir ander aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 4 Maart 1976.)

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1976 Act No. 8, 1976

ACT

To amend section 1 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, sections 1, 3, 3A, 4, 13, 14, 17, 18, 20, 21, 33 and 34 of the Railways and Harbours Service Act, 1960, section 4 of the Railway Board Act, 1962, and section 1 of the Railways and Harbours Pensions Act, 1971, so as to provide for matters consequential upon the granting of salaried status to certain servants of the Administration who were previously classified as employees; to amend section 41 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, so as to provide for the appointment of alternate members on Harbour Advisory Boards; to substitute section 55 of the said Act so as to empower the Administration to undertake, to the exclusion of any other carrier, the business of cartage contractors or cartage agents to or from container stacking areas in Durban Harbour; to amend section 73 of the said Act to provide for the exemption from the payment, in certain cases, of transfer duty in respect of properties purchased under the House Ownership Scheme; to amend section 1, substitute section 11 and amend sections 13 and 16 of the Railways and Harbours Service Act, 1960, so as to delete or amend certain provisions relating to pension matters which have become obsolete; to amend section 16 of the said Act so as to alter the designation of chief fleet captain and to provide for the raising of the maximum retiring age of flying personnel in the airways department of the Service; to amend section 32 of the said Act so as to amend the provision relating to the making of regulations concerning the Sick Fund; to amend the Schedule to the Railway Construction Act, 1961, the Schedule to the Second Railway Construction Act, 1963, the Second Schedule to the Railway Construction Act, 1965, Schedule 2 to the Railway Construction Act, 1966, and Schedules 2 and 3 to the Railway Construction Act, 1971, so as to effect amendments to the agreements regarding the defrayment of operating losses in respect of the Hoedspruit—Phalaborwa, Delmas—Hawerklip, Kensington—Chempet, Stoffberg—Roosenekal, Groveput—Copperton and Beestekraal—Atlanta railway lines, respectively; to amend sections 8, 10, 17 and 19 of the Railways and Harbours Pensions Act, 1971, so as to remove certain anomalies arising from the granting of improved pension benefits, to make provision for servants whose membership of the New Fund is antedated to pay interest on arrear contributions, and to delete reference to certain Funds in which there are no longer any funds available; to amend section 2 of the Railways and Harbours Loans Act, 1973, so as to remove any possible doubt concerning the Government's powers to guarantee the repayment of any loan negotiated; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 4 March 1976.)

Wet No. 8, 1976

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1976

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

Wysiging van artikel 1 van Wet 70 van 1957, soos gewysig deur artikel 5 van Wet 25 van 1959, artikel 6 van Wet 62 van 1961, artikel 5 van Wet 62 van 1962, artikels 11 en 44 van Wet 6 van 1965, artikel 2 van Wet 24 van 1971 en artikel 2 van Wet 44 van 1974.

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

„(v) „dienaar” iemand wat uitsluitlik in diens van die Administrasie werksaam is; (xviii)”.

Wysiging van artikel 41 van Wet 70 van 1957, soos gewysig deur artikel 44 van Wet 6 van 1965.

2. Artikel 41 van die Beheer- en Bestuurwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„Hawe-adviesrade.

- (1) (a) Die Staatspresident kan ’n adviesraad vir elk van die hawens Tafelbaai, Mosselbaai, Port Elizabeth, Oos-Londen en Durban, of enige ander hawe, instel, en kan persone wat Suid-Afrikaanse burgers is as lede en plaasvervangende lede daarvan aanstel.
- (b) ’n Adviesraad bestaan uit minstens agt en hoogstens nege lede, wat as volg benoem word:
 - (i) Een deur die munisipale raad van die stad waar die hawe geleë is;
 - (ii) een deur die plaaslike kamer van nywerhede;
 - (iii) een deur die plaaslike vakvereniging of, indien daar twee of meer sodanige verenigings is, deur die plaaslike vakverenigings gesamentlik;
 - (iv) een deur die plaaslike kamer van koophandel;
 - (v) een deur die plaaslike Afrikaanse Sakekamer, indien daar so ’n sakekamer in die betrokke stad is;
 - (vi) vier deur die Staatspresident.
- (c) Indien daar geen sodanige kamer van nywerhede of vakvereniging in die betrokke stad is nie, of indien geen lid deur so ’n kamer of deur so ’n vakvereniging of vakverenigings benoem word nie, word een of twee addisionele lede, na gelang van die geval, benoem deur bedoelde kamer van koophandel of, indien daar ’n Afrikaanse Sakekamer in die betrokke stad bestaan, deur sodanige kamer van koophandel en sodanige Afrikaanse Sakekamer gesamentlik.
- (d) By die benoeming van die lede in subparagraaf (vi) van paragraaf (b) bedoel en hul plaasvervangers, moet daar gelet word, ten aansien van een van hulle, op die verteenwoordiging van die skeepvaartbelange; ten aansien van een van hulle, op die verteenwoordiging van die persone wat kaai- of landings-, verskepings- of oorskepingsgelde by die hawe betaal, en ten aansien van een van hulle, op die verteenwoordiging van die landboubelange.
- (e) Wanneer ’n lid van ’n adviesraad om een of ander rede nie sy plig as lid kan uitvoer nie, moet sy plaasvervanger in sy plek optree.”.

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1976 Act No. 8, 1976

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

1. Section 1 of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (hereinafter called "the Control and Management Act"), is hereby amended by the substitution for the definition of "servant", in subsection (1), of the following definition:

"(xviii) 'servant' means any person exclusively employed by the Administration; (v)".

Amendment of section 1 of Act 70 of 1957, as amended by section 5 of Act 25 of 1959, section 6 of Act 62 of 1961, section 5 of Act 62 of 1962, sections 11 and 44 of Act 6 of 1965, section 2 of Act 24 of 1971 and section 2 of Act 44 of 1974.

2. Section 41 of the Control and Management Act is hereby amended by the substitution for subsection (1) of the following subsection:

„Harbour
Advisory
Boards.

- (1) (a) The State President may constitute an advisory board for each of the harbours of Table Bay, Mossel Bay, Port Elizabeth, East London and Durban, or any other harbour, and may appoint persons who are South African citizens to be members and alternate members thereof.
- (b) An advisory board shall consist of not less than eight and not more than nine members, who shall be nominated as follows:
 - (i) One by the municipal council of the town at which the harbour is situated;
 - (ii) one by the local chamber of industries;
 - (iii) one by the local trade union or, if there are two or more such unions, by the local trade unions jointly;
 - (iv) one by the local chamber of commerce;
 - (v) one by the local "Afrikaanse Sakekamer" if there is such a "sakekamer" at the town in question;
 - (vi) four by the State President.
- (c) If there is no such chamber of industries or trade union at the town in question, or if no member is nominated by such chamber or by such trade union or trade unions, one or two additional members, as the case may be, shall be nominated by the said chamber of commerce, or if an "Afrikaanse Sakekamer" exists at the town in question, by such chamber of commerce and such "Afrikaanse Sakekamer" jointly.
- (d) In the nomination of the members referred to in subparagraph (vi) of paragraph (b) or their alternates regard shall be had, as to one of them, to representation of the shipping interest; as to one of them, to representation of the persons paying wharfage or landing, shipping or transshipping dues at the harbour, and as to one of them, to representation of the agricultural interest.
- (e) Whenever a member of an advisory board is unable, for any reason, to carry out his duties as a member, his alternate shall function in his place."

Amendment of section 41 of Act 70 of 1957, as amended by section 44 of Act 6 of 1965.

Wet No. 8, 1976

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1976

Vervanging van
artikel 55 van
Wet 70 van 1957.

3. Artikel 55 van die Beheer- en Bestuurwet word hierby deur die volgende artikel vervang:

„Admini- 55. (1) Onderworpe aan die bepalings van sub-
strasie mag artikel (2) hiervan, onderneem die Administrasie
nie bestel- nie die werk van besteldienskontraktante of -agente
dienswerk na of van Durbanhawe voor die verstryking van
by twee jaar na die datum van 'n kennisgewing deur die
Durbanhawe onderneem Administrasie uitgereik en in die *Staatskoerant*
nie, behalwe gepubliseer, waarin sy voorneme om daardie werk te
na kennis- onderneem, bekend gemaak word nie.
gewing.

(2) Die Administrasie word hierby gemagtig om die werk van besteldienskontraktante of -agente na of van enige houerstapelwerf in Durbanhawe tot die uitsluiting van enige ander karweier te onderneem.”.

Vervanging van
artikel 73 van
Wet 70 van 1957.

4. (1) Artikel 73 van die Beheer- en Bestuurwet word hierby deur die volgende artikel vervang:

„Betalings 73. (1) Die Administrasie kan die hereregte wat
van verskuldig is ten opsigte van eiendom verkry deur
hereregte op 'n dienaar kragtens die bepalings van paragraaf (22)
eiendom van artikel 2 in geheel of ten dele betaal, en enige
verkry kragtens aldus betaalde bedrag op die betrokke dienaar
paragraaf verhaal.
(22) van
artikel 2.

(2) Ondanks die bepalings van subartikel (1), is geen hereregte deur 'n dienaar van die Administrasie betaalbaar nie ten opsigte van enige eiendom wat hy kragtens die bepalings van paragraaf (22) van artikel 2 van die Administrasie verkry het: Met dien verstande dat die betrokke eiendom onmiddellik voor die verkryging daarvan deur die Administrasie, die eiendom van daardie dienaar of sy eggenote was; en met dien verstande voorts dat die Administrasie bedoelde eiendom van daardie dienaar of sy eggenote verkry het vir die in die genoemde paragraaf (22) van artikel 2 vermelde doeleindes.”.

(2) Subartikel (2) tree op 1 April 1976 in werking.

