

No. 15, 1956.]

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain uneven numbered pages as the other language is printed on even numbered pages.

ACT

To amend the Railways and Harbours Service Act, 1912, the Railways and Harbours Service Act, 1925, and the Railways and Harbours Superannuation Fund Act, 1925; to provide for the recalculation of the annuities payable to the widows of certain deceased pensioners of the Railways and Harbours Service; to enable certain pensioners of the said Service to secure improved annuities for their widows in the event of their death; to provide for the reopening of certain options formerly available to members of the several Railways and Harbours pension and superannuation funds; to validate the readmission to the said Service of certain persons; to validate certain changes in conditions of employment affecting members of the said Service; and to provide for other incidental matters.

(Afrikaans text signed by the Governor-General.)
(Assented to 7th March, 1956.)

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

1. (1) In this Act, unless the context indicates otherwise— **Definitions.**
- (i) "annuitant" means a person who—
 - (a) having been a member of the Fund or the New Fund on or after the twenty-sixth day of July, 1951; or
 - (b) having as a member of the 1912 pension fund made the election provided for in section *fifty quater* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), retired or was retired from the Service on an annuity in respect of his contributions to a fund (including an annuity granted under section *eleven bis* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925)), on or prior to the date of commencement of this Act, and is still alive at that date; (iii)
 - (ii) "deceased annuitant" means a former member of a fund who retired or was retired from the Service on an annuity in respect of his contributions to a fund (including an annuity granted under section *eleven bis* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925)), after the twenty-sixth day of July, 1951, and died prior to the date of commencement of this Act; (iv)
 - (iii) "fund" means the New Fund, the Fund or the 1912 pension fund, as the case may be; (i)
 - (iv) "principal Act" means the Railways and Harbours Service Act, 1912 (Act No. 28 of 1912), or the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), or the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), as the case may be; (ii)
 - (v) "widow annuitant" means the widow of a deceased annuitant to whom an annuity is payable in terms of—
 - (a) section *forty-nine* of the Railways and Harbours Service Act, 1912 (Act No. 28 of 1912); or
 - (b) sub-section (4) of section *eleven bis* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925); or
 - (c) section *thirty-two* or *fifty quin* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), and who is alive at the date of commencement of this Act. (v)

(2) Any other expression to which a meaning is assigned in section *one* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), shall, when used in this Act, bear the meaning so assigned to it.

2. (1) The following section is hereby substituted subject to sub-section (2), for section *forty-eight* of the Railways and Harbours Service Act, 1912:

"Death resulting from injuries or otherwise before superannuation

48. (1) Upon the death of a member there shall be paid to the beneficiary (if any) specified in or under section *fifty*, and subject to the provisions of that section, such benefit as is hereinafter in this section provided for in relation to the particular class of beneficiary concerned.

Substitution of new section for section 48 of Act 28 of 1912, as substituted by section 3 of Act 63 of 1951.

(2) If such beneficiary is the deceased member's widow there shall, subject to the provisions of sub-section (5), be paid to her a benefit in the form of an annuity plus a lump sum, calculated as provided in sub-sections (3) and (4).

(3) There shall be ascertained which of the sums respectively mentioned in paragraph (a) or (b) of this sub-section is the greater, namely—

- (a) twice the annual average of the deceased member's pensionable emoluments for the last seven years of his service, plus ten per cent. of such annual average in respect of each complete year in respect of which he contributed; or
- (b) twice the amount of the deceased member's contributions, or, in the case of a member who died as a result of severe bodily injury sustained without his own default whilst in the discharge of his duties, twice the amount of his contributions plus interest at the rate of four per cent. per annum.

(4) Of the sum which is in terms of sub-section (3) found to be the greater (hereinafter in this section referred to as the 'basic sum') twenty per cent. shall be paid to the widow in a lump sum and the balance shall be utilised to provide her with an annuity which shall be calculated by multiplying each one hundred pounds (or fraction thereof) of such balance by the appropriate factor set forth in the following Table:

TABLE OF FACTORS TO BE USED TO ASCERTAIN THE AMOUNT OF THE ANNUITY PAYABLE.

