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KAAPSTAD, 17 MEI 1978

[No. 6019

DEPARTMENT OF THE PRIME MINISTER

No. 963.

17 May 1978.

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

No. 64 of 1978: Railways and Harbours Acts Amendment Act, 1978.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 963.

17 Mei 1978.

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

No. 64 van 1978: Wysigingswet op Spoorweg- en Hawewette, 1978.

Wet No. 64, 1978

WYSIGINGSWET OP SPOORWEG- EN
HAWEWETTE, 1978.**ALGEMENE VERDUIDELIKENDE NOTA:**

I **I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van artikels 3, 22 en 36 van, tot vervanging van artikel 23 van en tot invoeging van artikel 21A in die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, om voorsiening te maak vir die wyse van beskikking oor alle verlore goedere wat op die spoorweë gevind word; tot wysiging van artikels 10 en 11 en tot vervanging van artikel 12 van gemelde Wet om sekere voorwaardes met betrekking tot die vordering van toeslagkoste op treinreise te wysig; tot wysiging van artikel 43 van gemelde Wet om 'n hawekaptein te lisensieer om as loods op te tree; tot wysiging van artikel 57 van en tot invoeging van artikels 57C, 57D, 57E, 57F en 57G in gemelde Wet om voorsiening te maak vir 'n S.A. Spoorwegpolisiereserwe in die samestelling van die S.A. Spoorwegpolisiesmag en vir die opneem daarin van sekere oudlede van gemelde Mag; tot wysiging van artikel 57B van gemelde Wet om sekere strawwe te verhoog, sekere bykomende misdrywe te skep en 'n verbod te plaas op die maak van sketse of die neem van foto's van sekere persone wat in wettige bewaring aangehou word asmede die publikasie daarvan; tot wysiging van artikel 13 van die Wet op Spoorweg- en Hawediens, 1960, en artikels 8 en 17 van die Spoorweg- en Hawepensioenwet, 1971, om voorsiening te maak vir verbeterde pensioenvoordele vir weduwees en ander afhanklikes; tot wysiging van artikel 16 van die Wet op Spoorweg- en Hawediens, 1960, tot invoeging van artikel 32A in gemelde Wet, en tot wysiging van artikel 13 van die Spoorweg- en Hawepensioenwet, 1971, en artikel 12 van die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974, om voorsiening te maak vir die opneem in die Spoorweg- en Hawediens van sekere personeel wat voorheen in die diens van die Suid-Afrikaanse Yster en Staal Industriële Korporasie Beperk was; tot wysiging van artikel 32 van die Wet op Spoorweg- en Hawediens, 1960, om die Administrasie se bevoegdheid om sy Siekefondsapteke te stig en te bestuur duideliker te omskryf; tot wysiging van artikels 13 en 17 van die Spoorweg- en Hawepensioenwet, 1971, om die prosedure wat gevolg moet word by die vasstelling van rente op beleggings van die Nuwe Fonds en rente op agterstallige bydraes tot die Fonds duideliker te omskryf; en om vir ander aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Mei 1978.)

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

RAILWAYS AND HARBOURS ACTS
AMENDMENT ACT, 1978.

Act No. 64, 1978

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend sections 3, 22 and 36 of, to substitute section 23 of and to insert section 21A in the Railways and Harbours Control and Management (Consolidation) Act, 1957, so as to make provision for the manner of disposal of all lost goods found on the railways; to amend sections 10 and 11 and to substitute section 12 of the said Act so as to amend certain conditions relating to the raising of excess charges on train journeys; to amend section 43 of the said Act so as to license a port captain to act as pilot; to amend section 57 of and to insert sections 57C, 57D, 57E, 57F and 57G in the said Act so as to provide for a S.A. Railways Police Reserve in the composition of the S.A. Railways Police Force and for the admission thereto of certain former members of the said Force; to amend section 57B of the said Act so as to increase certain penalties, to create certain additional offences and to prohibit the making of sketches or the taking of photographs of certain persons in lawful custody as well as the publication thereof; to amend section 13 of the Railways and Harbours Service Act, 1960, and sections 8 and 17 of the Railways and Harbours Pensions Act, 1971, so as to provide for improved pension benefits for widows and other dependants; to amend section 16 of the Railways and Harbours Service Act, 1960, to insert section 32A in the said Act, and to amend section 13 of the Railways and Harbours Pensions Act, 1971, and section 12 of the Railways and Harbours Pensions for Non-Whites Act, 1974, so as to provide for the employment in the Railways and Harbours service of certain staff previously in the service of the South African Iron and Steel Industrial Corporation Limited; to amend section 32 of the Railways and Harbours Service Act, 1960, so as to define more clearly the Administration's power to establish and manage its Sick Fund dispensaries; to amend sections 13 and 17 of the Railways and Harbours Pensions Act, 1971, so as to define more clearly the procedure to be followed in basing the interest earned by investments of the New Fund and interest on arrear contributions to the Fund; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 2 May 1978.)

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

Wet No. 64, 1978

WYSIGINGSWET OP SPOORWEG- EN
HAWEWETTE, 1978.

Wysiging van
artikel 3 van
Wet 70 van 1957,
soos gewysig deur
artikel 43 van
Wet 30 van 1959,
artikel 37 van
Wet 44 van 1959,
artikel 2 van
Wet 2 van 1960,
artikel 7 van
Wet 62 van 1961,
artikel 6 van
Wet 62 van 1962,
artikel 4 van
Wet 7 van 1963,
artikels 13
en 44 van
Wet 6 van 1965,
artikel 4 van
Wet 24 van 1971
en artikel 1 van
Wet 47 van 1973.

Wysiging van
artikel 10 van
Wet 70 van 1957,
soos gewysig deur
artikel 14 van
Wet 6 van 1965
en artikel 4 van
Wet 32 van 1969.

1. Artikel 3 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (hierna „die Beheer- en Bestuurwet” genoem), word hierby gewysig deur na paragraaf (qq) van subartikel (1) die volgende paragraaf in te voeg:

„(rr) die wyse van beskikking oor die in artikel 21A bedoelde verlore goedere.”.

2. Artikel 10 van die Beheer- en Bestuurwet word hierby gewysig—

(a) deur subartikels (1) en (2) deur die volgende subartikels te vervang:

„(1) Indien ’n passasier in ’n trein reis sonder dat hy ’n geldige vryreispass of kaartjie by hom het, of indien hy, terwyl hy in ’n trein is of nadat hy dit verlaat het, versuim of weier om sy vryreispass of kaartjie ter insae te vertoon of af te gee onmiddellik nadat hy daartoe versoek is, is hy verplig om op aanvraag van ’n gemagtigde dienaar die **[hieronder in hierdie artikel vermelde]** toeslag bepaal deur die Hoofbestuurder soos omskryf in artikel 1 van die Spoorwegraadwet, 1962 (Wet No. 73 van 1962), te betaal, bo en behalwe die gewone reisgeld vir die afstand wat hy gereis het of reis, of, as daar twyfel bestaan omtrent die stasie vanwaar hy oorspronklik die reis begin het, die reisgeld vanaf die stasie vanwaar die trein oorspronklik vertrek het of, indien die kaartjies van passasiers wat in die trein reis, sedert die oorspronklike vertrek van die trein ondersoek is, die gewone reisgeld vanaf die plek waar die kaartjies ondersoek is, of, as hulle meer as een maal ondersoek is, die plek waar hulle laaste ondersoek is.

(2) Indien ’n passasier in ’n gedeelte van ’n trein van ’n hoër klas as dié waarvoor hy ’n vryreispass of kaartjie verkry het, reis of poog te reis, of verder reis as die plek wat deur sy vryreispass of kaartjie aangewys word, is hy verplig om op aanvraag van ’n gemagtigde dienaar die **[in subartikel (3) bedoelde]** toeslag bepaal deur die Hoofbestuurder soos omskryf in artikel 1 van die Spoorwegraadwet, 1962 (Wet No. 73 van 1962), te betaal bo en behalwe die verskil tussen die deur hom betaalde reisgeld en die reisgeld ten opsigte van die reis wat hy afgelê het: Met dien verstande dat die toeslag in geen geval meer bedra nie as—

(i) indien die verpligting tot betaling daarvan in-gevolge subartikel (1) ontstaan, die bedrag van die gewone enkelreisgeld wat die passasier wat die toeslag behoort, verplig is om kragtens daardie subartikel te betaal; of

(ii) indien die verpligting tot betaling daarvan in-gevolge subartikel (2) ontstaan, die bedrag van die verskil tussen die reisgeld betaal deur die passasier wat die toeslag behoort, en die reisgeld betaalbaar ten opsigte van die reis wat hy afgelê het:

Met dien verstande voorts dat die Hoofbestuurder besondere omstandighede kan voorskryf waaronder geen toeslag gevorder word nie.”; en

(b) deur subartikel (3) te skrap en subartikels (4), (5), (6) en (7) te hernommer.

RAILWAYS AND HARBOURS ACTS
AMENDMENT ACT, 1978.

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1. Section 3 of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (hereinafter called "the Control and Management Act"), is hereby amended by the insertion of the following paragraph after paragraph (qq) of subsection (1):

"(rr) the manner of disposal of the lost goods referred to in section 21A:".

Amendment of section 3 of Act 70 of 1957, as amended by section 43 of Act 30 of 1959, section 37 of Act 44 of 1959, section 2 of Act 2 of 1960, section 7 of Act 62 of 1961, section 6 of Act 62 of 1962, section 4 of Act 7 of 1963, sections 13 and 44 of Act 6 of 1965, section 4 of Act 24 of 1971 and section 1 of Act 47 of 1973.

2. Section 10 of the Control and Management Act is hereby amended—

10 (a) by the substitution for subsections (1) and (2) of the following subsections:

15 "(1) If a passenger travels in a train without having an available free pass or ticket with him, or being in or having alighted from a train, fails or refuses to present for examination or to deliver up his free pass or ticket immediately on requisition being made therefor, he shall be liable to pay on the demand of any authorized servant, the excess charge **[hereinafter in this section mentioned]** determined by the General Manager as defined in section 1 of the Railway Board Act, 1962 (Act No. 73 of 1962), in addition to the ordinary fare for the distance which he has travelled or is travelling or, if there be any doubt as to the station from which he originally started, the fare from the station from which the train originally started or, if the tickets of passengers travelling in the train have been examined since the original starting of the train, the ordinary fare from the place where the tickets were examined or, if they have been examined more than once, the place where they were last examined.