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

5. (1) Artikel 1 van die Wet op Spoorweg- en Hawediens, 1960 (hierna „die Dienswet” genoem), word hierby gewysig—

(a) deur in subartikel (1) na die omskrywing van „amp-tenaar” die volgende omskrywing in te voeg:

„(iiA) „betaalmaand” die tydperk van die eerste tot die laaste dag van 'n maand of die tydperk van die sestiende dag van 'n maand tot die vyftiende dag van die volgende maand soos deur die Hoofbestuurder bepaal; (xiiA)”;

(b) deur in subartikel (1) die omskrywing van „dienaar” deur die volgende omskrywing te vervang:

„(vii) „dienaar” iemand in die uitsluitende diens van die Administrasie; (xx)”;

(c) deur in subartikel (1) die omskrywings van „die Fonds”, „loon”, „ou superannuasiefonds”, „ou vasgestelde datum” en „werksman” te skrap.

(2) Paragraaf (a) van subartikel (1) word geag met ingang van die betaalmaand April 1975 in werking te getree het.

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1976 Act No. 8, 1976

3. The following section is hereby substituted for section 55 of the Control and Management Act:

Substitution
of section
55 of Act 70
of 1957.

"Cartage
business
at Durban
Harbour
not to be
undertaken
by Adminis-
tration save
after notice.

55. (1) Subject to the provisions of subsection (2) hereof, the Administration shall not undertake the business of cartage contractors, or cartage agents to or from Durban Harbour, until after the expiration of two years from the date of a notice given by the Administration and published in the *Gazette*, stating the intention of the Administration to undertake such a business.

(2) The Administration is hereby empowered to undertake the business of cartage contractors or cartage agents to or from any container stacking area in Durban Harbour to the exclusion of any other carrier."

4. (1) The following section is hereby substituted for section 73 of the Control and Management Act:

Substitution
of section 73
of Act 70 of
1957.

"Payment
of transfer
duty on
property
acquired
under
paragraph
(22) of
section 2.

73. (1) The Administration may pay the whole or any portion of the transfer duty payable in respect of any property acquired by any servant under the provisions of paragraph (22) of section 2 and may recover any amount so paid from the servant concerned.

(2) Notwithstanding the provisions of subsection (1), no transfer duty shall be payable by a servant of the Administration in respect of any property acquired by him in pursuance of the provisions of paragraph (22) of section 2 from the Administration: Provided that the property was, immediately prior to the acquisition thereof by the Administration, the property of that servant or his wife; and provided further that the Administration acquired that property from that servant or his wife for the purposes specified in the said paragraph (22) of section 2."

(2) Subsection (2) shall come into operation on 1 April 1976.

5. (1) Section 1 of the Railways and Harbours Service Act, 1960 (hereinafter called "the Service Act"), is hereby amended—

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

(a) by the insertion, in subsection (1), after the definition of "old superannuation fund" of the following definition:

"(xiiA) 'paymonth' means the period from the first to the last day of a month or the period from the sixteenth day of a month to the fifteenth day of the next month as determined by the General Manager; (iiA)";

(b) by the substitution, in subsection (1), for the definition of "servant" of the following definition:

"(xx) 'servant' means any person exclusively employed by the Administration; (vii)"; and

(c) by the deletion, in subsection (1), of the definitions of "the Fund", "wages", "old superannuation fund", "old fixed date" and "employee".

(2) Paragraph (a) of subsection (1) shall be deemed to have come into operation from the April 1975 paymonth.

Wet No. 8, 1976

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1976

Wysiging van artikel 3 van Wet 22 van 1960, soos gewysig deur artikel 46 van Wet 6 van 1965 en artikel 5 van Wet 85 van 1971.

6. Artikel 3 van die Dienswet word hierby gewysig—
- (a) deur die woorde „salaris of loon”, waar dit ook al voorkom, deur die woord „salaris” te vervang; en
 - (b) deur in die Afrikaanse teks die woorde „salaris- of loonskaal” deur die woord „salarisskaal” te vervang.

Wysiging van artikel 3A van Wet 22 van 1960, soos ingevoeg deur artikel 12 van Wet 62 van 1961 en vervang deur artikel 1 van Wet 33 van 1972.

7. Artikel 3A van die Dienswet word hierby gewysig—
- (a) deur die woorde „salaris of loon”, waar dit ook al voorkom, deur die woord „salaris” te vervang; en
 - (b) deur in die Afrikaanse teks van subartikel (1) die woorde „aanvangsalaris of -loon” deur die woord „aanvangsalaris” en die woorde „salaris- of loonskaal” deur die woord „salarisskaal” te vervang.

Wysiging van artikel 4 van Wet 22 van 1960, soos gewysig deur artikel 10 van Wet 62 van 1962 en artikel 7 van Wet 47 van 1973.

8. Artikel 4 van die Dienswet word hierby gewysig deur in paragraaf (c) van subartikel (4) die woorde „salaris of loon” deur die woord „salaris” te vervang.

Vervanging van artikel 11 van Wet 22 van 1960, soos gewysig deur artikel 6 van Wet 44 van 1974.

9. Artikel 11 van die Dienswet word hierby deur die volgende artikel vervang:

„Afdanking. 11. 'n Dienaar in vaste diens kan voor sy superannuasie afgedank word ten gevolge van 'n vermindering of reorganisasie van personeel, in welke geval die volgende bepalings van toepassing is:

- (a) 'n Dienaar wat 'n lid is van die Nuwe Fonds ontvang uit inkomste 'n gratifikasie gegrond op 'n tydperk van ononderbroke diens wat deur bydraes tot die Nuwe Fonds gedek word.
- (b) 'n Dienaar in paragraaf (a) bedoel wie se ononderbroke diens in die geheel vyftien jaar of langer was, en so 'n dienaar wie se leeftyd vyf-en-veertig jaar of meer is en wie se ononderbroke diens in die geheel tien jaar of langer was, ontvang uit inkomste, na sy keuse, of—
 - (1) pensioenvoordele gelykstaande met die voordele (indien daar is) wat hy kragtens die Pensioenregulasies geregtig sou wees om te ontvang uit die fonds waarvan hy 'n lid is by sy uitdienstreding weens slegte gesondheid; of
 - (2) 'n gratifikasie in genoemde paragraaf bedoel.
- (c) (i) Die gratifikasie in die voorgaande paragrafe bedoel, word bereken op die dienaar se besoldiging op die tydstip wanneer hy die Diens verlaat en volgens ondervermelde skaal—

Tydperk van ononderbroke diens	Gratifikasie
Minder as een jaar . . .	Geen
Een jaar en langer . . .	$\frac{1}{2}$ maand se besoldiging
Twee jaar en langer . . .	1 maand se besoldiging
Drie jaar en langer . . .	2 maande se besoldiging
Vier jaar en langer . . .	3 maande se besoldiging
Vyf jaar en langer . . .	4 maande se besoldiging
Ses jaar en langer . . .	5 maande se besoldiging
Sewe jaar en langer . . .	6 maande se besoldiging
Agt jaar en langer . . .	$7\frac{1}{2}$ maande se besoldiging
Nege jaar en langer . . .	9 maande se besoldiging
Tien jaar en langer . . .	Een maand se besoldiging vir elke jaar van diens.

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1976 Act No. 8, 1976

6. Section 3 of the Service Act is hereby amended—
- (a) by the substitution for the words "salary or wages" and "salary or wage", wherever they occur, of the word "salary"; and
 - (b) by the substitution, in the Afrikaans text, for the words "salaris- of loonskaal" of the word "salaris-skaal".

Amendment of section 3 of Act 22 of 1960, as amended by section 46 of Act 6 of 1965 and section 5 of Act 85 of 1971.

7. Section 3A of the Service Act is hereby amended—
- (a) by the substitution for the words "salary or wages" and "salary or wage", wherever they occur, of the word "salary"; and
 - (b) by the substitution, in the Afrikaans text of subsection (1), for the words "aanvangsalaris of -loon" of the word "aanvangsalaris" and for the words "salaris- of loonskaal" of the word "salarisskaal".

Amendment of section 3A of Act 22 of 1960, as inserted by section 12 of Act 62 of 1961 and substituted by section 1 of Act 33 of 1972.

8. Section 4 of the Service Act is hereby amended by the substitution, in paragraph (c) of subsection (4), for the words "salary or wages" of the word "salary".

Amendment of section 4 of Act 22 of 1960 as amended by section 10 of Act 62 of 1962 and section 7 of Act 47 of 1973.

9. The following section is hereby substituted for section 11 of the Service Act:

Substitution of section 11 of Act 22 of 1960, as amended by section 6 of Act 44 of 1974.

"Retrenchment.

11. The services of a servant in permanent employment may be dispensed with prior to his superannuation in consequence of a reduction in or reorganization of staff, in which case the following provisions shall apply:

- (a) A servant who is a member of the New Fund shall receive from revenue a gratuity based on a period of continuous employment covered by contributions to the New Fund.
- (b) Any servant referred to in paragraph (a) whose continuous employment has in the aggregate been fifteen years or more, and any such servant whose age is forty-five years or more and whose continuous employment has in the aggregate been ten years or more, shall receive from revenue, at his option, either—
 - (1) pension benefits equal in amount to the benefits (if any) he would be entitled to receive, in terms of the Pension Regulations, from the fund of which he is a member on his retirement owing to ill-health; or
 - (2) a gratuity referred to in the said paragraph.
- (c) (i) The gratuity referred to in the preceding paragraphs shall be calculated on the servant's pay at the time of leaving the Service on the following scale—

<i>Period of Continuous Service</i>	<i>Gratuity</i>
Under one year	Nil
One year and over	$\frac{1}{2}$ month's pay
Two years and over	1 month's pay
Three years and over	2 months' pay
Four years and over	3 months' pay
Five years and over	4 months' pay
Six years and over	5 months' pay
Seven years and over	6 months' pay
Eight years and over	$7\frac{1}{2}$ months' pay
Nine years and over	9 months' pay
Ten years and over	One month's pay for each year's service.