<i>Widow's age (last birthday) at date of husband's death or retirement, as case may be.</i>	<i>Factor.</i>	<i>Widow's age (last birthday) at date of husband's death or retirement, as case may be.</i>	<i>Factor.</i>
	£		£
16	4.97	30	5.30
17	4.99	31	5.33
18	5.01	32	5.36
19	5.03	33	5.39
		34	5.42
20	5.06		
21	5.08	35	5.45
22	5.10	36	5.48
23	5.12	37	5.52
24	5.15	38	5.56
		39	5.60
25	5.18		
26	5.20	40	5.64
27	5.22	41	5.68
28	5.24	42	5.72
29	5.27	43	5.77
		44	5.82

<i>Widow's age (last birthday) at date of husband's death or retirement, as case may be.</i>		<i>Factor.</i>	<i>Widow's age (last birthday) at date of husband's death or retirement, as case may be.</i>		<i>Factor.</i>
		£			£
45	..	5.88	65	..	7.82
46	..	5.94	66	..	7.97
47	..	6.00	67	..	8.13
48	..	6.06	68	..	8.29
49	..	6.13	69	..	8.46
50	..	6.20	70	..	8.64
51	..	6.28	71	..	8.82
52	..	6.36	72	..	9.01
53	..	6.44	73	..	9.20
54	..	6.53	74	..	9.40
55	..	6.62	75	..	9.60
56	..	6.72	76	..	9.80
57	..	6.82	77	..	10.01
58	..	6.92	78	..	10.22
59	..	7.03	79	..	10.43
60	..	7.15	80	..	10.64
61	..	7.27			
62	..	7.40			
63	..	7.53			
64	..	7.67			

(5) If an annuity calculated in accordance with sub-section (4) amounts to less than thirty-six pounds, the basic sum shall be paid to the widow in lieu of an annuity: Provided that an annuity plus a lump sum shall nevertheless be payable under sub-section (4) even though such annuity amounts to less than thirty-six pounds if it would, had it been calculated on the full basic sum, have amounted to thirty-six pounds or more.

(6) Upon the death of a widow to whom an annuity is payable in accordance with sub-section (2), there shall be paid to such other relative of the deceased member, as would have been entitled in terms of section *fifty* to receive a benefit upon the death of such member had there been no widow, the balance (if any) remaining after deducting from eighty per cent. of the basic sum the aggregate of the amounts received by the widow by way of annuity, and if there be no such other relative, there shall be paid to the person lawfully administering the estate of the deceased widow the balance (if any) remaining after deducting from eighty per cent. of the deceased member's contributions the aggregate of the amounts received by the widow by way of annuity.

(7) If the beneficiary referred to in sub-section (1) is a person other than the deceased member's widow, there shall be paid to him a sum equal to the basic sum."

(2) Section *forty-eight* of the Railways and Harbours Service Act, 1912, as substituted by sub-section (1) of this section, shall apply in respect of every member of the Fund whose death occurs on or after the date of commencement of this Act.

3. (1) The following section is hereby substituted subject to sub-sections (2) and (3), for section *forty-nine* of the Railways and Harbours Service Act, 1912:

"Death of members after retirement on annuity.

49. (1) Upon the death of a person who is in receipt of an annuity (other than an annuity granted under section *eleven bis* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925)), in respect of his contributions to the Fund, there shall be paid to the beneficiary (if any) specified in or

Substitution of new section for section 49 of Act 28 of 1912, as substituted by section 4 of Act 63 of 1951.

under section *fifty*, and subject to the provisions of that section, such benefit as is hereinafter in this section provided for in relation to the particular class of beneficiary concerned.