Amendment of section 10 of Act 70 of 1957, as amended by section 14 of Act 6 of 1965 and section 4 of Act 32 of 1969.

25 (2) If a passenger travels or attempts to travel in a portion of a train of a higher class than that for which he has obtained a free pass or ticket, or travels beyond the place authorized by his free pass or ticket, he shall be liable to pay on the demand of any authorized servant, the excess charge **[mentioned in subsection (3)]** determined by the General Manager as defined in section 1 of the Railway Board Act, 1962 (Act No. 73 of 1962), in addition to any difference between any fare paid by him and the fare in respect of such journey as he has made: Provided that the excess charge shall in no case exceed—

30 (i) if the liability to pay it arises under subsection (1), the amount of the ordinary single fare which the passenger incurring the charge is liable to pay under that subsection; or

35 (ii) if the liability to pay arises under subsection (2), the amount of the difference between the fare paid by the passenger incurring the charge and the fare payable in respect of such journey as he has made: Provided further that the General Manager may prescribe particular circumstances under which no excess charge shall be demanded."; and

40 (b) by the deletion of subsection (3) and the renumbering of subsections (4), (5), (6) and (7).

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Wet No. 64, 1978

WYSIGINGSWET OP SPOORWEG- EN
HAWEWETTE, 1978.

Wysiging van
artikel 11 van
Wet 70 van 1957,
soos gewysig deur
artikel 15 van
Wet 6 van 1965.

3. Artikel 11 van die Beheer- en Bestuurwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Indien 'n passasier opsetlik 'n vryreis pas of kaartjie so verander, skend of vermink dat die datum, nommer of 'n wesenlike gedeelte daarvan onleesbaar word, is hy strafbaar met 'n boete van hoogstens vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande, en is hy daarbenewens onderhewig aan 'n verdere boete gelyk aan die bedrag van—

- (a) die enkelreisgeld vir die reis deur hom afgelê in die klas waarin hy gereis het; plus
- (b) die toeslag wat ingevolge **[paragraaf (b) van subartikel (3) van]** artikel 10 betaalbaar of verskuldig sou wees deur iemand wat sonder 'n kaartjie oor so 'n afstand reis.

Die hof wat kragtens hierdie subartikel vonnis uitspreek, kan daarbenewens beveel dat indien die verdere boete nie by betaling van die boete of by die verstryking van die vonnis betaal is nie, die veroordeelde persoon 'n verdere tydperk van gevangenisstraf van hoogstens een maand moet ondergaan. Elke sodanige veranderde, geskonde of verminkte vryreis pas of kaartjie word verbeurd verklaar.”.

Vervanging van
artikel 12 van
Wet 70 van 1957,
soos gewysig deur
artikel 16 van
Wet 6 van 1965.

4. Artikel 12 van die Beheer- en Bestuurwet word hierby deur die volgende artikel vervang:

„12. Indien iemand 'n kaartjie of vryreis pas verkoop of uit sy besit laat gaan ten einde iemand anders in staat te stel om daarmee te reis, of so 'n kaartjie of vryreis pas wat iemand aldus verkoop of uit sy besit laat gaan het, koop of ontvang, is hy strafbaar met 'n boete van hoogstens vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande, en indien die koper of ontvanger van die kaartjie of vryreis pas daarmee reis, is hy strafbaar met 'n verdere boete ten bedrae van hoogstens die bedrag van die enkelreisgeld vir die reis deur die kaartjie of vryreis pas gemagtig, en indien hy anders as per padmotorvoertuig reis, loop hy verder aanspreeklikheid op vir betaling van die in **[paragraaf (b) van subartikel (3) van]** artikel 10 bedoelde toeslag. Die hof wat kragtens hierdie artikel vonnis uitspreek, kan daarbenewens beveel dat indien die verdere boete nie by betaling van die boete of die verstryking van die vonnis betaal is nie, die veroordeelde persoon 'n verdere tydperk van gevangenisstraf van hoogstens een maand moet ondergaan.”.

Invoeging van
artikel 21A in
Wet 70 van 1957.

5. Die volgende artikel word hierby na artikel 21 van die Beheer- en Bestuurwet ingevoeg:

„Verlore
goedere.

21A. (1) Wanneer goedere op die spoorweë gevind word wat klaarblyklik deur die eienaar of ander persoon wat daarop geregtig mag wees (hierna „die reghebbende” genoem), verloor, vergeet of agtergelaat is (hierna „verlore goedere” genoem), moet dit onverwyld deur die persoon wat die goedere vind, aan die Administrasie oorhandig word deur dit by die naaste kantoor van die Suid-Afrikaanse Spoorweg-polisie in te handig.

(2) Behoudens andersluidende bepalinge vervat in die Lugvaartwet, 1962 (Wet No. 74 van 1962) en die regulasies daarkragtens uitgevaardig, word verlore goedere wat op daardie deel van 'n lughawe gevind word wat onder die jurisdiksie van die Departement van Vervoer ressorteer en wat ingevolge die bepalinge van subartikel (1) aan die Administrasie oorhandig word, op dieselfde wyse mee gehandel soos bepaal in subartikel (3): Met dien verstande dat die Departement van Vervoer en die Administrasie onderling ooreen kan kom op welke basis die opbrengs van sodanige verlore goedere verdeel sal word.

(3) Verlore goedere wat ingevolge hierdie artikel aan die Administrasie oorhandig word, word in die geval

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3. Section 11 of the Control and Management Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 11 of
Act 70 of 1957,
as amended by
section 15 of
Act 6 of 1965.

“(1) If a passenger wilfully alters, obliterates or defaces a free pass or ticket so as to render the date, number or any material portion thereof illegible, he shall be liable to a fine not exceeding fifty rand or, in default of payment, to imprisonment for a period not exceeding three months, and shall, in addition, be liable to a further fine equal to the amount of—

- (a) the single fare for the journey performed by the class in which he was travelling; plus
- (b) such excess charge as would be payable or due under **[paragraph (b) of subsection (3) of]** section 10 by any person travelling without a ticket upon such journey.

The court, in passing sentence under this subsection may, in addition, order that if on the payment of the fine or at the expiration of the sentence the further fine has not been paid, the person convicted shall be imprisoned for a further period not exceeding one month. Any such altered, obliterated or defaced free pass or ticket shall be confiscated.”

4. Section 12 of the Control and Management Act is hereby substituted by the following section:

Substitution of
section 12 of
Act 70 of 1957,
as amended by
section 16 of
Act 6 of 1965.

“12. If a person sells or parts with the possession of a ticket or free pass in order to enable any other person to travel therewith, or purchases or receives such ticket or free pass so sold or parted with, he shall be liable to a fine not exceeding fifty rand or, in default of payment, to imprisonment for a period not exceeding three months, and if the purchaser or receiver of the ticket or free pass travels therewith he shall be liable to pay a further fine not exceeding the amount of the single fare for the journey authorized by the ticket or free pass, and if he travels otherwise than by road motor vehicle he shall further be liable to pay the excess charge described in **[paragraph (b) of subsection (3) of]** section 10. The court, in passing a sentence under this section, may, in addition, order that if on the payment of the fine or at the expiration of the sentence the further fine has not been paid, the person convicted shall be imprisoned for a further period not exceeding one month.”

5. The following section is hereby inserted after section 21 of the Control and Management Act:

Insertion of
section 21A in
Act 70 of 1957.

“Lost goods. **21A. (1)** When goods are found on the railways which evidently have been lost, forgotten or left behind (hereinafter referred to as ‘lost goods’) by the owner or other person that may be entitled to such goods (hereinafter referred to as the ‘rightful owner’) the person finding such goods shall immediately hand it over to the Administration by handing it in at the nearest office of the South African Railways Police.

(2) Notwithstanding anything to the contrary contained in the Aviation Act, 1962 (Act No. 74 of 1962) and the regulations promulgated under that Act, lost goods found on that part of an airport falling under the jurisdiction of the Department of Transport and which are handed over to the Administration in terms of subsection (1), shall be dealt with in the same manner as laid down in subsection (3): Provided that the Department of Transport and the Administration may mutually agree on what basis the proceeds of such lost goods shall be divided.

(3) Lost goods handed over to the Administration in terms of this section, shall, in the case of goods

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van goedere anders as verhandelbare stukke, muntstukke en banknote in 'n pakhuis opgeslaan vir rekening van die reghebbende, en in die geval van verhandelbare stukke, muntstukke en banknote op 'n toepaslike afwagrekening vir rekening van die reghebbende inbetaal: Met dien verstande dat die Administrasie nie aanspreeklik sal wees vir enige verlies van of skade aan verlore goedere, hoe ook al veroorsaak, wat aldus in 'n pakhuis opgeslaan word nie.

(4) Indien verlore goedere wat ingevolge hierdie artikel aan die Administrasie oorhandig is, nie binne drie maande vanaf die datum waarop dit aan die Administrasie oorhandig is, deur die reghebbende opgeëis word nie, word daar beskou dat die reghebbende afstand gedoen het van die verlore goedere en word dit op die by regulasie voorgeskrewe wyse by openbare veiling verkoop: Met dien verstande dat—

- (a) verhandelbare stukke, muntstukke en banknote na verloop van die bedoelde tydperk van drie maande geag word die eiendom van die Administrasie te wees;
- (b) bederfbare verlore goedere te eniger tyd na oorhandiging en op enige wyse verkoop mag word;
- (c) waardelose verlore goedere te eniger tyd na oorhandiging vernietig mag word;
- (d) verlore goedere wat ingevolge die Doeane- en Aksynswet, 1964 (Wet No. 91 van 1964) die Departement van Doeane en Aksyns toekom, na verloop van die bedoelde tydperk van drie maande aan die Departement van Doeane en Aksyns oorhandig word."

Wysiging van
artikel 22 van
Wet 70 van 1957.