Wet No. 8, 1976

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1976

- (ii) Vir elke voltooide maand bo en behalwe die voltooide jare wat in aanmerking geneem word, word 'n gedeelte van die gratifikasie betaal. Sodanige gedeelte word bereken volgens die skaal wat in aanmerking geneem is by die berekening van die gratifikasie vir die voltooide jare.
- (iii) Die uitdrukking 'besoldiging' soos in die skaal gebesig, beteken besoldiging op die datum van diensbeëindiging, en tewens—
 - (1) in die geval van 'n dienaar wat 'n lid van 'n superannuasiefonds is, pensioengewende emolumente;
 - (2) in die geval van 'n dienaar wat nie lid van 'n superannuasiefonds is nie, slegs sy salaris.
- (d) Die bedrag wat ooreenkomstig hierdie artikel aan 'n dienaar betaal word, is in geen geval minder as twee maal die bedrag van sy bydraes tot die fonds waarvan hy lid is nie. By die toepassing van hierdie paragraaf word daar, in die geval van 'n dienaar wat 'n in artikel 16 (1) (d) bedoelde betrekking beklee, onder die uitdrukking 'bydraes' geag inbegrepe te wees die spesiale bydraes (indien daar is) wat ingevolge artikel 8 (2) (a) van die 'Spoorwegan en Havens Superannuasie Fonds Wet, 1925' (Wet No. 24 van 1925), namens hom deur die Administrasie betaal is.
- (e) Geen pensioenvoordeel kragtens hierdie artikel toegeken, word uit inkomste betaal nie ten opsigte van 'n tydperk nadat die jaargeldtrekker die vir superannuasie vasgestelde leeftyd bereik het, en 'n pensioenvoordeel waarvan die betaling uit inkomste aldus gestaak word, word uit die betrokke superannuasiefonds betaal."

Wysiging van artikel 13 van Wet 22 van 1960, soos gewysig deur artikel 13 van Wet 62 van 1961, artikels 49 en 60 van Wet 6 van 1965, artikel 4 van Wet 60 van 1968, artikel 2 van Wet 41 van 1969, artikel 6 van Wet 85 van 1971 en artikel 7 van Wet 44 van 1974.

10. Artikel 13 van die Dienswet word hierby gewysig—

- (a) deur in subartikel (1) die woorde „Fonds of die Nuwe Fonds” deur die woorde „Nuwe Fonds” te vervang;
- (b) deur in paragraaf (c) *bis* van subartikel (4) die woorde „amptenaar, of 'n werksman” en „werksman” deur die woord „dienaar” te vervang; en
- (c) deur in paragraaf (a) van subartikel (6) die woorde „amptenaar of van 'n werksman” en „werksman” deur die woord „dienaar” te vervang.

Wysiging van artikel 14 van Wet 22 van 1960, soos gewysig deur artikel 11 van Wet 62 van 1962, en artikel 5 van Wet 8 van 1968 en vervang deur artikel 11 van Wet 46 van 1975.

11. Artikel 14 van die Dienswet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Dienaar wat afgedank word kragtens artikel 12A van hierdie Wet of ten gevolge van die afskaffing van sy betrekking, vermindering of reorganisasie van personeel, of op grond van superannuasie, slegte gesondheid, ernstige liggaamlike letsel of liggaamlike ongeskiktheid, is by uit-

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- (ii) For each completed month over and above the completed years taken into account, a proportion of the gratuity calculated on the scale which was taken into account in computing the gratuity for the completed years, shall be paid.
- (iii) The term 'pay' as used in the scale means pay as at the date on which service terminates and means and includes—
 - (1) in the case of a servant who is a member of a superannuation fund, pensionable emoluments;
 - (2) in the case of a servant who is not a member of a superannuation fund, his salary only.
- (d) The amount paid to a servant in accordance with this section shall in no case be less than twice the amount of his contributions to the fund of which he is a member. In the application of this paragraph, the expression 'contributions' shall be deemed to include, in the case of a servant holding any position mentioned in section 16 (1) (d), any special contributions paid by the Administration on his behalf in terms of section 8 (2) (a) of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925).
- (e) No pension benefit granted under this section shall be paid from revenue in respect of any period after the annuitant has attained the age fixed for superannuation, and any pension benefit which so ceases to be paid from revenue shall be paid from the superannuation fund concerned."

10. Section 13 of the Service Act is hereby amended—

- (a) by the substitution, in subsection (1), for the words "Fund or the New Fund" of the words "New Fund";
- (b) by the substitution, in paragraph (c)bis of subsection (4), for the words "an officer, or an employee" and "an employee" of the words "a servant"; and
- (c) by the substitution, in paragraph (a) of subsection (6), for the words "an officer or of an employee" of the words "a servant" and for the word "employee" of the word "servant".

Amendment of section 13 of Act 22 of 1960, as amended by section 13 of Act 62 of 1961, sections 49 and 60 of Act 6 of 1965, section 4 of Act 60 of 1968, section 2 of Act 41 of 1969, section 6 of Act 85 of 1971 and section 7 of Act 44 of 1974.

11. Section 14 of the Service Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A servant whose services are dispensed with in terms of section 12A of this Act or owing to abolition of office, reduction in or reorganization of staff, or on the ground of superannuation, ill-health, severe bodily injury or physical disability shall, on retirement, be entitled to

Amendment of section 14 of Act 22 of 1960, as amended by section 11 of Act 62 of 1962, and section 5 of Act 8 of 1968 and substituted by section 11 of Act 46 of 1975.

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dienstreding geregtig om van die Administrasie betaling van sy emolumente te ontvang ten opsigte van vakansieverlof wat ten tyde van sy uitdienstreding aan hom verskuldig is tot hoogstens 365 dae: Met dien verstande dat die getal dae ten opsigte waarvan betaling gemaak word, nie 'n totaal van een dag vir elke voltooide kalendermaand diens oorskry nie: Met dien verstande voorts dat die toepaslike maksimum van 365 dae of die totaal van een dag vir elke voltooide kalendermaand diens, soos die geval mag wees, verminder word met die getal dae vakansieverlof geneem deur die dienaar gedurende die laaste twaalf maande van sy diens in oorskryding van die getal dae vakansieverlof wat hom tydens uitdienstreding jaarliks toeval."

Wysiging van artikel 16 van Wet 22 van 1960, soos gewysig deur artikel 3 van Wet 54 van 1964, artikel 50 van Wet 6 van 1965, artikel 3 van Wet 18 van 1966, artikel 2 van Wet 23 van 1967, artikel 3 van Wet 41 van 1969, artikel 7 van Wet 85 van 1971, artikel 2 van Wet 33 van 1972, artikel 9 van Wet 47 van 1973 en artikel 12 van Wet 46 van 1975.

12. (1) Artikel 16 van die Dienswet word hierby gewysig—

- (a) deur in paragraaf (d) van subartikel (1) die woord „hoofvlootkaptein” deur die woorde „direkteur (vliegbedryf)” te vervang;
- (b) deur in subartikel (3) die woord „vyf-en-vyftig” deur die woord „agt-en-vyftig” te vervang; en
- (c) deur in paragraaf (a) van subartikel (7) die woorde „wat nie 'n lid van die Fonds is nie en” te skrap.

(2) Paragraaf (a) van subartikel (1) word geag op 1 Mei 1975 in werking te getree het en paragraaf (b) van daardie subartikel word geag op 26 Mei 1975 in werking te getree het.

Wysiging van artikel 17 van Wet 22 van 1960, soos gewysig deur artikel 4 van Wet 54 van 1964, artikel 60 van Wet 6 van 1965, artikel 6 van Wet 8 van 1968, artikel 3 van Wet 33 van 1972 en artikel 8 van Wet 44 van 1974.

13. Artikel 17 van die Dienswet word hierby gewysig deur in subartikel (3) die woorde „amptenaar of werksman” deur die woord „dienaar” te vervang.

Wysiging van artikel 18 van Wet 22 van 1960, soos gewysig deur artikel 8 van Wet 7 van 1963 en artikel 4 van Wet 33 van 1972.

14. Artikel 18 van die Dienswet word hierby gewysig deur die woorde „salaris of loon”, waar dit ook al voorkom, deur die woord „salaris” te vervang.

Wysiging van artikel 20 van Wet 22 van 1960, soos gewysig deur artikel 10 van Wet 7 van 1963, artikel 6 van Wet 54 van 1964, artikel 51 van Wet 6 van 1965, artikel 10 van Wet 47 van 1973 en artikel 9 van Wet 44 van 1974.

15. Artikel 20 van die Dienswet word hierby gewysig deur in paragraaf (b) van subartikel (2) die woord „ambagsman” deur die woord „tegnikus” te vervang.

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payment by the Administration of his emoluments in respect of vacation leave due to him at the date of his retirement not exceeding 365 days: Provided that the number of days in respect of which payment shall be made shall not exceed a total of one day for each completed calendar month's service: Provided further that the applicable maximum of 365 days or the total of one day for each completed calendar month's service, as the case may be, shall be diminished by the number of days vacation leave taken by the servant in the last twelve months of his service in excess of the number of days vacation leave that accrues to him annually at the time of retirement."

12. (1) Section 16 of the Service Act is hereby amended—
- (a) by the substitution, in paragraph (d) of subsection (1), for the words "chief fleet captain" of the words "director (flight operations)";
 - (b) by the substitution, in subsection (3), for the word "fifty-five" of the word "fifty-eight"; and
 - (c) by the deletion, in paragraph (a) of subsection (7), of the words "other than a member of the Fund".
- (2) Paragraph (a) of subsection (1) shall be deemed to have come into operation on 1 May 1975 and paragraph (b) of that subsection shall be deemed to have come into operation on 26 May 1975.

Amendment of section 16 of Act 22 of 1960, as amended by section 3 of Act 54 of 1964, section 50 of Act 6 of 1965, section 3 of Act 18 of 1966, section 2 of Act 23 of 1967, section 3 of Act 41 of 1969, section 7 of Act 85 of 1971, section 2 of Act 33 of 1972, section 9 of Act 47 of 1973 and section 12 of Act 46 of 1975.

13. Section 17 of the Service Act is hereby amended by the substitution, in subsection (3), for the words "an officer or employee" of the words "a servant".

Amendment of section 17 of Act 22 of 1960, as amended by section 4 of Act 54 of 1964, section 60 of Act 6 of 1965, section 6 of Act 8 of 1968, section 3 of Act 33 of 1972 and section 8 of Act 44 of 1974.