(2) If such beneficiary is the deceased annuitant's widow there shall, subject to the provisions of sub-section (3), be paid to her an annuity which shall be calculated by multiplying each one hundred pounds (or fraction thereof) of the basic sum referred to in sub-section (4) of section *forty-eight*, by the appropriate factor set forth in the Table appearing in that sub-section: Provided that—

- (a) if any part of the deceased annuitant's annuity was commuted under section *seventy-two* or *seventy-four bis* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), the said basic sum shall, for the purpose of calculating the annuity to the widow, be deemed to be reduced in the proportion which the commuted portion of his annuity bears to the full annuity;
- (b) in applying the said Table for the purpose of calculating the annuity to the widow, the appropriate factor shall be that applicable to the widow's age at the date of her deceased husband's retirement; and
- (c) where such widow married her deceased husband after that date she shall, for the purposes of this section, be deemed to have been married to him at that date.

(3) If an annuity calculated in accordance with sub-section (2) amounts to less than thirty-six pounds, there shall be paid to the widow, in lieu of an annuity, the capital sum which in terms of that sub-section is required to be taken as the basis for such calculation.

(4) Upon the death of a widow to whom an annuity is payable in accordance with sub-section (2), there shall be paid to such other relative of the deceased annuitant, as would have been entitled in terms of section *fifty* to receive a benefit upon the death of such annuitant had there been no widow, the balance (if any) remaining after deducting from the capital sum on which, in terms of sub-section (2), the calculation of the widow's annuity was based, the aggregate of the amounts received by the deceased annuitant and the deceased widow, respectively, by way of annuity; and if there be no such other relative there shall be paid to the person lawfully administering the estate of the deceased widow, the balance (if any) remaining after deducting from the total amount of the contributions paid by the deceased annuitant while he was a member, the aggregate of the amounts received by the deceased annuitant and the deceased widow, respectively, by way of annuity: Provided that if any part of the annuity of the deceased annuitant was commuted upon his retirement, such contributions shall be deemed to be reduced in the proportion which the commuted portion of the annuity bears to the full annuity.

(5) If the beneficiary referred to in sub-section (1) is a person other than the deceased annuitant's widow, there shall be paid to him a sum equal to the capital sum on which, in terms of sub-section (2), the calculation of an annuity to a widow is required to be based, reduced by the aggregate of the amounts received by the deceased annuitant by way of annuity."

(2) Section *forty-nine* of the Railways and Harbours Service Act, 1912, as substituted by sub-section (1) of this section, shall apply in relation to the death of every such annuitant as is referred to in sub-section (1) of that section, who was a member

of the Fund on or after the date of commencement of this Act.

(3) In relation to the death of any such annuitant as is referred to in sub-section (1) of the said section *forty-nine*—

- (a) who ceased to be a member of the Fund on or prior to the twenty-sixth day of July, 1951, the said section *forty-nine*, as it existed immediately prior to that date; and
 - (b) who was a member of the Fund on or after the twenty-sixth day of July, 1951, but ceased to be a member on or prior to the date of commencement of this Act, the said section *forty-nine* as it existed immediately prior to the last-mentioned date,
- shall continue to apply.

4. (1) Section *eleven bis* of the Railways and Harbours Service Act, 1925, is hereby amended—

- (a) by the substitution, in sub-paragraph (i) of paragraph (c) of sub-section (4), for the words "two and one half" of the word "five";
- (b) by the deletion, in the said paragraph (c), of the words "and reduced further by the aggregate of the amounts received by the deceased annuitant by way of annuity", and by the substitution, for the words "sub-section (3) of section *thirty-one* of the Railways and Harbours Superannuation Fund Act, 1925", of the words "sub-section (4) of section *thirty-one* of the Railways and Harbours Superannuation Fund Act, 1925, which factor shall be taken to be the one applicable to the widow's age at the date of her deceased husband's dismissal or resignation, as the case may be";

Amendment of section 11bis of Act 23 of 1925, as inserted by section 4 of Act 18 of 1938, and as amended by section 10 of Act 63 of 1951.