6. Artikel 22 van die Beheer- en Bestuurwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Wanneer goedere ingevolge subartikel (1) teruggehou is, kan die Administrasie in die geval van bederfbare goedere, onverwyld en op enige wyse, en in die geval van ander goedere, op die by regulasie voorgeskrewe wyse, by openbare veiling **[na verstryking van ten minste tien dae nadat van die voorgenome veiling kennis gegee is in een of meer nuusblaaie wat in die distrik waar die goedere teruggehou is, in omloop is,]** soveel van die goedere verkoop as wat volgens sy mening voldoende is om 'n som op te lewer gelyk aan die spoorvrag en alle onkoste verbonde aan die bewaring, kennisgewing en verkoping, daaronder inbegrepe, in die geval van diere, die koste om hulle te voer, te laat drink en op te pas. **[In elke sodanige kennisgewing moet die naam van die afsender en die geadresseerde, indien dit bekend is, vermeld word.]**”

Vervanging van
artikel 23 van
Wet 70 van 1957.

7. Artikel 23 van die Beheer- en Bestuurwet word hierby deur die volgende artikel vervang:

„Beskikking
oor onopge-
vraagde
goedere.

23. (1) Wanneer goedere anders as verlore goedere bedoel in artikel 21A, hetsy vir vervoer of andersins in die besit van die Administrasie gekom het, en nie deur die eienaar of ander persoon wat aan die Administrasie daarop geregtig blyk te wees, opgeëis word nie, of wanneer 'n verklaring wat ingevolge subartikel (1) van artikel 26 ten opsigte van goederen afgegee is, in 'n belangrike besonderheid vals is, of wanneer dit ten gevolge van 'n onjuiste of onvoldoende adres van die geadresseerde, onseker is wie die eienaar van goedere is, moet die Administrasie, indien die eienaar of ander persoon bekend is, 'n kennisgewing waarin van hom verlang word om die goedere weg te haal, op hom laat dien.

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other than negotiable instruments, coins and bank-notes, be stored in a warehouse for the account of the rightful owner, and in the case of negotiable instruments, coins and bank-notes shall be paid into an appropriate suspense account for the account of the rightful owner: Provided that the Administration shall not be liable for any loss of or damage to lost goods thus stored in a warehouse, howsoever caused.

(4) If lost goods handed over to the Administration in terms of this section are not claimed by the rightful owner within three months from the date on which they were handed over to the Administration, the rightful owner will be deemed to have relinquished the lost goods and such goods shall be sold at a public auction in the manner prescribed by regulation: Provided that—

(a) negotiable instruments, coins and bank-notes shall, after expiry of the period of three months referred to, be deemed to be the property of the Administration;

(b) perishable lost goods may be sold at any time and in any manner after being handed over;

(c) worthless lost goods may be destroyed at any time after being handed over;

(d) lost goods to which the Department of Customs and Excise have a right in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964) shall be handed over to the Department of Customs and Excise after expiry of the period of three months referred to.”

6. Section 22 of the Control and Management Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 22 of Act 70 of 1957.

“(2) When any goods have been detained under subsection (1), the Administration may, in the case of perishable goods, sell in any manner at once and in the case of other goods, sell by public auction in the manner prescribed by regulation **[on the expiry of at least ten days’ notice of the intended auction published in one or more newspapers circulating in the district where the goods were detained,]** what it considers to be sufficient of the goods to produce a sum equal to the freight and all expenses of the detention, notice and sale, including in the case of animals, the expense of feeding, watering and tending the same. **[Every such notice shall state the name of the consignor and of the consignee, if known.]”**

7. The following section is hereby substituted for section 23 of the Control and Management Act: Substitution of section 23 of Act 70 of 1957.

“Disposal of unclaimed goods. **23. (1) When any goods other than lost goods referred to in section 21A have come into the possession of the Administration for transport or otherwise and are not claimed by the owner or other person appearing to the Administration to be entitled thereto, or when a declaration delivered under subsection (1) of section 26 in respect of any goods is false in any material particular, or when the ownership of goods is uncertain in consequence of an incorrect or insufficient address of the consignee, the Administration shall, if the owner or other person be known, cause a notice to be served upon him requiring him to remove the goods.**

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(2) Indien die eienaar of ander persoon nie bekend is nie of die kennisgewing nie op hom gedien kan word nie, of indien hy nie aan die kennisgewing voldoen nie, kan die Administrasie die goedere, op die by regulasie voorgeskrewe wyse by openbare 5
veiling [ooreenkomstig die bepalings van artikel twee-en-twintig] verkoop [(vir sover daardie bepalings toepaslik is)] en die oorskot (indien daar is) van die opbrengs van die verkoping aan wie ook al daarop geregtig is, uitkeer; middelerwyl kan die 10
Administrasie die goedere in 'n pakhuis plaas en hom aldus van verdere aanspreeklikheid bevry.

(3) Ondanks andersluidende bepalings van hierdie artikel, indien bederfbare goedere wat deur die Administrasie vir vervoer aangeneem is, by aankoms 15
by hul bestemming in so 'n toestand is dat hulle volgens oordeel van die Administrasie waardeloos sal word, kan die Administrasie, indien die eienaar of die persoon wat op die goedere geregtig is, hulle nie opgeëis het nie, onverwyld tot die verkoop daarvan 20
[ooreenkomstig hierdie artikel] op enige wyse oorgaan, of indien die goedere werklik waardeloos geword het, hulle laat vernietig."

Wysiging van artikel 36 van Wet 70 van 1957, soos gewysig deur artikel 25 van Wet 6 van 1965, en artikel 2 van Wet 47 van 1973.

8. Artikel 36 van die Beheer- en Bestuurwet word hierby gewysig deur paragraaf (g) deur die volgende paragraaf te 25
vervang:

„(g) versuim om [so spoedig moontlik 'n artikel wat op die spoorweg of op 'n trein gevind is, aan 'n dienaar] verlore goedere ingevolge die bepalings van artikel 21A (1), wat deur hom op die spoorweë gevind 30
word, onverwyld aan die Administrasie te oorhandig, of 'n artikel van 'n spoorweg of 'n trein verwyder wat hy nie die reg het om te verwyder nie;"

Wysiging van artikel 43 van Wet 70 van 1957, soos gewysig deur artikel 44 van Wet 6 van 1965.

9. Artikel 43 van die Beheer- en Bestuurwet word hierby gewysig deur die bestaande artikel as subartikel (1) te nommer, en 35
die volgende nuwe subartikel in te voeg:

„(2) Vir die doeleindes van hierdie artikel beteken „loods” enige persoon wat behoorlik deur die Administrasie gelisen-
sieer is om as loods by 'n besondere hawe op te tree."

Wysiging van artikel 57 van Wet 70 van 1957, soos gewysig deur artikel 40 van Wet 44 van 1959, artikels 33 en 44 van Wet 6 van 1965, artikel 1 van Wet 23 van 1967 en artikel 1 van Wet 57 van 1970 en vervang deur artikel 4 van Wet 47 van 1973 en artikel 7 van Wet 46 van 1975.

10. Artikel 57 van die Beheer- en Bestuurwet word hierby 40
gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Suid-Afrikaanse Spoorwegpolisiemag (hierna „die Mag” genoem), ingestel deur die Staatspresident, bestaan uit die offisiere, adjudant-offisiere, onderoffisiere, konstabels en 45
spesiale konstabels van die Suid-Afrikaanse Spoorwegpolisie en, behalwe by die toepassing van enige bepaling van hierdie Wet ten opsigte waarvan die Kommissaris van die Mag, onderworpe aan die voorskrifte van die Minister, anders voorskryf, die reserviste en die reserwes van die Suid- 50
Afrikaanse Spoorwegpolisie—

(a) wat op die datum van inwerkingtreding van hierdie artikel lede van die Mag is; en
(b) wat ná daardie datum ingevolge hierdie artikel as sodanige lede ingelyf word.” 55

Wysiging van artikel 57B van Wet 70 van 1957, soos ingevoeg deur artikel 5 van Wet 47 van 1973 en gewysig deur artikel 14 van Wet 69 van 1977.

11. Artikel 57B van die Beheer- en Bestuurwet word hierby gewysig—

(a) deur subartikels (2), (3), (4) en (5) deur die volgende subartikels te vervang:

„(2) Iemand wat 'n uniform of kenmerkende kenteken 60
of knoop van die Mag dra, of enigiets dra wat soveel na so 'n uniform, kenteken of knoop lyk dat dit bereken is om te mislei, is, tensy—

(a) hy 'n lid van daardie Mag is wat uit hoofde van sy aanstelling, rang of aanwysing, geregtig is om 65
bedoelde uniform, kenteken of knoop te dra; of

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(2) If the owner or other person be not known or the notice cannot be served upon him, or if he does not comply with the requisition in the notice, the Administration may, in the manner prescribed by regulation, sell the goods by public auction **[in accordance with the provisions of section 22 (so far as those provisions are applicable)]**, rendering the surplus (if any) of the proceeds of the sale to any person entitled thereto; in the meantime the Administration may place the goods in a warehouse and thus relieve itself from any further liability.

(3) Notwithstanding anything in this section contained, if perishable goods accepted by the Administration for transport be, on arrival at their destination, in such a condition that in the opinion of the Administration they will become worthless, the Administration may, if the owner or person entitled to the goods has not claimed them, proceed at once to carry out the sale in any manner **[in accordance with this section]**, or if the goods have in fact become worthless, may proceed to destroy them.

8. Section 36 of the Control and Management Act is hereby amended by the substitution for paragraph (g) of the following paragraph:

(g) fails to deliver immediately to the Administration **[at the earliest possible opportunity to a servant any article found on the railway or any train] lost goods in terms of the provisions of section 21A (1), found by him on the railways, or removes from any railway or any train any articles which he has no right to remove therefrom;**

9. Section 43 of the Control and Management Act is hereby amended by the numbering of the existing section as subsection (1), and the insertion of the following new subsection:

(2) For the purpose of this section 'pilot' shall mean any person duly licensed by the Administration to act as a pilot at a particular harbour."

10. Section 57 of the Control and Management Act is hereby amended by the substitution for subsection (1) of the following subsection:

(1) The South African Railways Police Force (hereinafter referred to as 'the Force'), established by the State President, consists of the officers, warrant officers, non-commissioned officers, constables and special constables of the South African Railways Police and includes, except for the purposes of any provision of this Act in respect of which the Commissioner of the Force may, subject to the directions of the Minister, otherwise prescribe, the reservists and the reserves of the South African Railways Police—

(a) who on the date of commencement of this section are members of the Force; and

(b) who may be enrolled as such members in terms of this section after that date."