14. Section 18 of the Service Act is hereby amended by the substitution for the words "salary or wages" and "salary or wage", wherever they occur, of the word "salary".

Amendment of section 18 of Act 22 of 1960, as amended by section 8 of Act 7 of 1963 and section 4 of Act 33 of 1972.

15. Section 20 of the Service Act is hereby amended by the substitution, in paragraph (b) of subsection (2), for the words "an artisan" of the words "a technician".

Amendment of section 20 of Act 22 of 1960, as amended by section 10 of Act 7 of 1963, section 6 of Act 54 of 1964, section 51 of Act 6 of 1965, section 10 of Act 47 of 1973 and section 9 of Act 44 of 1974.

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Wysiging van artikel 21 van Wet 22 van 1960, soos gewysig deur artikel 11 van Wet 7 van 1963, artikel 7 van Wet 54 van 1964 en artikel 52 van Wet 6 van 1965.

16. Artikel 21 van die Dienswet word hierby gewysig deur in subartikel (18) die woorde „salaris of loon”, waar dit ook al voorkom, deur die woord „salaris” te vervang.

Wysiging van artikel 32 van Wet 22 van 1960, soos gewysig deur artikel 18 van Wet 7 van 1963, artikels 58 en 60 van Wet 6 van 1965, artikel 5 van Wet 18 van 1966, artikel 11 van Wet 44 van 1974 en artikel 14 van Wet 46 van 1975.

17. (1) Artikel 32 (1) van die Dienswet word hierby gewysig deur paragraaf (g) deur die volgende paragraaf te vervang:

„(g) die instelling van ’n siekefonds en die bestuur daarvan;”.

(2) Subartikel (1) word geag met ingang van die betaalmaand April 1975 in werking te getree het.

Wysiging van artikel 33 van Wet 22 van 1960, soos gewysig deur artikel 59 van Wet 6 van 1965 en artikel 8 van Wet 85 van 1971.

18. Artikel 33 van die Dienswet word hierby gewysig deur die woorde „amptenaar of werksman”, waar dit ook al voorkom, deur die woord „dienaar” te vervang.

Wysiging van artikel 34 van Wet 22 van 1960.

19. Artikel 34 van die Dienswet word hierby gewysig deur die woorde „salaris en loon” en „salaris of loon”, waar dit ook al voorkom, deur die woord „salaris” te vervang.

Wysiging van klousule 7 van die Bylae by Wet 57 van 1961.

20. (1) Klousule 7 van die Bylae by die Spoorwegaanlegwet, 1961, word hierby gewysig—

- (a) deur in subklousule (1) die uitdrukking „klousule 11” deur die uitdrukking „klousule 9” te vervang; en
- (b) deur subklousule (2) deur die volgende subklousule te vervang:

„(2) (a) Indien die bedryfsresultate van die spoorlyn vir enige boekjaar, bereken soos bepaal in subklousule (1) van hierdie klousule, ’n surplus toon, word sodanige surplus deur die Administrasie gehou en in ’n fondsrekening aangetoon. Die saldo in hierdie rekening sal op enige tydstep aangewend word om verliese in toekomstige jare te bestry. Indien daar aan die einde van die waarborgtydperk of met die staking van die eksploitasie van die spoorlyn ’n saldo in hierdie fondsrekening is, nadat verliese in die oorblywende jare van die waarborgtydperk in aanmerking geneem is, sal die Korporasie en/of die afsenders genoem in klousule 9 geen aanspraak daarop hê nie, maar sal sodanige saldo deur die Administrasie gehou word.

- (b) Aan die einde van elke maand in elke boekjaar, word rente teen die voet van vyf persent (5%) per jaar bereken op die bedrag waarmee die gesamentlike bedrag van die opgehoopte verlies en die opgelope rente tot aan die einde van die vorige maand, die gesamentlike bedrag van die winste en opgehoopte surplusse ooreenkomstig paragraaf (a) (indien daar was) tot aan die einde van daardie maand oorskry, en die bedrag van sodanige rente word op ’n afsonderlike staat aangetoon waarvan ’n afskrif so spoedig doenlik na die afsluiting van elke boekjaar aan die Korporasie verstrekk moet word.

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16. Section 21 of the Service Act is hereby amended by the substitution, in subsection (18), for the words "salary or wage", wherever they occur, of the word "salary".
- Amendment of section 21 of Act 22 of 1960, as amended by section 11 of Act 7 of 1963, section 7 of Act 54 of 1964 and section 52 of Act 6 of 1965.
17. (1) Section 32 (1) of the Service Act is hereby amended by the substitution for paragraph (g) of the following paragraph:
- “(g) the establishment of a sick fund and the management thereof;”.
- (2) Subsection (1) shall be deemed to have come into operation from the April 1975 paymonth.
- Amendment of section 32 of Act 22 of 1960, as amended by section 18 of Act 7 of 1963, sections 58 and 60 of Act 6 of 1965, section 5 of Act 18 of 1966, section 11 of Act 44 1974 and section 14 of Act 46 of 1975.
18. Section 33 of the Service Act is hereby amended by the substitution for the words "officer or employee", wherever they occur, of the word "servant".
- Amendment of section 33 of Act 22 of 1960, as amended by section 59 of Act 6 of 1965 and section 8 of Act 85 of 1971.
19. Section 34 of the Service Act is hereby amended by the substitution for the words "salary and wages" and "salary or wages", wherever they occur, of the word "salary".
- Amendment of section 34 of Act 22 of 1960.
20. (1) Clause 7 of the Schedule to the Railway Construction Act, 1961, is hereby amended—
- (a) by the substitution in subclause (1), for the expression "clause 11" of the expression "clause 9"; and
- (b) by the substitution for subclause (2) of the following subclause:
- “(2) (a) If the working results of the railway in any one year, calculated as provided for in subclause (1) of this clause, show a surplus, such surplus shall be retained by the Administration and reflected in a fund account. The balance of this account shall be used, at any time, to defray losses in future years. If, at the end of the guarantee period or with the suspension of the operation of the railway, there is a balance in this fund account, after losses during the remaining years of the guarantee period have been taken into account, the Corporation and/or other senders mentioned in clause 9 shall have no claim to such balance, but it shall be retained by the Administration.
- (b) At the end of each month in each financial year, interest shall be calculated at the rate of five per cent (5%) per annum on the amount by which the aggregate amount of the accumulated loss and the accrued interest up to the end of the preceding month, exceeds the aggregate amount of the profits and accumulated surpluses in terms of paragraph (a), if any, up to the end of that month, and the amount of such interest shall be reflected on a separate statement, a copy of which shall be furnished to the Corporation as soon as practicable after the close of each financial year.
- Amendment of clause 7 of the Schedule to Act 57 of 1961.

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- (c) Aan die einde van elke tydperk van vyf jaar, bereken van die datum waarop die spoorlyn amptelik vir openbare verkeer oopgestel is, word daar aan die hand van die jaarstate genoem in subklousule (1) hiervan, vasgestel of die bedryfsresultate van die spoorlyn oor die betrokke tydperk van vyf jaar, 'n verlies aantoon, en word die bedrag van sodanige verlies, tesame met die rente wat gedurende daardie tydperk van vyf jaar opgehoop het, soos aangetoon in die state in paragraaf (b) bedoel, deur die Korporasie aan die Administrasie betaal binne dertig (30) dae na die datum waarop 'n staat, deur die Administrasie se Hoofrekenmeester gesertifiseer, waarin die bedrag aangetoon word waarvoor die Korporasie aanspreeklik is, aan die Korporasie op sy kantoor te Phalaborwa verstrekkend is. Nadat die afrekening tussen die partye aan die einde van die sesde tydperk van vyf jaar geskied het, rus daar geen verdere verpligting op die Korporasie om die Administrasie te vergoed vir verliese wat daarna in die eksploitasie van die spoorlyn gelyk word nie."

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

Herroeping van klousules 9 en 10 van die Bylae by Wet 57 van 1961.

21. (1) Klousules 9 en 10 van die Bylae by die Spoorwegaanlegwet, 1961, word hierby herroep.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

Hernommering van klousules 11 en 12 van die Bylae by Wet 57 van 1961.

22. (1) Klousules 11 en 12 van die Bylae by die Spoorwegaanlegwet, 1961, word hernoem om onderskeidelik klousules 9 en 10 te lees.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

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

23. Artikel 4 van die Spoorwegraadwet, 1962, word hierby gewysig deur in paragraaf (g) van subartikel (1) die woorde „salaris- of loonskale” deur die woord „salarisskale” te vervang.

Wysiging van klousule 6 van die Bylae by Wet 58 van 1963.

24. (1) Klousule 6 van die Bylae by die Tweede Spoorwegaanlegwet, 1963, word hierby gewysig deur paragraaf (a) van subklousule (2) deur die volgende paragraaf te vervang:

„(a) Indien die bedryfsresultate van die spoorlyn vir enige boekjaar, bereken soos bepaal in subklousule (1) van hierdie klousule, 'n surplus toon, word sodanige surplus deur die Administrasie gehou en in 'n fondstrekening aangetoon. Die saldo in hierdie rekening sal op enige tydstip aangewend word om verliese in toekomstige jare te bestry. Indien daar aan die einde van die waarborgtydperk of met die staking van die eksploitasie van die spoorlyn 'n saldo in hierdie fondstrekening is nadat verliese in die oorblywende jare van die waarborgtydperk in aanmerking geneem is, sal die Garante geen aanspraak daarop hê nie, maar sal sodanige saldo deur die Administrasie gehou word."

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

Herroeping van klousules 9 en 10 van die Bylae by Wet 58 van 1963.

25. (1) Klousules 9 en 10 van die Bylae by die Tweede Spoorwegaanlegwet, 1963, word hierby herroep.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

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- (c) At the end of each period of five years, calculated from the date on which the railway is officially opened for public traffic, it shall be determined from the annual statements referred to in subclause (1) hereof, whether the results of working the railway during the period of five years in question, show a loss, and the amount of such loss together with the interest accrued during such period of five years, as reflected in the statements mentioned in paragraph (b), shall be paid by the Corporation to the Administration within thirty (30) days after the date on which a statement, certified by the Administration's Chief Accountant, indicating the amount for which the Corporation is liable, shall have been furnished to the Corporation at its office at Phalaborwa. After settlement has been effected between the parties at the end of the sixth period of five years, the Corporation shall be under no obligation to reimburse the Administration for losses that may thereafter be incurred in the working of the railway."