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

"(e) Upon the death of a widow to whom an annuity is payable in accordance with this sub-section, there shall be paid to such other relative of the deceased annuitant as would have been entitled in terms of section *thirty-three* of the said Railways and Harbours Superannuation Fund Act, 1925, to receive a benefit upon the death of such annuitant had there been no widow, the balance (if any) remaining after deducting from the basic sum, the aggregate of the amounts received by the deceased annuitant and the deceased widow respectively, by way of annuity; and if there is no such other relative, there shall be paid to the person lawfully administering the estate of the deceased widow, the balance (if any) remaining after deducting from the total amount of the contributions paid by the deceased annuitant to any fund mentioned in sub-section (1), the aggregate of the amounts received by the deceased annuitant and the deceased widow respectively, by way of annuity: Provided that if any part of the annuity of the deceased annuitant was commuted, such contributions shall be deemed to be reduced in the proportion which the commuted portion of the annuity bears to the full annuity."

(d) by the addition, at the end of paragraph (f) of the said sub-section, of the words "reduced by the aggregate of the amounts received by the deceased annuitant by way of annuity."

(2) Sub-section (4) of section *eleven bis* of the Railways and Harbours Service Act, 1925, as amended by sub-section (1) of this section, shall apply in relation to the death of every person to whom an annuity has been granted under sub-section (1) of that section and whose dismissal or resignation took effect after the date of commencement of this Act.

(3) In relation to the death of any other person to whom an annuity has been granted as aforesaid—

- (a) whose dismissal or resignation took effect on or prior to the twenty-sixth day of July, 1951, the said sub-section (4), as it existed immediately prior to that date; and
- (b) whose dismissal or resignation took effect after the twenty-sixth day of July, 1951, but on or prior to the date of commencement of this Act, the said sub-section (4), as it existed immediately prior to the last-mentioned date,

shall continue to apply.

5. (1) Section *thirty-three* of the Railways and Harbours Service Act, 1925, is hereby amended—

Amendment of section 33 of Act 23 of 1925.

- (a) by the substitution for the word "Charitable" of the word "Benevolent";
- (b) by the addition at the end thereof of the words "For the purposes of this section the expression 'salary or wages' includes allowances of whatever kind."

(2) Paragraphs (a) and (b) of sub-section (1) shall be deemed to have come into operation on the ninth day of April, 1943, and the first day of September, 1925, respectively.

6. Section *eight* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended—

Amendment of section 8 of Act 24 of 1925, as substituted by section 16 of Act 49 of 1949, and as amended by section 12 of Act 63 of 1951, section 4 of Act 45 of 1952 and section 5 of Act 50 of 1955.

- (a) by the substitution, for the scale set forth in sub-section (1) thereof, of the following scale:

"Age at date from which contributions payable.	Percentage of Pensionable emoluments.	
	Male Members.	Female Members.
Not exceeding 21 years	8½	7
Over 21 but not exceeding 27 years	9¼	7½
Over 27 but not exceeding 33 years	9¾	8
Over 33 but not exceeding 39 years	10¼	8½
Over 39 years	10¾	9";

- (b) by the substitution, for the scale set forth in sub-section (3) thereof, of the following scale:

"Age at date from which contributions payable.	Percentage of Pensionable emoluments.	
	Male Members.	Female Members.
Not exceeding 21 years	8½	6½
Over 21 but not exceeding 27 years	8¾	7
Over 27 but not exceeding 33 years	9¼	7½
Over 33 but not exceeding 39 years	9¾	8
Over 39 but not exceeding 45 years	10¼	8½
Over 45 years	10¾	9".

7. (1) The following section is hereby substituted, subject to sub-section (2), for section *thirty-one* of the Railways and Harbours Superannuation Fund Act, 1925:

Substitution of new section for section 31 of Act 24 of 1925, as substituted by section 14 of Act 63 of 1951.