11. Section 57B of the Control and Management Act is hereby amended—

(a) by the substitution for subsections (2), (3), (4) and (5) of the following subsections:

(2) Any person who wears any uniform or distinctive badge or button of the Force or anything so closely resembling any such uniform, badge or button as to be calculated to deceive, shall, unless—

(a) he is a member of the said Force entitled by reason of his appointment, rank or designation to wear such uniform, badge or button; or

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- (b) aan hom vergunning verleen is om bedoelde uniform, kenteken of knoop te dra deur 'n persoon daartoe gemagtig ingevolge regulasies uitgevaardig kragtens artikel 32 van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960), 5
- aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[honderd]** tweehonderd rand.
- (3) **[Enigiemand anders as 'n lid van die Mag wat deur woorde, gedrag of houding voorgee dat hy so 'n lid is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met sodanige gevangenisstraf sonder die keuse van 'n boete.]** 15
- (a) Iemand wat nie 'n lid van die Mag is nie, en wat—
- (i) deur woord, daad of gedrag voorgee dat hy 'n lid is; of
 - (ii) met 'n lid ooreenkom of hom beweeg of probeer beweeg om sy plig te versaak of in stryd met sy plig te handel; of 20
 - (iii) aan 'n lid sterk drank voorsien terwyl daardie lid diens doen; of
 - (iv) deelneem aan of behulpsaam is by of medepligtig is aan of uitlok tot die pleeg van 'n handeling waardeur 'n wettige bevel aan 'n lid gegee of 'n regulasie ontduik mag word, 25
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—
- (a) in die geval van 'n eerste skuldigbevinding aan so 'n misdryf, met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande; 30
 - (b) in die geval van 'n tweede of daaropvolgende skuldigbevinding aan so 'n misdryf, met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar. 35
- (b) Iemand wat deur middel van 'n valse sertifikaat of 'n valse voorwendsel toegang tot die Mag verkry, of wat, nadat hy uit die Mag ontslaan is, deur die ontslag te verswyg enige salaris, loon, toelae, gratifikasie of pensioen verkry, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige gevangenisstraf sonder die keuse van 'n boete. 45
- (4) Iemand wat, sonder goedkeuring van die Minister, in verband met enige bedrywigheid waarop hy hom toelê, 'n naam, beskrywing, titel of kenteken aanneem, gebruik of op enige wyse publiseer wat aandui of te kenne gee of heet aan te dui of te kenne te gee of wat bereken is om ander persone te laat vermoed of aflei of hulle waarskynlik sal laat vermoed of aflei dat bedoelde bedrywigheid kragtens of uit hoofde van die bepalings van hierdie Wet of onder die beskerming van die Mag voortgesit word of op enige wyse met die Mag geassosieer is of in verband staan, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[honderd]** tweehonderd rand. 50
- (5) Wanneer 'n dekorasie of medalje ingestel of ingevoer is vir lede of voormalige lede van die Mag ingevolge regulasies uitgevaardig kragtens artikel 32 van die Wet op Spoorweg- en Hawediens, 1960, is iemand wat so 'n dekorasie of medalje of die balk, gespe of lint daarvan of iets wat soveel na so 'n dekorasie, medalje, balk, gespe of lint lyk dat dit bereken is om te mislei, dra of sonder skriftelike vergunning verleen deur 'n persoon ingevolge bedoelde regulasies daartoe gemagtig, daarvan gebruik maak, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens 60

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(b) he has been granted permission to wear such uniform, badge or button by a person thereto authorized by regulations made under section 32 of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960),

be guilty of an offence and liable on conviction to a fine not exceeding **[one]** two hundred rand.

(3) **[Any person who, not being a member of the Force, by words, conduct or demeanour pretends that he is such a member, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand or, in default of payment, to imprisonment for a period not exceeding six months, or to such imprisonment without the option of a fine.]**

(a) Any person, not being a member of the Force, who—

(i) by words, conduct or demeanour pretends that he is a member; or

(ii) agrees with or induces or attempts to induce any member to omit to carry out his duty or to do any act in conflict with his duty; or

(iii) supplies intoxicating liquor to any member while such member is on duty; or

(iv) is a party to or aids or abets or incites to the commission of any act whereby any lawful order given to a member or any regulation may be evaded,

shall be guilty of an offence and liable on conviction—

(a) in the case of a first conviction of such offence, to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months;

(b) in the case of a second or subsequent conviction of such offence, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years.

(b) Any person who by means of a false certificate or any false representation obtains admission to the Force, or, having been dismissed from the Force, receives, by concealing the dismissal, any salary, wages, allowance, gratuity or pension, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or, in default of payment, imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine.

(4) Any person who, without the approval of the Minister, in connection with any activity carried on by him takes, assumes, uses or in any manner publishes any name, description, title or symbol indicating or conveying or purporting to indicate or to convey or calculated or likely to lead other persons to believe or infer that such activity is carried on under or by virtue of the provisions of this Act or under the patronage of the Force, or is in any manner associated or connected with the Force, shall be guilty of an offence and liable on conviction to a fine not exceeding **[one]** two hundred rand.

(5) When any decoration or medal has been instituted or created for members or former members of the Force in terms of any regulations made under section 32 of the Railways and Harbours Service Act, 1960, any person who wears or without written permission granted by a person authorized thereto under such regulations, makes use of such decoration or medal or its bar, clasp or ribbon or anything so closely resembling any such decoration, medal, bar, clasp or ribbon as to be calculated to deceive, shall, unless he is the person to whom such decoration or medal was awarded, be guilty

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【vyftig】 honderd rand, tensy hy die persoon is aan wie daardie dekorasie of medalje toegeken is.”;

(b) deur paragraaf (b) van subartikel (6) deur die volgende paragraaf te vervang:

„(b) Iemand wat sodanige toegeld, gelde of leges 5
mag eis, en wat so 'n lid, persoon, dier,
vervoermiddel of uitrustingsstuk by die betre-
ding, deurgang of oorgang van so 'n kaai,
landingsplek, pont, brug, tolhek, hek of deur
op onredelike wyse vertraag of aanhou, is aan 10
'n misdryf skuldig en by skuldigbevinding
strafbaar met 'n boete van hoogstens **【hon-
derd】** tweehonderd rand.”; en

(c) deur na subartikel (6) die volgende subartikel in te 15
voeg:

„(7) (a) Iemand wat sonder die skriftelike magti-
ging van die Kommissaris—

(i) 'n skets maak of 'n foto neem van 'n
persoon wat met die oog op strafregtelike
verrigtinge in wettige bewaring aangehou 20
word of wat voortvlugtig is nadat hy uit
sodanige bewaring ontfug het; of

(ii) 'n skets of 'n foto van 'n persoon bedoel
in paragraaf (i) op enige wyse publiseer 25
of laat publiseer,

voordat—

(a) die verhoor van laasgenoemde persoon,
indien hy die beskuldigde is, of, indien
hy 'n getuie is, die verhoor van die
betrokke beskuldigde, ten opsigte van die 30
misdryf waarmee bedoelde persoon se
aanhouding in verband staan, 'n aanvang
geneem het; of

(b) bedoelde persoon uit sodanige bewaring
vrygelaat is in die geval waar hy nóg die 35
beskuldigde nóg 'n getuie is,

is, ondanks andersluidende wetsbepalings, aan 'n
misdryf skuldig en by skuldigbevinding strafbaar
met 'n boete van hoogstens vyfhonderd rand of met
gevangenisstraf vir 'n tydperk van hoogstens twaalf 40
maande of met daardie boete sowel as daardie
gevangenisstraf.

(b) By die toepassing van hierdie artikel beteken
'foto' ook 'n rolprent, 'n prent wat bestem is
om deur middel van 'n meganiese toestel 45
vertoon te word, en 'n filmkasset, magnetiese
bandkasset of videoplaat.”.

Invoeging
van artikels 57C,
57D, 57E, 57F
en 57G in
Wet 70 van 1957.

12. Die volgende artikels word hierby na artikel 57B van die
Beheer- en Bestuurwet ingevoeg:

„Polisie-
reserwe.

57C. (1) Daar word hierby 'n Polisie-reserwe ingestel 50
bestaande uit elke persoon wat vir 'n tydperk van
minstens twaalf maande in die Mag gedien het en
voor of na die inwerkingtreding van hierdie artikel sy
diens beëindig het, uit die Mag ontslaan of afgedank
is of met pensioen afgedank is. 55

(2) (a) Elke in subartikel (1) bedoelde lid van die
Polisie-reserwe moet binne drie maande na die
inwerkingtreding van hierdie artikel of binne drie
maande nadat hy so lid geword het, 'n polisie-
beampte wat deur die Kommissaris van die Mag 60
aangewys word, skriftelik van sy naam en adres
in kennis stel.

(b) Elke lid van die Polisie-reserwe moet binne
veertien dae na 'n verandering van sy adres
genoemde polisiebeampte skriftelik daarvan in 65
kennis stel.

(c) By vervolging van so 'n lid weens 'n oortreding
van 'n bepaling van paragraaf (a) of (b), word
die betrokke lid geag nie genoemde polisie-

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of an offence and liable on conviction to a fine not exceeding **[fifty]** one hundred rand.”;

(b) by the substitution for paragraph (b) of subsection (6) of the following paragraph:

5 “(b) Any person who may demand any such toll, fee or due, and who wilfully subjects any such member, person, animal, means of transport or article of equipment to unreasonable delay or
10 detention in respect of the entry to, passage through or going over any such wharf, landing place, ferry, bridge, toll-bar, gate or door, shall be guilty of an offence and liable on conviction to a fine not exceeding **[one]** two
15 hundred rand.”; and

(c) by the insertion of the following subsection after subsection (6):

“**(7) (a)** Any person who, without the written authority of the Commissioner—
20 (i) makes a sketch or takes a photograph of any person who is, with a view to criminal proceedings, detained in lawful custody or who is a fugitive after he has escaped from such custody; or
25 (ii) in any manner publishes or causes to be published any sketch or photograph of any person referred to in paragraph (i),
before—
30 (a) the trial of the last-mentioned person, if he is the accused, or, if he is a witness, the trial of the accused concerned, in respect of the offence to which such person’s detention relates, has been commenced with; or
35 (b) such person has been released from such custody in the case where he is neither the accused nor a witness,
shall, notwithstanding anything to the contrary contained in any law, be guilty of an offence and
40 liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.
45 (b) For the purposes of this section “photograph” includes any cinematograph film, any picture intended for exhibition through the medium of a mechanical device, and any film cassette, magnetic tape or video-plate.”.