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

21. (1) Clauses 9 and 10 of the Schedule to the Railway Construction Act, 1961, are hereby repealed.

Repeal of clauses 9 and 10 of the Schedule to Act 57 of 1961.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

22. (1) Clauses 11 and 12 of the Schedule to the Railway Construction Act, 1961, are renumbered to read clauses 9 and 10 respectively.

Renumbering of clauses 11 and 12 of the Schedule to Act 57 of 1961.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

23. Section 4 of the Railway Board Act, 1962, is hereby amended by the substitution, in paragraph (g) of subsection (1), for the words "salaries or wages" of the word "salaries".

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

24. (1) Clause 6 of the Schedule to the Second Railway Construction Act, 1963, is hereby amended by the substitution for paragraph (a) of subclause (2) of the following paragraph:

Amendment of clause 6 of the Schedule to Act 58 of 1963.

- "(a) If the working results of the railway in any one year, calculated as provided for in subclause (1) of this clause, show a surplus, such surplus shall be retained by the Administration and reflected in a fund account. The balance of this account shall be used, at any time, to defray losses in future years. If, at the end of the guarantee period or with the suspension of the operation of the railway, there is a balance in this fund account, after losses during the remaining years of the guarantee period have been taken into account, the Guarantors shall have no claim to such balance, but it shall be retained by the Administration."

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

25. (1) Clauses 9 and 10 of the Schedule to the Second Railway Construction Act, 1963, are hereby repealed.

Repeal of clauses 9 and 10 of the Schedule to Act 58 of 1963.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

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Wysiging van
klousule 7 van
die Tweede Bylae
by Wet 5 van
1965.

26. (1) Klousule 7 van die Tweede Bylae by die Spoorweg-aanlegwet, 1965, word hierby gewysig—

- (a) deur in subklousule (1) die uitdrukking „klousule 12” deur die uitdrukking „klousule 10” te vervang; en
- (b) deur subklousule (2) deur die volgende subklousule te vervang:

„(2) (a) Indien die bedryfsresultate van die spoorlyn vir enige boekjaar, bereken soos bepaal in subklousule (1) van hierdie klousule, ’n surplus toon, word sodanige surplus deur die Administrasie gehou en in ’n fondsrekening aangetoon. Die saldo in hierdie rekening sal op enige tydstip aangewend word om verliese in toekomstige jare te bestry. Indien daar aan die einde van die waarborgtydperk of met die staking van die eksploitasie van die spoorlyn ’n saldo in hierdie fondsrekening is nadat verliese in die oorblywende jare van die waarborgtydperk in aanmerking geneem is, sal die Maatskappy en/of die afsenders genoem in klousule 10 geen aanspraak daarop hê nie, maar sal sodanige saldo deur die Administrasie gehou word.

- (b) Aan die einde van elke maand in elke boekjaar, word rente teen die voet van vyf persent (5%) per jaar bereken op die bedrag waarmee die gesamentlike bedrag van die opgehoopte verlies en die opgelope rente tot aan die einde van die vorige maand, die gesamentlike bedrag van die winste en opgehoopte surplusse ooreenkomstig paragraaf (a) (indien daar was) tot aan die einde van daardie maand oorskry, en die bedrag van sodanige rente word op ’n afsonderlike staat aangetoon waarvan ’n afskrif so spoedig doenlik na die afsluiting van elke boekjaar aan die Maatskappy verstrekk moet word.
- (c) Aan die einde van elke tydperk van vyf jaar, bereken van die datum waarop die spoorlyn amptelik vir openbare verkeer oopgestel is, word daar aan die hand van die jaarstate genoem in subklousule (1) hiervan, vasgestel of die bedryfsresultate van die spoorlyn oor die betrokke tydperk van vyf jaar, ’n verlies aantoon, en word die bedrag van sodanige verlies, tesame met die rente wat gedurende daardie tydperk van vyf jaar opgeloop het, soos aangetoon in die state in paragraaf (b) bedoel, deur die Maatskappy aan die Administrasie betaal binne dertig (30) dae na die datum waarop ’n staat, deur die Administrasie se Hoofrekenmeester gesertifiseer, waarin die bedrag aangetoon word waarvoor die Maatskappy aanspreeklik is, aan die Maatskappy op sy kantoor te Johannesburg verstrekk is. Nadat die afrekening tussen die partye aan die einde van die sesde tydperk van vyf jaar geskied het, rus daar geen verdere verpligting op die Maatskappy om die Administrasie te vergoed vir verliese wat daarna in die eksploitasie van die spoorlyn gely word nie.”

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

Herroeping van
klousules 10 en 11
van die Tweede
Bylae by
Wet 5 van 1965.

27. (1) Klousules 10 en 11 van die Tweede Bylae by die Spoorwegaanlegwet, 1965, word hierby herroep.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

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26. (1) Clause 7 of the Second Schedule to the Railway Construction Act, 1965, is hereby amended—

Amendment
of clause 7 of the
Second Schedule
to Act 5 of 1965.

- (a) by the substitution, in subclause (1), for the expression "clause 12" of the expression "clause 10"; and
- (b) by the substitution for subclause (2) of the following subclause:

"(2) (a) If the working results of the railway in any one year, calculated as provided for in subclause (1) of this clause, show a surplus, such surplus shall be retained by the Administration and reflected in a fund account. The balance of this account shall be used, at any time, to defray losses in future years. If, at the end of the guarantee period or with the suspension of the operation of the railway, there is a balance in this fund account, after losses during the remaining years of the guarantee period have been taken into account, the Company and/or other senders mentioned in clause 10 shall have no claim to such balance, but it shall be retained by the Administration.

- (b) At the end of each month in each financial year, interest shall be calculated at the rate of five per cent (5%) per annum on the amount by which the aggregate amount of the accumulated loss and the accrued interest up to the end of the preceding month, exceeds the aggregate amount of the profits and accumulated surpluses in terms of paragraph (a), if any, up to the end of that month, and the amount of such interest shall be reflected on a separate statement, a copy of which shall be furnished to the Company as soon as practicable after the close of each financial year.

- (c) At the end of each period of five years, calculated from the date on which the railway is officially opened for public traffic, it shall be determined from the annual statements referred to in subclause (1) hereof, whether the results of working the railway during the period of five years in question, show a loss, and the amount of such loss, together with the interest accrued during such period of five years, as reflected in the statements mentioned in paragraph (b), shall be paid by the Company to the Administration within thirty (30) days after the date on which a statement, certified by the Administration's Chief Accountant, indicating the amount for which the Company is liable, shall have been furnished to the Company at its office at Johannesburg. After settlement has been effected between the parties at the end of the sixth period of five years, the Company shall be under no obligation to reimburse the Administration for losses that may thereafter be incurred in the working of the railway."

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

27. (1) Clauses 10 and 11 of the Second Schedule to the Railway Construction Act, 1965, are hereby repealed.

Repeal of
clauses 10
and 11 of
the Second
Schedule to
Act 5 of 1965.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

Wet No. 8, 1976

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1976

Hernommering van klousules 12 en 13 van die Tweede Bylae by Wet 5 van 1965.

28. (1) Klousules 12 en 13 van die Tweede Bylae by die Spoorwegaanlegwet, 1965, word hernommer om onderskeidelik klousules 10 en 11 te lees.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

Wysiging van klousule 7 van Bylae 2 by Wet 17 van 1966.

29. (1) Klousule 7 van Bylae 2 by die Spoorwegaanlegwet, 1966, word hierby gewysig—

- (a) deur in subklousule (1) die uitdrukking „klousule 12” deur die uitdrukking „klousule 10” te vervang; en
- (b) deur subklousule (2) deur die volgende subklousule te vervang:

„(2) (a) Indien die bedryfsresultate van die spoorlyn vir enige boekjaar, bereken soos bepaal in subklousule (1) van hierdie klousule, ’n surplus toon, word sodanige surplus deur die Administrasie gehou en in ’n fondsrekening aangetoon. Die saldo in hierdie rekening sal op enige tyd stip aangewend word om verliese in toekomstige jare te bestry. Indien daar aan die einde van die waarborgtydperk of met die staking van die eksploitasie van die spoorlyn ’n saldo in hierdie fondsrekening is nadat verliese in die oorblywende jare van die waarborgtydperk in aanmerking geneem is, sal die Korporasie en/of die afsenders genoem in klousule 10 geen aanspraak daarop hê nie, maar sal sodanige saldo deur die Administrasie gehou word.

- (b) Aan die einde van elke maand in elke boekjaar, word rente teen die voet van vyf persent (5%) per jaar bereken op die bedrag waarmee die gesamentlike bedrag van die opgehoopte verlies en die opgelope rente tot aan die einde van die vorige maand, die gesamentlike bedrag van die winste en opgehoopte surplusse ooreenkomstig paragraaf (a) (indien daar was) tot aan die einde van daardie maand oorskry, en die bedrag van sodanige rente word op ’n afsonderlike staat aangetoon waarvan ’n afskrif so spoedig doenlik na die afsluiting van elke boekjaar aan die Korporasie verstrekk moet word.
- (c) Aan die einde van elke tydperk van vyf jaar, bereken van die datum waarop die spoorlyn amptelik vir openbare verkeer oopgestel is, word daar aan die hand van die jaarstate genoem in subklousule (1) hiervan, vasgestel of die bedryfsresultate van die spoorlyn oor die betrokke tydperk van vyf jaar, ’n verlies aantoon, en word die bedrag van sodanige verlies, tesame met die rente wat gedurende daardie tydperk van vyf jaar opgehoort het, soos aangetoon in die state in paragraaf (b) bedoel, deur die Korporasie aan die Administrasie betaal binne dertig (30) dae na die datum waarop ’n staat, deur die Administrasie se Hoofrekenmeester gesertifiseer, waarin die bedrag aangetoon word waarvoor die Korporasie aanspreeklik is, aan die Korporasie op sy kantoor te Johannesburg verstrekk is. Nadat die afrekening tussen die partye aan die einde van die sesde tydperk van vyf jaar geskied het, rus daar geen verdere verpligting op die Korporasie om die Administrasie te vergoed vir verliese wat daarna in die eksploitasie van die spoorlyn gely word nie.”.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1976 Act No. 8, 1976

28. (1) Clauses 12 and 13 of the Second Schedule to the Railway Construction Act, 1965, are renumbered to read clauses 10 and 11 respectively.