12. The following sections are hereby inserted after section 57B of the Control and Management Act:

Insertion of sections 57C, 57D, 57E, 57F and 57G in Act 70 of 1957.

50 “Police Reserve.

55 **57C. (1)** There is hereby established a Police Reserve consisting of every person who has served in the Force for a period of not less than twelve months and who before or after the commencement of this section terminated his service, was discharged or dismissed from the Force or was retired on pension.

60 (2) (a) Every member of the Police Reserve referred to in subsection (1) shall in writing notify an officer designated by the Commissioner of the Force, of his name and address within three months after the commencement of this section or within three months after he has become such a member.

65 (b) Every member of the Police Reserve shall in writing notify the said officer of any change of his address within fourteen days of such change.

(c) In any prosecution of any such member for a contravention of any provision of paragraph (a) or (b), the member concerned shall be deemed

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beampte van sy naam en adres of van 'n verandering van sy adres in kennis te gestel het nie, tensy hy—

- (i) 'n erkenning deur genoemde polisiebeampte van sy kennisgewing van sy naam en adres of van 'n verandering van sy adres, na gelang van omstandighede, toon; of
- (ii) ander bewys ten genoeë van die hof lewer dat hy inderdaad genoemde polisiebeampte van sy naam en adres of van 'n verandering van sy adres, na gelang van omstandighede, in kennis gestel het.

(3) Die Minister of 'n offisier wat op sy gesag handel, kan van tyd tot tyd, by skriftelike kennisgewing, deur die pos bestel of oorhandig, 'n lid van die Polisie-reserwe, behalwe 'n lid wat die ouderdom van vyf-en-sestig jaar bereik het, beveel om hom vir diens aan te meld by die polisiebeampte in bevel van 'n polisiestasie wat in die kennisgewing vermeld word en op die tyd en vir die tydperk wat aldus vermeld word: Met dien verstande dat die Minister of so 'n offisier so 'n lid kan vrystel van 'n verpligting wat hom ingevolge hierdie artikel opgelê is of so 'n lid uit die Polisie-reserwe kan ontslaan of afdank.

(4) Geen in subartikel (1) bedoelde lid van die Polisie-reserwe word verplig om in 'n laer rang in die Mag diens te doen nie as die rang waarin hy by die beëindiging van sy diens in die Mag diens gedoen het.

(5) Die in subartikel (3) bedoelde tydperk oorskry nie dertig dae per jaar nie.

(6) Die bepaling van subartikel (3) is nie van toepassing nie op 'n in subartikel (1) bedoelde lid van die Polisie-reserwe na verloop van 'n tydperk van vyf jaar vanaf die datum waarop hy sy diens in die Mag beëindig het of die datum waarop hy uit die Mag ontslaan of afgedank is of met pensioen uit bedoelde diens afgedank is.

(7) Indien die Minister van oordeel is dat 'n optrede of dreigement van optrede deur 'n persoon of liggaam van persone van so 'n aard en omvang is dat die openbare veiligheid, die handhawing van die openbare orde, of lewens of eiendom, ernstig bedreig word, kan hy, ondanks die bepaling van subartikels (5) en (6) maar behoudens die bepaling van subartikel (3), 'n lid van die Polisie-reserwe beveel om vir 'n tydperk wat hy dienstig ag, in die Mag diens te doen.

(8) Die bepaling van subartikel (7) van hierdie artikel is aanvullend tot en nie ter vervanging nie van die bepaling van die Verdedigingswet, 1957 (Wet No. 44 van 1957).

(9) Geen bepaling van hierdie artikel word so uitgelê nie dat dit 'n persoon wat by die beëindiging van sy diens in die Mag minder as twaalf maande aldus diens gedoen het of 'n lid van die Polisie-reserwe wat ingevolge hierdie artikel van diens in die Mag vrygestel is of uit die Mag ontslaan of afgedank is, vrystel van die bepaling van die Verdedigingswet, 1957.

(10) 'n Lid van die Polisie-reserwe wat 'n bepaling van hierdie artikel oortree of versuim om te voldoen aan 'n bevel wat daarkragtens uitgereik is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens driehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie gevangenisstraf sonder die keuse van 'n boete of met daardie boete sowel as daardie gevangenisstraf.

Pligte van
werkgewers.

57D. (1) 'n Werkgewer moet aan iemand in sy diens wat ingevolge artikel 57C beveel word om hom

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not to have notified the said officer of his name and address or of any change of his address, unless he—

5 (i) produces an acknowledgement by the said officer of his notice of his name and address or of any change of his address, as circumstances may require; or

10 (ii) adduces other proof to the satisfaction of the court that he has in fact notified the said officer of his name and address or of any change of his address, as circumstances may require.

15 (3) The Minister or any commissioned officer acting under his authority may, from time to time, by notice in writing, sent by post or delivered, order any member of the Police Reserve, other than a member who has attained the age of sixty-five years, to report for service to the officer in charge of such police station as may be specified in such notice, and at such time and for such period as may be so specified: Provided that the Minister or any such commissioned officer may exempt any such member from any obligation imposed upon him in terms of this section or may discharge or dismiss any such member from the Force.

25 (4) No member of the Police Reserve referred to in subsection (1) shall be compelled to serve in the Force in a rank inferior to the rank in which he served in the Force at the termination of his service.

30 (5) The period referred to in subsection (3) shall not exceed thirty days per year.

35 (6) The provisions of subsection (3) shall not apply to a member of the Police Reserve referred to in subsection (1) after the expiration of a period of five years as from the date on which he terminated his service in the Force or the date on which he was discharged or dismissed from the Force or was retired on pension from such service.

40 (7) If the Minister is of the opinion that any action or threat of action by any person or body of persons is of such a nature and extent that the public safety, the maintenance of public order, or life or property, is seriously endangered, he may, notwithstanding the provisions of subsections (5) and (6), but subject to the provisions of subsection (3), order any member of the Police Reserve to serve in the Force for a period which he thinks fit.

45 (8) The provisions of subsection (7) of this section shall be in addition to and not in substitution for the provisions of the Defence Act, 1957 (Act No. 44 of 1957).

50 (9) No provision of this section shall be so construed as to exempt any person who at the termination of his service in the Force has served as such for a period of less than twelve months or any member of the Police Reserve who in terms of this section is exempted from service in the Force or discharged or dismissed from the Force, from the provisions of the Defence Act, 1957.

55 (10) Any member of the Police Reserve who contravenes any provision of this section or fails to comply with an order issued in terms thereof, shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred rand or to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

Duties of
employers.

57D. (1) An employer shall afford any person in his employ who is ordered in terms of section 57C to

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vir diens aan te meld, alle redelike fasiliteite verleen om hom in staat te stel om vir daardie diens aan te meld.

(2) 'n Werkgewer wat—

- (a) versuim om fasiliteite soos voormeld te verleen; 5
- (b) 'n werknemer ontslaan of sy salaris of loon verminder of sy posisie tot sy nadeel verander of op enige ander wyse so 'n werknemer benadeel omdat hy hom vir die in subartikel (1) bedoelde diens aangemeld het of dit verrig het; of 10
- (c) deur woorde, gedrag of op enige ander wyse iemand wat in sy diens is of wil tree, regstreeks of onregstreeks verplig, beweeg of oorhaal of probeer verplig, beweeg of oorhaal om die in subartikel (1) bedoelde diens te vermy, of hom nie daarvoor aan te meld nie of dit nie te verrig nie, 15

is, behoudens die bepalings van subartikels (3) en (4), aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens driehonderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige gevangenisstraf sonder die keuse van 'n boete of met beide sodanige boete en gevangenisstraf. 20

(3) (a) Die bepalings van hierdie artikel word nie so uitgelê dat dit 'n werkgewer verplig om aan iemand wat vir hom werk, 'n salaris of loon te betaal ten opsigte van 'n tydperk waartydens hy afwesig is van sy werk ten einde die in subartikel (1) bedoelde diens te verrig nie. 25 30

(b) Ondanks die bepalings van subartikels (1) en (2) en van enige ander wet, is geen werknemer wat die in subartikel (1) bedoelde diens verrig en wat by wet of ingevolge 'n voorwaarde van sy werk geregtig is op verhoogde besoldiging, betaalde verlof, of, behoudens die bepalings van subparagraaf (ii), enige soortgelyke voordeel na voltooiing van 'n bepaalde tydperk of agtereenvolgende tydperke van werk— 35 40

(i) geregtig om ten opsigte van enige een ononderbroke tydperk van die in subartikel (1) bedoelde diens meer as dertig dae van afwesigheid van sy werk wat deur daardie diens veroorsaak is, as werk te reken by die vasstelling van daardie verhoogde besoldiging, betaalde siekteverlof of ander betaalde verlof, of soortgelyke voordeel wat hom toekom ten opsigte van daardie werk nie: Met dien verstande dat hierdie subparagraaf nie so uitgelê word dat dit enige langer tydperk vasgestel of bepaal by of kragtens 'n wet wat op sy werk betrekking het, beperk nie; 45 50

(ii) geregtig op die verlening aan hom deur sy werkgewer van betaalde siekteverlof ten opsigte van 'n tydperk wat binne die perke van 'n tydperk van die in subartikel (1) bedoelde diens val en waartydens hy buite aksie gestel is as gevolg van 'n besering of siekte nie; 55 60

(iii) geregtig om enige sodanige betaalde siekteverlof of ander betaalde verlof of enige ander voordeel te eis voordat hy ooreenkomstig die bepalings van hierdie Wet toegelaat is om sy werk te hervat, en hy aldus sy werk hervat het nie. 65

(4) Indien 'n in subartikel (3) bedoelde werknemer 'n vakleerling is soos in die Wet op Vakleerlinge, 1944 (Wet No. 37 van 1944), omskryf, is die bepalings van artikel 26 (4) van daardie Wet van toepassing ten opsigte van 'n tydperk van sy af-

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report for service all reasonable facilities to enable him to report for such service.

(2) Any employer who—

- 5 (a) fails to afford facilities as aforesaid;
(b) dismisses an employee or reduces his salary or wages or alters his position to his disadvantage or in any other manner penalizes such employee for the reason that he has reported for or has rendered service referred to in subsection (1); or
10 (c) by words, conduct or in any other manner directly or indirectly compels, induces or prevails upon, or attempts to compel, induce or prevail upon, any person in or seeking to enter his employment to evade service referred to in subsection (1) or to refrain from reporting or rendering such service,

15 shall subject to the provisions of subsections (3) and (4) be guilty of an offence and liable on conviction to a fine not exceeding three hundred rand or, in default of payment, imprisonment for a period not exceeding
20 six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

25 (3) (a) Nothing in this section shall be construed as requiring any employer to pay any person in his employ any salary or wages in respect of any period during which he is absent from his work for the purpose of rendering service referred to in subsection (1).

30 (b) Notwithstanding the provisions of subsections (1) and (2) and of any other law, no employee who is rendering service referred to in subsection (1) and who is by law or in terms of any condition of his employment entitled to increased remuneration, paid sick leave or other paid leave
35 of absence, or, subject to the provisions of subparagraph (ii), any similar benefit upon completion of a fixed period or successive fixed periods of employment shall—

- 40 (i) have the right to reckon in respect of any one unbroken period of service referred to in subsection (1) more than thirty days of the absence from his employment occasioned by such service as employment in
45 the determination of such increased remuneration, paid sick leave, or other paid leave of absence or similar benefit as may accrue to him in respect of such employment: Provided that this paragraph shall not be construed as limiting any longer period which may be determined or fixed by or
50 under any law relating to his employment;
- 55 (ii) be entitled to the grant to him by his employer of paid sick leave in respect of a period falling within the limits of any period of service referred to in subsection (1), during which he is incapacitated as a result of any injury or illness;
- 60 (iii) claim any such paid sick leave or other paid leave of absence or any other benefit before he has, pursuant to the provisions of this Act, been permitted to resume his employment and has so resumed his employment.

65 (4) If an employee referred to in subsection (3) is an apprentice as defined in the Apprenticeship Act, 1944 (Act No. 37 of 1944), the provisions of section 26 (4) of that Act shall apply in respect of a period of his absence from his employment occasioned by

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wesigheid van sy werk veroorsaak deur die in subartikel (1) bedoelde diens gedurende die voorgeskrewe tydperk van sy vakleerlingskap.

(5) Wanneer by verrigtings ingevolge subartikel (2) (b) bewys word dat 'n werkgewer die betrokke werknemer ontslaan het of sy salaris of loon verminder het of sy posisie tot sy nadeel verander het, of daardie werknemer op enige ander wyse benadeel het, word daardie werkgewer, totdat die teendeel bewys is, geag daardie werknemer te ontslaan het of sy salaris of loon te verminder het of sy posisie aldus te verander het of hom aldus te benadeel het, na gelang van die geval, omdat daardie werknemer ingevolge artikel 57C beveel is om hom vir diens aan te meld of sodanige diens gedoen het.

Indiensneming van sekere lede van die Polisiereserwe.

57E. Ondanks die bepalinge van artikel 57C kan die Kommissaris van die Mag of 'n offisier wat op sy gesag handel 'n lid van die Polisiereserwe in die Mag in diens neem en kan te eniger tyd die dienste van so 'n lid wat aldus in diens geneem is, beëindig.

Vrywillige bykomende diens.

57F. Ondanks die bepalinge van artikel 57C kan 'n persoon wat van diens in die Polisiereserwe vrygestel is, onderworpe aan die goedkeuring van die Kommissaris van die Mag, vrywillig in die Polisiereserwe dien.

Besoldiging van lede van die Polisiereserwe

57G. (1) Aan alle lede van die Polisiereserwe word salarisse of toelaes betaal soos deur die Minister bepaal.

(2) Die Minister kan diensvoorwaardes ten opsigte van die Polisiereserwe voorskryf."

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, artikel 7 van Wet 44 van 1974, en artikel 10 van Wet 8 van 1976.

13. (1) Artikel 13 van die Wet op Spoorweg- en Hawediens, 1960 (hierna „die Dienswet" genoem), word hierby gewysig deur na subartikel (7) die volgende subartikel in te voeg:

„(8) (a) Ondanks die bepalinge van subartikels (4), (6) en

(7) word daar by die oorlye op of na 30 November 1977 van 'n persoon aan wie 'n jaargeld toegeken is kragtens subartikel (1) van hierdie artikel of kragtens artikel 11 bis (1) van die „Spoorwegan en Havens Dienst Wet, 1925" (Wet No. 23 van 1925), aan sy weduwee 'n jaargeld betaal bereken volgens voorskrif van Pensioenregulasie No. 43: Met dien verstande dat as die oorlede jaargeldtrekker geen weduwee nalaat nie geen verdere betaling gemaak sal word nie.

(b) 'n Jaargeld toegeken aan 'n weduwee ingevolge hierdie subartikel word verhoog met twee persent, jaarliks saamgestel, vanaf die eerste dag van die maand van die verjaardatum waarop 'n jaargeld die eerste keer aan die oorlede jaargeldtrekker betaalbaar geword het.

(c) 'n Jaargeld betaalbaar ingevolge hierdie subartikel word voorts verhoog ooreenkomstig Pensioenregulasie No. 48."

(2) Subartikel (1) word geag op 1 Desember 1977 in werking te getree het.

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

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

(a) deur subartikel (1) deur die volgende subartikel te 55 vervang:

„(1) Met inagneming van die bepalinge van subartikels (5) en (7) van hierdie artikel en van artikel 2 van die Wysigingswet op die Spoorweg- en Hawediens en -superannuasie, 1955 (Wet No. 50 van 1955), word 'n 60 dienaar uit die Diens afgedank by bereiking van die leeftyd van—

(a) drie-en-sestig jaar; of

(b) sestig jaar, indien hy onmiddellik voor die bereiking van daardie leeftyd die betrekking beklee het 65

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service referred to in subsection (1) during the prescribed period of his apprenticeship.

(5) Whenever in any proceedings under subsection (2) (b), it is proved that an employer has dismissed the employee concerned or has reduced his salary or wages or altered his position to his disadvantage, or has in any other manner penalized such employee, that employer shall be deemed, unless the contrary is proved, to have dismissed such employee or to have so reduced his salary or wages or to have so altered his position or to have so penalized him, as the case may be, for the reason that such employee has been ordered in terms of section 57C to report for service or has rendered such service.

15 Employment of certain members of the Police Reserve. **57E.** Notwithstanding the provisions of section 57C, the Commissioner of the Force or any commissioned officer acting under his authority may employ any member of the Police Reserve in the Force and may at any time terminate the services of any such member so employed.

20 Voluntary additional service. **57F.** Notwithstanding the provisions of section 57C any person who is exempted from service in the Police Reserve may, subject to the approval of the Commissioner of the Force, voluntarily serve in the Police Reserve.

25 Remuneration of members of the Police Reserve. **57G.** (1) All members of the Police Reserve shall be paid salaries or allowances as defined by the Minister.
(2) The Minister may prescribe conditions of service in respect of the Police Reserve."

13. (1) Section 13 of the Railways and Harbours Service Act, 1960 (hereinafter called "the Service Act"), is hereby amended by the insertion of the following subsection after subsection (7):

35 "(8) (a) Notwithstanding the provisions of subsections (4), (6) and (7) there shall, upon the death on or after 30 November 1977 of a person to whom an annuity has been granted under subsection (1) of this section or under section 11bis (1) of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), be paid to his widow an annuity calculated in accordance with the provisions of Pension Regulation No. 43: Provided that if the deceased annuitant leaves no widow no further payment shall be made.
40 (b) An annuity payable in terms of this subsection shall be increased by two per cent, compounded annually, from the first day of the month of the anniversary of the date on which an annuity first became payable to the deceased annuitant.
45 (c) An annuity payable in terms of this subsection shall be further increased in accordance with Pension Regulation No. 48."

(2) Subsection (1) shall be deemed to have come into operation on 1 December 1977.

55 **14.** (1) Section 16 of the Service Act is hereby amended—
(a) by the substitution for subsection (1) of the following subsection:

60 "(1) Subject to the provisions of subsections (5) and (7) of this section and of section 2 of the Railways and Harbours Service and Superannuation Amendment Act, 1955 (Act No. 50 of 1955), a servant shall be retired from the Service on attaining the age of—
(a) sixty-three years; or
(b) sixty years, if immediately prior to the attainment of that age he held the position of a policeman

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, section 7 of Act 44 of 1974 and section 10 of Act 8 of 1976.

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

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Wet 85 van 1971,
artikel 2 van
Wet 33 van 1972,
artikel 9 van
Wet 47 van 1973,
artikel 12 van
Wet 46 van 1975
en artikel 12 van
Wet 8 van 1976.

- van 'n polisiebeampte (welke uitdrukking by die
toepassing van hierdie paragraaf beteken 'n lid van
die Suid-Afrikaanse Spoorwegpolisiemag, soos
omskryf in artikel 57 van die Konsolidasiewet op
die Beheer en Bestuur van Spoorweë en Hawens, 5
1957 (Wet No. 70 van 1957); of
- (c) agt-en-vyftig jaar, indien hy onmiddellik voor die
bereiking van daardie leeftyd die betrekking beklee
het van—
(i) 'n telegrafis; of 10
(ii) 'n drywer, senior stoker, senior drywersassis-
tent, stoker of drywersassistent van 'n lokomo-
tief; of
- (d) agt-en-vyftig jaar, indien hy onmiddellik voor die
bereiking van daardie leeftyd die betrekking beklee 15
het van direkteur (vliegbedryf), vlootkaptein,
seniorkaptein, kaptein, hoofopleidingskaptein,
senioropleidingskaptein, opleidingskaptein, senior-
eersteoffisier, eersteoffisier, hoofoffisiernavigator,
assistent-hofoffisiernavigator, seniorinstrukturna- 20
vigator, instrukturnavigator of offisiernavigator in
die lugdiensdepartement van die Diens, of 'n ander
betrekking in daardie departement, van die bekleër
waarvan daar verlang word of kan word om dienste
aan boord van 'n vliegtuig in vlug te verrig, waarop 25
die Minister by kennisgewing in die *Staatskoerant*
bedoelde aftreeleeftyd van toepassing verklaar het.
'n Betrekking wat in so 'n kennisgewing genoem
word, word geag uitdruklik in hierdie paragraaf
vermeld te gewees het; of 30
- (e) agt-en-vyftig jaar, indien hy onmiddellik voor die
bereiking van daardie leeftyd die betrekking beklee
het van hoofoffisierboordingenieur, senioroffisier-
boordingenieur, seniorinstrukteuroffisierboordinge- 35
nieur, instrukteuroffisierboordingenieur of offisier-
boordingenieur in die lugdiensdepartement van die
Diens, of 'n ander betrekking in daardie departe-
ment, van die bekleër waarvan daar verlang word
of kan word om dienste aan boord van 'n vliegtuig
in vlug te verrig, waarop die Minister by kennisge- 40
wing in die *Staatskoerant* bedoelde aftreeleeftyd
van toepassing verklaar het. 'n Betrekking wat in
so 'n kennisgewing genoem word, word geag
uitdruklik in hierdie paragraaf vermeld te gewees
het **I:1**; of 45
- (f) drie-en-sestig jaar, indien hy onmiddellik voor die
bereiking van daardie leeftyd die betrekking beklee
het van ertstreindrywer, rangeerdrywer of drywers-
assistent van 'n lokomotief, en oorgeplaas is na die 50
diens van die Administrasie voortspruitend uit die
aankoop van die Sishen-Saldanhabaaiprojek krag-
tens die Spoorweg- en Hawe-aankoopwet, 1977
(Wet No. 47 van 1977): Met dien verstande dat so
'n oorgeplaaste dienaar wat verkies het om by
bereiking van die aftreeleeftyd van agt-en-vyftig 55
jaar uit die Diens te tree by bereiking van sodanige
leeftyd uit die Diens afgedank word:

Met dien verstande dat **I:—**

- (i) **I** as 'n dienaar die betrokke aftreeleeftyd wat op hom
van toepassing is, bereik op 'n ander dag as die 60
eerste dag van 'n maand, sy uitdienstreding uit die
Diens van krag word vanaf die eerste dag van die
daaropvolgende maand**I**;
- (ii) in die geval van 'n dienaar wat binne 'n tydperk
van ses maade na die eerste dag van April 1969 65
uit diens moet tree, sy uitdienstreding van krag
word vanaf die dag waarop hy die besondere
ouderdom van toepassing op sy geval,
bereik **I**.''; en

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(which expression shall for the purpose of this paragraph mean a member of the South African Railways Police Force as defined in section 57 of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957); or

Act 85 of 1971,
section 2 of
Act 33 of 1972,
section 9 of
Act 47 of 1973,
section 12 of
Act 46 of 1975
and section 12 of
Act 8 of 1976.

(c) fifty-eight years, if immediately prior to the attainment of that age he held the position of—

(i) a telegraphist; or

(ii) a driver, senior fireman, senior driver's assistant, fireman or driver's assistant of a locomotive; or

(d) fifty-eight years, if immediately prior to the attainment of that age he held the position of director (flight operations), fleet captain, senior captain, captain, chief training captain, senior training captain, training captain, senior first officer, first officer, chief navigation officer, assistant chief navigation officer, senior navigation instructor, navigation instructor or navigation officer in the airways department of the Service, or any other position in the said department, the incumbent whereof is or may be required to perform duties on board an aircraft in flight, to which the Minister has by notice in the *Gazette* declared the said age of retirement to apply. Any position mentioned in any such notice shall be deemed to have been specifically mentioned in this paragraph; or

(e) fifty-eight years, if immediately prior to the attainment of that age he held the position of chief flight engineer officer, senior flight engineer officer, senior flight engineer officer instructor, flight engineer officer instructor or flight engineer officer in the airways department of the Service, or any other position in the said department, the incumbent whereof is or may be required to perform duties on board an aircraft in flight, to which the Minister has by notice in the *Gazette* declared the said age of retirement to apply. Any position mentioned in any such notice shall be deemed to have been specifically mentioned in this paragraph **1:1**; or

(f) sixty-three years, if immediately prior to the attainment of that age he held the position of ore train driver, shunting driver or driver's assistant of a locomotive and was transferred to the Service of the Administration in consequence of the purchase of the Sishen-Saldanha Bay Project in terms of the Railway and Harbour Purchase Act, 1977 (Act No. 47 of 1977): Provided that such a transferred servant who has elected to be retired from the Service on attaining the age of retirement of fifty-eight years shall be retired from the Service on attaining such age:

Provided that **1:—**

(i) **1** if a servant attains the particular age of retirement applicable to him on any day other than the first day of a month, his retirement from the Service shall become effective as from the first day of the following month**1;**

(ii) in the case of a servant who is due to retire within a period of six months after the first day of April, 1969, his retirement shall become effective on the day he attains the particular age applicable in his case**1;** and

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- (b) deur in subartikel (2) die uitdrukking „paragraaf (b), (c), (d) of (e) van subartikel (1)“ te vervang deur die uitdrukking „paragraaf (b), (c), (d), (e) of (f) van subartikel (1)“.

(2) Subartikel (1) word geag op 1 Julie 1977 in werking te getree het.

Invoeging van
artikel 32A in
Wet 22 van 1960.

15. (1) Die volgende artikel word hierby na artikel 32 van die Dienswet ingevoeg:

„Voorbehoud met betrekking tot personeel verbonde aan die Sishen-Saldanha-baaiprojek. **32A.** Die Minister kan die diensvoorwaardes voorskryf van personeel wat van die Suid-Afrikaanse Yster en Staal Industriële Korporasie Beperk, sonder 'n onderbreking van diens na die diens van die Administrasie oorgeplaas word voortspruitend uit die aankoop van die Sishen-Saldanhabaaiprojek, kragtens die Spoorweg- en Hawe-aankoopwet, 1977 (Wet No. 47 van 1977).”.

(2) Subartikel (1) word geag op 1 Julie 1977 in werking te getree het.

Invoeging van
artikel 32B
in Wet 22
van 1960.

16. Die volgende artikel word hierby na artikel 32 van die Dienswet ingevoeg:

„Instelling en beheer van apteke. **32B.** Die Administrasie word hierby gemagtig om apteke vir die doeleindes van die siekefonds in te stel en te beheer en die optrede van die Administrasie met die instelling van die bestaande apteke word hierby bekragtig. Met dien verstande dat alvorens verdere apteke na 1 Julie 1978 ingestel word daar met die Minister van Gesondheid oorleg gepleeg word.”.

Wysiging van
artikel 8 van
Wet 35 van 1971,
soos gewysig deur
artikel 11 van
Wet 33 van 1972,
en artikel 33 van
Wet 8 van 1976.

17. (1) Artikel 8 van die Spoorweg- en Hawepensioenwet, 1971 (hierna „die Pensioenwet” genoem), word hierby gewysig deur subartikel (2) te skrap.

(2) Subartikel (1) word geag op 1 Desember 1977 in werking te getree het.

Wysiging van
artikel 13 van
Wet 35 van 1971,
soos gewysig deur
artikel 13 van
Wet 33 van 1972.

18. Artikel 13 van die Pensioenwet word hierby gewysig—

- (a) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) By die toepassing van subartikel (2) word die behoeftes van die Nuwe Fonds bereken teen 'n bedrag gelykstaande met die bedrag van die bydraes wat deur die oorgeplaaste persoon aan die Nuwe Fonds betaalbaar sou gewees het tesame met die bedrag wat die Administrasie sou bygedra het indien hy gedurende die tydperk van sy pensioengewende diens in die diens waaruit hy oorgeplaas is, 'n lid van die Nuwe Fonds was en tot daardie fonds bygedra het ooreenkomstig die toepaslike skaal van bydraes van tyd tot tyd vasgestel deur hierdie Wet of die regulasies, die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), of die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), en op die pensioengewende emolumente waarop hy van tyd tot tyd bygedra het tot die pensioen- of voorsorgfonds vir bedoelde diens ingestel, tesame met **[jaarliks saamgestelde rente teen die koers van vyf persent per jaar en bereken met verwysing na die datums waarop sodanige bydraes betaalbaar sou geword het]** rente soos volg:

- (i) Voor 1 April 1971—teen 4½ persent per jaar maandeliks saamgestel.

- (ii) Vanaf 1 April 1971 tot die end van die maand waarin die oorplasing geskied—teen die koers wat deur die Administrasie bepaal is ingevolge die regulasies en soos van toepassing op die datum van oorplasing.

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- (b) by the substitution, in subsection (2), for the expression "paragraph (b), (c), (d) or (e) of subsection (1)" of the expression "paragraph (b), (c), (d), (e) or (f) of subsection (1)".

5 (2) Subsection (1) shall be deemed to have come into operation on 1 July 1977.

15 (1) The following section is hereby inserted after section 32 of the Service Act:

Insertion of section 32A in Act 22 of 1960.

10 "Saving as to staff attached to the Sishen-Saldanha Bay Project. **32A. The Minister may prescribe the service conditions of staff transferred from the South African Iron and Steel Industrial Corporation Limited, without a break in service, to the service of the Administration in consequence of the purchase of the Sishen-Saldanha Bay Project in terms of the Railway and Harbour Purchase Act, 1977 (Act No. 47 of 1977)."**

15 (2) Subsection (1) shall be deemed to have come into operation on 1 July 1977.

16. The following section is hereby inserted after section 32 of the Service Act:

Insertion of section 32B in Act 22 of 1960.

20 "Establishment and management of dispensaries. **32B. The Administration is hereby empowered to establish and manage dispensaries for the purposes of the sick fund, and the action of the Administration in establishing the existing dispensaries is hereby confirmed: Provided that before further dispensaries are established after 1 July 1978, the Minister of Health shall be consulted."**

17. (1) Section 8 of the Railways and Harbours Pensions Act, 1971 (hereinafter called "the Pensions Act"), is hereby amended by the deletion of subsection (2).

Amendment of section 8 of Act 35 of 1971, as amended by section 11 of Act 33 of 1972 and section 33 of Act 8 of 1976.

30 (2) Subsection (1) shall be deemed to have come into operation on 1 December 1977.

18. Section 13 of the Pensions Act is hereby amended—

Amendment of section 13 of Act 35 of 1971, as amended by section 13 of Act 33 of 1972.

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

35 "(3) For the purpose of subsection (2) the requirements of the New Fund shall be calculated at an amount equal to the amount of the contributions which would have been payable to the New Fund by the person transferred together with the amount which the Administration would have contributed if during the period of his pensionable employment in the service from which he was transferred, he had been a member of the New Fund and had contributed to that fund in accordance with the appropriate scale of contributions from time to time in force under this Act or the regulations, the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960), or the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), and on the pensionable emoluments on which he was from time to time contributing to the pension or provident fund established for the said service, together with interest **compounded annually at the rate of five per cent per annum and calculated by reference to the dates upon which such contributions would have become payable** as follows:

- 55 (i) Prior to 1 April 1971—at 4½ per cent per annum compounded monthly.
60 (ii) From 1 April 1971 until the end of the month in which the transfer is effected—at the rate determined by the Administration in terms of the regulations and as applicable at the date of transfer.