Renumbering
of clauses
12 and 13 of the
Second Schedule
to Act 5 of 1965.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

29. (1) Clause 7 of Schedule 2 to the Railway Construction Act, 1966, is hereby amended—

Amendment
of clause 7
of Schedule 2 to
Act 17 of 1966.

(a) by the substitution, in subclause (1), for the expression "clause 12" of the expression "clause 10"; and

(b) by the substitution for subclause (2) of the following subclause:

"(2) (a) If the working results of the railway in any one year, calculated as provided for in subclause (1) of this clause, show a surplus, such surplus shall be retained by the Administration and reflected in a fund account. The balance of this account shall be used, at any time, to defray losses in future years. If, at the end of the guarantee period or with the suspension of the operation of the railway, there is a balance in this fund account, after losses during the remaining years of the guarantee period have been taken into account, the Corporation and/or other senders mentioned in clause 10 shall have no claim to such balance, but it shall be retained by the Administration.

(b) At the end of each month in each financial year, interest shall be calculated at the rate of five per cent (5%) per annum on the amount by which the aggregate amount of the accumulated loss and the accrued interest up to the end of the preceding month, exceeds the aggregate amount of the profits and accumulated surpluses in terms of paragraph (a), if any, up to the end of that month, and the amount of such interest shall be reflected on a separate statement, a copy of which shall be furnished to the Corporation as soon as practicable after the close of each financial year.

(c) At the end of each period of five years, calculated from the date on which the railway is officially opened for public traffic, it shall be determined from the annual statements referred to in subclause (1) hereof, whether the results of working the railway during the period of five years in question, show a loss, and the amount of such loss, together with the interest accrued during such period of five years, as reflected in the statements mentioned in paragraph (b), shall be paid by the Corporation to the Administration within thirty (30) days after the date on which a statement, certified by the Administration's Chief Accountant, indicating the amount for which the Corporation is liable, shall have been furnished to the Corporation at its office at Johannesburg. After settlement has been effected between the parties at the end of the sixth period of five years, the Corporation shall be under no obligation to reimburse the Administration for losses that may thereafter be incurred in the working of the railway."

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

Wet No. 8, 1976

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1976

Herroeping van klousules 10 en 11 van Bylae 2 by Wet 17 van 1966.

30. (1) Klousules 10 en 11 van Bylae 2 by die Spoorweg-aanlegwet, 1966, word hierby herroep.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

Hernommering van klousules 12 en 13 van Bylae 2 by Wet 17 van 1966.

31. (1) Klousules 12 en 13 van Bylae 2 by die Spoorweg-aanlegwet, 1966, word hernoem om onderskeidelik klousules 10 en 11 te lees.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

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

32. Artikel 1 van die Spoorweg- en Hawepensioenwet, 1971 (hierna „die Pensioenwet” genoem), word hierby gewysig—

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

„(iiiA) „betaalmaand” die tydperk van die eerste tot die laaste dag van ’n maand of die tydperk van die sestiende dag van ’n maand tot die vyftiende dag van die volgende maand soos deur die Hoofbestuurder bepaal; (xA)”;

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

„(ix) „dienaar” iemand in die uitsluitende diens van die Administrasie; (xviii)”;

(c) deur die omskrywings van „loon” en „werksman” te skrap.

Wysiging van artikel 8 van Wet 35 van 1971, soos gewysig deur artikel 11 van Wet 33 van 1972.

33. (1) Artikel 8 van die Pensioenwet word hierby gewysig deur in subartikel (2) die woord „kapitaalsom” deur die woorde „basiese som” te vervang.

(2) Subartikel (1) word geag op 1 Desember 1973 in werking te getree het.

Wysiging van artikel 10 van Wet 35 van 1971, soos vervang deur artikel 16 van Wet 47 van 1973.

34. (1) Artikel 10 van die Pensioenwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Rente teen die gemiddelde koers wat van jaar tot jaar op die in subartikels (1) en (2) bedoelde beleggings verdien word, word op die laaste dag van elke maand aan die Fonds en die Nuwe Fonds gekrediteer.”

(2) Subartikel (1) tree op 1 April 1976 in werking.

Wysiging van artikel 17 van Wet 35 van 1971, soos vervang deur artikel 14 van Wet 33 van 1972 en gewysig deur artikel 15 van Wet 44 van 1974.

35. (1) Artikel 17 van die Pensioenwet word hierby gewysig—

(a) deur subparagraaf (iv) van subartikel (4) (a) deur die volgende subparagraaf te vervang:

„(iv) benewens die agterstallige bydraes voorgeskryf in subparagrafe (i), (ii) en (iii) moet die lid saamgestelde rente op sodanige agterstallige bydraes betaal ten opsigte van enige tydperk tot op die datum of datums waarop die betalings werklik geskied, teen die koers van vier-en-’n-half persent per jaar, maandeliks saamgestel, tot die laaste dag van Maart 1976 en daarna teen die koers wat bepaal is ingevolge artikel 10 (3) van hierdie Wet.”; en

(b) deur in subparagraaf (ii) van subartikel (5) (c) die woord „kapitaalsom” deur die woorde „basiese som” te vervang.

(2) Paragraaf (a) van subartikel (1) tree op 1 April 1976 in werking en paragraaf (b) van daardie subartikel word geag op 1 Desember 1973 in werking te getree het.

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1976 Act No. 8, 1976

30. (1) Clauses 10 and 11 of Schedule 2 to the Railway Construction Act, 1966, are hereby repealed. Repeal of clauses 10 and 11 of Schedule 2 to Act 17 of 1966.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

31. (1) Clauses 12 and 13 of Schedule 2 to the Railway Construction Act, 1966, are renumbered to read clauses 10 and 11 respectively. Renumbering of clauses 12 and 13 of Schedule 2 to Act 17 of 1966.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

32. Section 1 of the Railways and Harbours Pensions Act, 1971 (hereinafter called "the Pensions Act"), is hereby amended—

(a) by the substitution for the definition of "paymonth" of the following definition:

"(xA) 'paymonth' means the period from the first to the last day of a month or the period from the sixteenth day of a month to the fifteenth day of the next month as determined by the General Manager; (iiiA)";

(b) by the substitution for the definition of "servant" of the following definition:

"(xviii) 'servant' means any person exclusively employed by the Administration; (ix)"; and

(c) by the deletion of the definitions of "wages" and "employee".

33. (1) Section 8 of the Pensions Act is hereby amended by the substitution, in subsection (2), for the words "capital sum" of the words "basic sum". Amendment of section 8 of Act 35 of 1971, as amended by section 11 of Act 33 of 1972.

(2) Subsection (1) shall be deemed to have come into operation on 1 December 1973.

34. (1) Section 10 of the Pensions Act is hereby amended by the substitution for subsection (3) of the following subsection: Amendment of section 10 of Act 35 of 1971, as substituted by section 16 of Act 47 of 1973.

"(3) Interest at the average rate earned from year to year on the investments referred to in subsections (1) and (2) shall be credited to the Fund and the New Fund on the last day of each month."

(2) Subsection (1) shall come into operation on 1 April 1976.

35. (1) Section 17 of the Pensions Act is hereby amended— Amendment of section 17 of Act 35 of 1971, as substituted by section 14 of Act 33 of 1972 and amended by section 15 of Act 44 of 1974.

(a) by the substitution for subparagraph (iv) of subsection (4) (a) of the following subparagraph:

"(iv) in addition to the arrear contributions prescribed in subparagraphs (i), (ii) and (iii), the member shall pay compound interest thereon in respect of any period up to the date or dates when the payments are actually made at the rate of four and one half per cent per annum, compounded monthly, up to the last day of March 1976 and thereafter at the rate determined in terms of section 10 (3) of this Act."; and

(b) by the substitution, in subparagraph (ii) of subsection 5 (c), for the words "capital sum" of the words "basic sum".

(2) Paragraph (a) of subsection (1) shall come into operation on 1 April 1976 and paragraph (b) of that subsection shall be deemed to have come into operation on 1 December 1973.

Wet No. 8, 1976

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1976

Wysiging van
artikel 19 van
Wet 35 van 1971,
soos vervang deur
artikel 17 van
Wet 47 van 1973
en artikel 16 van
Wet 46 van 1975.

36. Artikel 19 van die Pensioenwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die gelde van die Fonds en die Nuwe Fonds berus by die Administrasie en word behou ten bate van die lede van genoemde fondse, onderskeidelik, onderworpe aan die bepalings van die „Spoorweg en Havendienst Wet, 1912” (Wet No. 28 van 1912), en hierdie Wet of die regulasies daarkragtens opgestel, en die Administrasie betaal, onderworpe aan die bepalings van subartikel (3), soveel van die gelde van genoemde fondse as wat nie onmiddellik benodig word nie, aan die Staatskuldkommissaris as deposito's beskikbaar vir belegging kragtens die Wet op die Staatskuldkommissaris, 1969 (Wet No. 2 van 1969), of aan 'n ander finansiële instelling buite die Republiek van Suid-Afrika of die gebied Suidwes-Afrika as deposito's beskikbaar vir belegging deur die Administrasie waar sodanige belegging 'n vereiste van buitelandse wetgewing is.”.

Wysiging van
klousule 6 van
Bylae 2 by
Wet 82 van 1971.