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- (iii) Vanaf die eerste dag van die maand wat volg op die datum van oorplasing tot die end van die maand waarin daar ten volle aan die Nuwe Fonds se behoeftes voldoen is—teen 'n koers wat in samewerking met die Pensioen-ooriteit bepaal is.''. 5
- (b) deur na subartikel (3) die volgende subartikels in te voeg:
- „(4) Indien iemand wat 'n lid is van die pensioenfonds van die Suid-Afrikaanse Yster en Staal Industriële Korporasie Beperk, voortspruitend uit die aankoop van die Sishen-Saldanhabaai-projek, kragtens die Spoorweg- en Hawe-aankoopwet, 1977 (Wet No. 47 van 1977), sonder 'n onderbreking van sy diens oorgeplaas word na die diens van die Administrasie en 'n lid van die Nuwe Fonds word (as 'n voorwaarde van toelating waartoe geen geneeskundige ondersoek vereis word nie), is hy geregtig om vir pensioendoeleindes die hele tydperk van sy pensioengewende diens in die diens waaruit hy oorgeplaas is, as aaneenlopend te reken met dié van sy pensioengewende diens by die Administrasie: Met dien verstande dat daar uit die pensioenfonds waarvan so iemand 'n lid was, aan die Administrasie ten bate van die Nuwe Fonds die bedrag betaal word wat deur die Nuwe Fonds vereis word, en so iemand het daarna geen verdere vordering teen die pensioenfonds waarvan hy 'n lid was nie. 10 15 20 25
- (5) By die toepassing van subartikel (4) word die behoeftes van die Nuwe Fonds bereken teen 'n bedrag gelykstaande met die bedrag van die bydraes wat deur die oorgeplaaste persoon aan die Nuwe Fonds betaalbaar sou gewees het tesame met die bedrag wat die Administrasie sou bygedra het indien hy gedurende die tydperk van sy pensioengewende diens in die diens waaruit hy oorgeplaas is, 'n lid van die Nuwe Fonds was en tot daardie fonds bygedra het ooreenkomstig die toepaslike skaal van bydraes van tyd tot tyd vasgestel deur hierdie Wet of die regulasies, die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), of die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925“ (Wet No. 24 van 1925), en op die pensioengewende emolumente waarop hy van tyd tot tyd bygedra het tot die pensioenfonds vir bedoelde diens ingestel, tesame met rente soos volg en bereken met verwysing na die datums waarop sodanige bydraes betaalbaar sou geword het tot aan die einde van die maand waarin vereffening ten volle geskied: 30 35 40 45
- (i) Voor 1 April 1971—teen 4½ persent per jaar, maandeliks saamgestel.
- (ii) Van 1 April 1971 af—teen die gemiddelde rentekoers, maandeliks saamgestel, op beleggings van die Nuwe Fonds soos bekend op die datum van oorplasing.''. 50

(2) Subartikel (1) (b) word geag op 1 Julie 1977 in werking te getree het.

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 en artikel 35 van Wet 8 van 1976.

19. (1) Artikel 17 van die Pensioenwet word hierby gewysig— 55
- (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** 60 65
- koerse van toepassing op die terugdatering van**

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(iii) From the first day of the month following the date of transfer until the end of the month in which the requirements of the New Fund have been fully met—at a rate determined in collaboration with the Pensions Authority.”

(b) by the insertion of the following subsections after subsection (3):

“(4) If a person who is a member of the pension fund of the South African Iron and Steel Industrial Corporation Limited, is transferred without a break in his service to the service of the Administration in consequence of the purchase of the Sishen-Saldanha Bay Project in terms of the Railway and Harbour Purchase Act, 1977 (Act No. 47 of 1977), and becomes a member of the New Fund (as a condition of admission where to a medical examination shall not be required), he shall be entitled for pension purposes to reckon the whole period of his pensionable employment in the service from which he was transferred, as continuous with that of his pensionable employment under the Administration: Provided that there shall be paid from the pension fund of which such person was a member, to the Administration for the benefit of the New Fund, such amount as is required by the New Fund, and thereafter such person shall have no further claim upon the pension fund of which he was a member.

(5) For the purpose of subsection (4) the requirements of the New Fund shall be calculated at an amount equal to the amount of the contributions which would have been payable to the New Fund by the person transferred together with the amount which the Administration would have contributed if, during the period of his pensionable employment in the service from which he was transferred, he had been a member of the New Fund and had contributed to that fund in accordance with the appropriate scale of contributions from time to time in force under this Act or the regulations, the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960), or the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), and on the pensionable emoluments on which he was from time to time contributing to the pension fund established for the said service, together with interest as follows and calculated by reference to the dates upon which such contributions would have become payable up to the end of the month in which full settlement is effected:

(i) Prior to 1 April 1971—at 4½ per cent per annum compounded monthly.

(ii) From 1 April 1971—at the average rate of interest, compounded monthly, on investments of the New Fund as is known at the date of transfer.”

(2) Subsection (1) (b) shall be deemed to have come into operation on 1 July 1977.

19. (1) Section 17 of the Pensions Act is hereby amended—

(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** rates applicable to the antedating of

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 and section 35 of Act 8 of 1976.

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pensioengewende diens soos bepaal in die regulasies.”;

(b) deur subparagraaf (ii) van subartikel (5) (c) te skrap.

(2) Subartikel (1) (b) word geag op 1 Desember 1977 in werking te getree het.

5

Wysiging van
artikel 12 van
Wet 43 van 1974.

20. (1) Artikel 12 van die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974, word hierby gewysig deur na subartikel (3) die volgende subartikels in te voeg:

„(4) Indien iemand wat 'n lid is van die pensioenfonds van die Suid-Afrikaanse Yster en Staal Industriële Korporasie Beperk, voortspruitend uit die aankoop van die Sishen-Saldanhabaaiprojek kragtens die Spoorweg- en Haweaankoopwet, 1977 (Wet No. 47 van 1977), sonder 'n onderbreking van sy diens oorgeplaas word na die diens van die Administrasie en 'n lid word (as 'n voorwaarde van lidmaatskap word geen geneeskundige ondersoek vereis nie), is hy geregtig om vir pensioendoeleindes die hele tydperk van sy pensioengewende diens in die diens waaruit hy oorgeplaas is, as aaneenlopend te reken met dié van sy pensioengewende diens by die Administrasie: Met dien verstande dat daar uit die pensioenfonds waarvan so iemand 'n lid was, aan die Administrasie ten bate van die Pensioenfonds die bedrag betaal word wat deur die Pensioenfonds vereis word, en so iemand het daarna geen verdere vordering teen die pensioenfonds waarvan hy 'n lid was nie.

(5) By die toepassing van subartikel (4) word die behoeftes van die Pensioenfonds bereken teen 'n bedrag gelykstaande met die bedrag van die bydraes wat deur die oorgeplaaste persoon aan die Pensioenfonds betaalbaar sou gewees het tesame met die bedrag wat die Administrasie sou bygedra het indien hy gedurende die tydperk van sy pensioengewende diens in die diens waaruit hy oorgeplaas is, 'n lid van die Pensioenfonds was en tot daardie fonds bygedra het ooreenkomstig die toepaslike skaal van bydraes van tyd tot tyd vasgestel deur hierdie Wet of die regulasies, en op die pensioengewende emolumente waarop hy van tyd tot tyd bygedra het tot die pensioenfonds vir bedoelde diens ingestel, tesame met rente teen die gemiddelde rentekoers, maandeliks saamgestel, op beleggings van die Pensioenfonds soos bekend op die datum van oorplasing, tot aan die einde van die maand waarin vereffening ten volle geskied.”.

(2) Subartikel (1) word geag op 1 Julie 1977 in werking te getree het.

Toepassing van
Wet op Suidwes-
Afrika.

21. Hierdie Wet en 'n wysiging daarvan is ook in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.

Kort titel.

22. Hierdie Wet heet die Wysigingswet op Spoorweg- en Hawewette, 1978.

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pensionable service as determined in the regulations.”;

(b) by the deletion of subparagraph (ii) of subsection (5) (c).

(2) Subsection (1) (b) shall be deemed to have come into operation on 1 December 1977.

20. (1) Section 12 of the Railways and Harbours Pensions for Non-Whites Act, 1974, is hereby amended by the insertion of the following subsections after subsection (3):

Amendment of
section 12 of
Act 43 of 1974.

10 “(4) If a person who is a member of the pension fund of
the South African Iron and Steel Industrial Corporation
Limited is transferred without a break in his service to the
service of the Administration in consequence of the purchase
of the Sishen-Saldanha Bay Project in terms of the Railway
and Harbour Purchase Act, 1977 (Act No. 47 of 1977), and
15 becomes a member (as a condition of membership a medical
examination shall not be required), he shall be entitled for
pension purposes to reckon the whole period of his
pensionable employment in the service from which he was
transferred, as continuous with that of his pensionable
20 employment under the Administration: Provided that there
shall be paid from the pension fund of which such person
was a member, to the Administration for the benefit of the
Pension Fund, such amount as is required by the Pension
Fund, and thereafter such person shall have no further claim
25 upon the pension fund of which he was a member.

30 (5) For the purpose of subsection (4) the requirements of
the Pension Fund shall be calculated at an amount equal to
the amount of the contributions which would have been
payable to the Pension Fund by the person transferred
together with the amount which the Administration would
have contributed if, during the period of his pensionable
employment in the service from which he was transferred, he
had been a member and had contributed to the Pension Fund
in accordance with the appropriate scale of contributions
35 from time to time in force under this Act or the regulations,
and on the pensionable emoluments on which he was from
time to time contributing to the pension fund established for
the said service, together with interest at the average rate of
interest, compounded monthly, on investments of the Pension
40 Fund as is known at the date of transfer up to the end of the
month in which full settlement is effected.”.

(2) Subsection (1) shall be deemed to have come into operation on 1 July 1977.

21. This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.

Application of
Act to
South West
Africa.

22. This Act shall be called the Railways and Harbours Acts Amendment Act, 1978.

Short title.