37. (1) Klousule 6 van Bylae 2 by die Spoorwegaanlegwet, 1971, word hierby gewysig—

(a) deur paragraaf (b) van subklousule (1) deur die volgende paragraaf te vervang:

„(b) 'n fonds op te bou wat voorsiening sal maak vir die verhaal van die kapitaal wat in die spoorlyn belê is, met inbegrip van rente op die saldo van die genoemde kapitaalbelegging, binne die tydperk van twintig (20) jaar.”; en

(b) deur subklousule (2) deur die volgende subklousule te vervang:

„(2) Van die datum waarop die spoorlyn vir openbare verkeer oopgestel word, moet die spesiale ekstrakoste genoem in subklousule (1) hiervan aanvanklik gehef word teen die tarief van agtien komma vyf (18,5) sent per 100 kg. Op die eerste dag van April en Oktober van elke jaar vir so lank as wat dit ooreenkomstig subklousule (1) hiervan nodig mag wees, moet die Administrasie in oorleg met die Maatskappy die tarief waarteen die gemelde spesiale ekstrakoste gehef word, in hersiening neem om te verseker dat die bedrag wat die Administrasie gedurende die betrokke boekjaar by wyse van die spesiale ekstrakoste ooreenkomstig hierdie klousule en klousule 11 hiervan toeval, so na moontlik sal ooreenstem met die bedrag waarmee die bedryfskoste van die spoorlyn plus die bedrag wat ooreenkomstig subklousule (1) (b) hiervan nodig is, die inkomste oortref wat uit die spoorlyn verkry word, voordat die bedrag wat die voormelde spesiale ekstrakoste oplewer, in rekening gebring word. Daar moet vir hierdie doel by die berekening van die bedrag wat ooreenkomstig subklousule (1) (b) hiervan vir die betrokke boekjaar nodig is, behoorlik rekening gehou word met die waarskynlike tonnemate wat gedurende die oorblywende gedeelte van die gemelde tydperk van twintig (20) jaar versend sal word en die bedrae wat as spesiale ekstrakoste ten opsigte van sodanige tonnemate betaal moet word. Na gelang van wat nodig skyn te wees ten einde hierdie oogmerk te bereik, moet die tarief ten opsigte van voornoemde spesiale ekstrakoste by sodanige hersiening of verhoog of verlaag of onveranderd gelaat word vir die daaropvolgende tydperk van ses maande.”.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1976 Act No. 8, 1976

36. Section 19 of the Pensions Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 19 of Act 35 of 1971, as substituted by section 17 of Act 47 of 1973 and section 16 of Act 46 of 1975.

“(1) The moneys of the Fund and the New Fund shall be vested in the Administration and shall be held on behalf of the members of the said funds, respectively, subject to the provisions of the Railways and Harbours Service Act, 1912 (Act No. 28 of 1912), and of this Act or the regulations framed thereunder, and the Administration shall, subject to the provisions of subsection (3), pay over such moneys of the said funds as are not immediately required to the Public Debt Commissioners as deposits available for investment under the Public Debt Commissioners Act, 1969 (Act No. 2 of 1969), or to another financial institution outside the borders of the Republic of South Africa or the territory of South-West Africa as deposits available for investment by the Administration where such investment is a requirement of foreign legislation.”.

37. (1) Clause 6 of Schedule 2 to the Railway Construction Act, 1971, is hereby amended— Amendment of clause 6 of Schedule 2 to Act 82 of 1971.

(a) by the substitution for paragraph (b) of subclause (1) of the following paragraph:

“(b) build up a fund which will provide for recovery of the capital invested in the railway, including interest charges on the remaining balance of the said capital investment, within the period of twenty (20) years.”; and

(b) by the substitution for subclause (2) of the following subclause:

“(2) From the date on which the railway is opened for the conveyance of public traffic, the special surcharge mentioned in subclause (1) hereof shall initially be levied at the rate of eighteen comma five (18,5) cents per 100 kg. On the first day of April and October of every year for so long as may be necessary in accordance with subclause (1) hereof, the Administration shall, in consultation with the Company, review the rate of the aforementioned special surcharge in order to ensure that the amount accruing to the Administration, during the financial year in question, by way of the special surcharge in terms of this clause and clause 11 hereof, shall tally, as nearly as may be, with the amount by which the working costs of the railway plus the amount required in terms of subclause (1) (b) hereof, exceed the revenue derived from the railway before taking into account the amount accruing from the aforementioned special surcharge. The amount required for the financial year concerned in terms of subclause (1) (b) hereof shall, for this purpose, take proper account of the likely tonnages to be consigned over the remainder of the said twenty (20) year period and the amounts to be paid as special surcharge in respect of such tonnages. Depending on what may seem to be necessary in order to attain this object, the rate of the aforementioned special surcharge shall at the time of such review, be either increased or decreased or left undisturbed for the ensuing period of six months.”.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

Wet No. 8, 1976

WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1976

Wysiging van
klousule 7 van
Bylae 2 by
Wet 82 van 1971.

38. (1) Klousule 7 van Bylae 2 by die Spoorwegaanlegwet, 1971, word hierby gewysig—

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

„(1) Van die datum waarop die spoorlyn vir openbare verkeer oopgestel word en vir elke daaropvolgende boekjaar van die Administrasie vir 'n tydperk van twintig (20) jaar moet die Administrasie rekenings opstel en hou om die bedryfsresultate van die spoorlyn aan te toon, en 'n afskrif van elke jaarstaat moet so spoedig doenlik na die afsluiting van elke boekjaar aan die Maatskappy by sy kantoor in Johannesburg besorg word. Die rekenings moet ooreenkomstig die Administrasie se gewone rekeninggebruik opgestel word, en die jaarstaat moet besonderhede verstrekkende van die uitgawe en inkomste asook van die bedrag waarmee die fonds genoem in klousule 6 (1) (b) hiervan gekrediteer is en moet aantoon watter rentekoers van toepassing is op die saldo van die kapitaal wat in die aanleg en uitrusting genoem in klousule 6 (1) (b) belê is.”; en

(b) deur in subklousule (2) die uitdrukking „klousule 6 (1) (b) (i)” deur die uitdrukking „klousule 6 (1) (b)” te vervang.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

Wysiging van
klousule 8 van
Bylae 2 by
Wet 82 van 1971.

39. (1) Klousule 8 van Bylae 2 by die Spoorwegaanlegwet, 1971, word hierby gewysig—

(a) deur subklousule (3) deur die volgende subklousule te vervang:

„(3) Indien die resultate van die bedryf van die spoorlyn, genoem in klousule 6 (1) (a) hiervan, vir die tydperk vanaf die sluitingsdatum van die laaste boekjaar van die Administrasie binne die tydperk van twintig (20) jaar tot op die datum waarop die genoemde tydperk van twintig (20) jaar verstryk, 'n surplus toon soos deur die Administrasie ooreenkomstig sy gewone rekeninggebruik bereken, het die Maatskappy geen aanspraak op sodanige surplus nie, maar sodanige bedrae moet by die gelde genoem in klousule 6 (1) (b) hiervan gevoeg word.”;

(b) deur in subklousule (4) die uitdrukking „klousule 6 (1) (b) (i)” deur die uitdrukking „klousule 6 (1) (b)” te vervang; en

(c) deur subklousule (5) deur die volgende subklousule te vervang:

„(5) Indien die bedrag wat ooreenkomstig klousule 6 (1) (b) ingevorder is, aan die einde van die genoemde tydperk van twintig (20) jaar meer is as die bedrag wat nodig is, het die Maatskappy geen aanspraak op sodanige surplus nie, maar sodanige bedrae sal deur die Administrasie gehou word.”.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

Herroeping van
klousule 9 van
Bylae 2 by
Wet 82 van 1971.

40. (1) Klousule 9 van Bylae 2 by die Spoorwegaanlegwet, 1971, word hierby herroep.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

Wysiging van
klousule 6 van
Bylae 3 by
Wet 82 van 1971.

41. (1) Klousule 6 van Bylae 3 by die Spoorwegaanlegwet, 1971, word hierby gewysig—

(a) deur paragraaf (a) van subklousule (2) deur die volgende paragraaf te vervang:

„(a) verliese te bestry wat gedurende die tydperk van twintig (20) jaar gely mag word in die bedryf van die spoorlyn op die grondslag in klousule 5 (2)

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1976 Act No. 8, 1976

38. (1) Clause 7 of Schedule 2 to the Railway Construction Act, 1971, is hereby amended—

Amendment of
clause 7 of
Schedule 2 to
Act 82 of 1971.

- (a) by the substitution for subclause (1) of the following subclause:

“(1) From the date of opening of the railway for public traffic and for each financial year of the Administration thereafter for a period of twenty (20) years, the Administration shall prepare and maintain accounts to indicate the results of working the railway, and a copy of each annual statement shall be supplied to the Company at its offices in Johannesburg as soon as practicable after the close of each financial year. The accounts shall be prepared in accordance with the Administration’s usual accounting practice and the annual statement shall give particulars of expenditure and revenue as well as of the amount credited to the fund referred to in clause 6 (1) (b) hereof and shall indicate the rate of interest charges applied on the remaining balance of the capital invested in construction and equipment referred to in clause 6 (1) (b).”; and

- (b) by the substitution, in subclause (2), for the expression “clause 6 (1) (b) (i)” of the expression “clause 6 (1) (b)”.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

39. (1) Clause 8 of Schedule 2 to the Railway Construction Act, 1971, is hereby amended—

Amendment of
clause 8 of
Schedule 2 to
Act 82 of 1971.

- (a) by the substitution for subclause (3) of the following subclause:

“(3) If the results of the working of the railway, referred to in clause 6 (1) (a) hereof, for the period running from the closing date of the last financial year of the Administration within the period of twenty (20) years up to the expiry date of the said period of twenty (20) years show a surplus, as assessed by the Administration in accordance with its usual accounting practice, the Company shall have no claim to repayment of such surplus but such amounts shall be added to the moneys mentioned in clause 6 (1) (b) hereof.”;

- (b) by the substitution, in subclause (4), for the expression “clause 6 (1) (b) (i)” of the expression “clause 6 (1) (b)”; and

- (c) by the substitution for subclause (5) of the following subclause:

“(5) If, at the end of the said period of twenty (20) years, the amount which has been recovered in terms of clause 6 (1) (b) is in excess of the amount required, the Company shall have no claim to repayment of such surplus but such amount shall be retained by the Administration.”.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

40. (1) Clause 9 of Schedule 2 to the Railway Construction Act, 1971, is hereby repealed.

Repeal of
clause 9 of
Schedule 2 to
Act 82 of 1971.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

41. (1) Clause 6 of Schedule 3 to the Railway Construction Act, 1971, is hereby amended—

Amendment of
clause 6 of
Schedule 3 to
Act 82 of 1971.

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

“(a) defray any losses which, during the period of twenty (20) years, may be sustained in the work-

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hiervan uiteengesit, met die uitdruklike verstandhouding dat die kapitaalkoste van die kapitaal wat deur die Maatskappy in die spoorlyn belê is, nie in rekening gebring moet word wanneer sodanige bedryfsverlies bepaal word nie; en”;

(b) deur die herroeping van paragraaf (b) van subklousule (2) en die hernoemering van paragraaf (c) om (b) te lees; en

(c) deur subklousule (3) deur die volgende subklousule te vervang:

„(3) Van die datum waarop die spoorlyn vir openbare verkeer oopgestel word, moet die spesiale ekstra-koste genoem in subklousule (1) hiervan, aanvanklik gehef word teen die tarief van twee (2) sent per 100 kg. Op die eerste dag van April en Oktober van elke jaar vir so lank as wat dit ooreenkomstig subklousule (2) hiervan nodig mag wees, moet die Administrasie in oorleg met die Maatskappy die tarief waarteen die gemelde spesiale ekstrakoste gehef word, in hersiening neem om te verseker dat die bedrag wat die Administrasie gedurende die betrokke boekjaar by wyse van die spesiale ekstrakoste ooreenkomstig hierdie klousule en klousule 12 hiervan toeval, so na moontlik sal ooreenstem met die bedrag waarmee die bedryfskoste van die spoorlyn plus die bedrag wat ooreenkomstig subklousule (2) (b) hiervan nodig is, die inkomste oortref wat uit die spoorlyn verkry word, voordat die bedrag wat die voormelde spesiale ekstrakoste oplewer, in rekening gebring word. Na gelang van wat nodig skyn te wees ten einde hierdie oogmerk te bereik, moet die tarief ten opsigte van voornoemde spesiale ekstra-koste by sodanige hersiening of verhoog of verlaag of onveranderd gelaat word vir die daaropvolgende tydperk van ses maande.”.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

Wysiging van klousule 7 van Bylae 3 by Wet 82 van 1971.

42. (1) Klousule 7 van Bylae 3 by die Spoorwegaanlegwet, 1971, word hierby gewysig deur die uitdrukking „klousule 6 (2) (c)”, waar dit ook al voorkom, deur die uitdrukking „klousule 6 (2) (b)” te vervang.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

Wysiging van klousule 8 van Bylae 3 by Wet 82 van 1971.

43. (1) Klousule 8 van Bylae 3 by die Spoorwegaanlegwet, 1971, word hierby gewysig—

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

„8. (1) Van die datum waarop die spoorlyn vir openbare verkeer oopgestel word en vir elke daaropvolgende boekjaar van die Administrasie vir ’n tydperk van twintig (20) jaar, moet die Administrasie rekenings opstel en hou om die bedryfsresultate van die spoorlyn aan te toon, en ’n afskrif van elke jaarstaat moet so spoedig doenlik na die afsluiting van elke boekjaar aan die Maatskappy by sy kantoor in Johannesburg besorg word. Die rekenings moet ooreenkomstig die Administrasie se gewone rekeninggebruik opgestel word, en die jaarstaat moet besonderhede verstrek van die uitgawe en inkomste asook van die bedrag van die kapitaalbelegging wat verantwoord is soos genoem in klousule 6 (2) (b) hiervan.”; en

(b) deur subklousule (2) deur die volgende subklousule te vervang:

„(2) Indien die resultate van die bedryf van die spoorlyn, genoem in klousule 6 (2) (a) hiervan, bereken ooreenkomstig subklousule (1) van hierdie klousule, in enige boekjaar ’n surplus toon, moet die Maatskappy

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ing of the railway on the basis set out in clause 5 (2) hereof, it being specifically understood that the capital costs of the capital invested in the railway by the Company shall not be taken into account in determining such operating loss; and”;

- (b) by the repeal of paragraph (b) of subclause (2) and the renumbering of paragraph (c) to read (b); and
- (c) by the substitution for subclause (3) of the following subclause:

“(3) From the date on which the railway is opened for the conveyance of public traffic, the special surcharge mentioned in subclause (1) hereof shall initially be levied at the rate of two (2) cents per 100 kg. On the first day of April and October of every year for so long as may be necessary in accordance with subclause (2) hereof, the Administration shall, in consultation with the Company, review the rate of the aforementioned special surcharge in order to ensure that the amount accruing to the Administration during the financial year in question, by way of the special surcharge in terms of this clause and clause 12 hereof, shall tally, as nearly as may be, with the amount by which the working costs of the railway plus the amount required in terms of subclause (2) (b) hereof, exceed the revenue derived from the railway before taking into account the amount accruing from the aforementioned special surcharge. Depending on what may seem to be necessary in order to attain this object, the rate of the aforementioned special surcharge shall at the time of such review be either increased or decreased or left undisturbed for the ensuing period of six months.”.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

42. (1) Clause 7 of Schedule 3 to the Railway Construction Act, 1971, is hereby amended by the substitution for the expression “clause 6 (2) (c)”, wherever it appears, of the expression “clause 6 (2) (b)”. Amendment of clause 7 of Schedule 3 to Act 82 of 1971.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

43. (1) Clause 8 of Schedule 3 to the Railway Construction Act, 1971, is hereby amended— Amendment of clause 8 of Schedule 3 to Act 82 of 1971.

- (a) by the substitution for subclause (1) of the following subclause:

“8. (1) From the date of opening of the railway for public traffic and for each of the Administration’s financial years thereafter for a period of twenty (20) years, the Administration shall prepare and maintain accounts to indicate the results of working the railway, and a copy of each annual statement shall be supplied to the Company at its offices in Johannesburg as soon as practicable after the close of each financial year. The accounts shall be prepared in accordance with the Administration’s usual accounting practice and the annual statement shall give particulars of expenditure and revenue as well as of the amount of the capital investment accounted for, as referred to in clause 6 (2) (b) hereof.”; and

- (b) by the substitution for subclause (2) of the following subclause:

“(2) If, in any one financial year, the results of the working of the railway referred to in clause 6 (2) (a) hereof, calculated as provided in subclause (1) of this clause, show a surplus, such surplus shall be credited

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(2) Subartikel (1) word geag op 1 April 1975 in werking te
getree het.

44. (1) Klousule 9 van Bylae 3 by die Spoorwegaanlegwet, 1971, word hierby gewysig deur subklousule (3) deur die volgende subklousule te vervang:

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

45. (1) Klousule 10 van Bylae 3 by die Spoorwegaanlegwet, 1971, word hierby herroep.

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

46. (1) Klousule 14 van Bylae 3 by die Spoorwegaanlegwet, 1971, word hierby deur die volgende klousule vervang:

(2) Subartikel (1) word geag op 1 April 1975 in werking te getree het.

47. (1) Artikel 2 van die Spoorweg- en Haweleningswet, 1973, word hierby deur die volgende artikel vervang:

(2) Subartikel (1) word geag op 1 Januarie 1976 in werking te getree het.

48. Hierdie Wet en 'n wysiging daarvan is, met uitsondering van artikels 3, 20 tot 22, 24 tot 31 en 37 tot 46, ook in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.

49. Hierdie Wet heet die Wysigingswet op Spoorweg- en Hawewette, 1976.

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and paid to the Company in the same manner as provided for in clause 7 (1) (b) hereof until the capital invested in the construction and equipment of the railway has been fully accounted for. The Company shall, however, have no claim to receive payment thereof after the said capital investment has been fully accounted for, and during the remainder of the said period of twenty (20) years such surpluses shall be retained by the Administration."

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

44. (1) Clause 9 of Schedule 3 to the Railway Construction Act, 1971, is hereby amended by the substitution for subclause (3) of the following subclause: Amendment of clause 9 of Schedule 3 to Act 82 of 1971.

"(3) If the results of the working of the railway, referred to in clause 6 (2) (a) hereof, for the period running from the closing date of the last financial year of the Administration within the period of twenty (20) years up to the expiry date of the said period of twenty (20) years show a surplus, as assessed by the Administration in accordance with its usual accounting practice, such amounts shall be dealt with in accordance with the provisions of clause 8 (2) hereof."

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

45. (1) Clause 10 of Schedule 3 to the Railway Construction Act, 1971, is hereby repealed. Repeal of clause 10 of Schedule 3 to Act 82 of 1971.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

46. (1) The following clause is hereby substituted for clause 14 of Schedule 3 to the Railway Construction Act, 1971: Substitution of clause 14 of Schedule 3 to Act 82 of 1971.

"14. It is agreed that, in the event of the Company wishing to consider other means of conveyance for its products during a period of twenty (20) years from the date of opening of the railway, the Administration's prior approval shall be obtained."

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1975.

47. (1) The following section is hereby substituted for section 2 of the Railways and Harbours Loans Act, 1973. Substitution of section 2 of Act 1 of 1973.

2. The Minister of Finance may, with regard to loans raised in terms of section 1, and on such terms and conditions as he may deem fit, guarantee the repayment of any loan and the payment of interest on and the payment of expenditure incurred in connection with any such loan, or guarantee the reimbursement of any loss which may be sustained by the South African Reserve Bank in respect of any such guarantee furnished by that Bank with regard to any such loan."

“Guarantee by Government for the repayment of a loan or reimbursement of losses consequent upon a guarantee by the South African Reserve Bank.”

(2) Subsection (1) shall be deemed to have come into operation on 1 January 1976.

48. This Act and any amendment thereof shall, with the exception of sections 3, 20 to 22, 24 to 31 and 37 to 46, apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel. Application of Act to South West Africa.

49. This Act shall be called the Railways and Harbours Acts Amendment Act, 1976. Short title.