"Death resulting from injuries or otherwise before superannuation of members of New Fund.

31. (1) Upon the death of a member of the New Fund there shall be paid to the beneficiary (if any) specified in or under section *thirty-three*, and subject to the provisions of that section, such benefit as is hereinafter in this section provided for in relation to the particular class of beneficiary concerned.

(2) If such beneficiary is the deceased member's widow there shall, subject to the provisions of sub-section (5), be paid to her a benefit in the form of an annuity plus a lump sum calculated as provided in sub-sections (3) and (4).

(3) There shall be ascertained which of the sums respectively mentioned in paragraph (a) or (b) of this sub-section is the greater, namely—

- (a) (i) in the case of a deceased member who had contributed to the New Fund in respect of a period of one year or longer: twice the annual average of such member's pensionable emoluments for the last seven years of his service or for the actual period

in respect of which he contributed if such period was less than seven years, plus ten per cent. of such annual average in respect of each complete year in respect of which he contributed;

- (ii) in the case of a deceased member who had contributed to the New Fund in respect of a period of less than one year: twice such member's pensionable emoluments during the whole of the period of his membership and on which he contributed in respect of that period; or
- (b) twice the amount of the deceased member's contributions or, in the case of a member who has died as a result of severe bodily injury sustained without his own default whilst in the discharge of his duties, twice the amount of his contributions plus two and one-half per cent. of the sum so arrived at in respect of each complete year in respect of which he contributed.

(4) Of the sum which is in terms of sub-section (3) found to be the greater (hereinafter in this section referred to as the 'basic sum'), twenty per cent. shall be paid to the widow in a lump sum and the balance shall be utilised to provide her with an annuity which shall be calculated by multiplying each one hundred pounds (or fraction thereof) of such balance by the appropriate factor set forth in the following Table:

TABLE OF FACTORS TO BE USED TO ASCERTAIN THE AMOUNT OF THE ANNUITY PAYABLE.

<i>Widow's age (last birthday) at date of husband's death or retirement, as case may be.</i>	<i>Factor.</i>	<i>Widow's age (last birthday) at date of husband's death or retirement, as case may be.</i>	<i>Factor.</i>
	£		£
16	4.97	45	5.88
17	4.99	46	5.94
18	5.01	47	6.00
19	5.03	48	6.06
		49	6.13
20	5.06		
21	5.08	50	6.20
22	5.10	51	6.28
23	5.12	52	6.36
24	5.15	53	6.44
		54	6.53
25	5.18		
26	5.20	55	6.62
27	5.22	56	6.72
28	5.24	57	6.82
29	5.27	58	6.92
		59	7.03
30	5.30		
31	5.33	60	7.15
32	5.36	61	7.27
33	5.39	62	7.40
34	5.42	63	7.53
		64	7.67
35	5.45		
36	5.48	65	7.82
37	5.52	66	7.97
38	5.56	67	8.13
39	5.60	68	8.29
		69	8.46
40	5.64		
41	5.68	70	8.64
42	5.72	71	8.82
43	5.77	72	9.01
44	5.82	73	9.20
		74	9.40

<i>Widow's age (last birthday) at date of husband's death or retirement, as case may be.</i>	<i>Factor.</i>	<i>Widow's age (last birthday) at date of husband's death or retirement, as case may be.</i>	<i>Factor.</i>
£		£	
75	9·60	80	10·64
76	9·80		
77	10·01		
78	10·22		
79	10·43		

(5) If an annuity calculated in accordance with sub-section (4) amounts to less than thirty-six pounds, the basic sum shall be paid to the widow in lieu of an annuity: Provided that an annuity plus a lump sum shall nevertheless be payable under sub-section (4) even though such annuity amounts to less than thirty-six pounds if it would, had it been calculated on the full basic sum, have amounted to thirty-six pounds or more.

(6) Upon the death of a widow to whom an annuity is payable in terms of sub-section (2), there shall be paid to such other relative of the deceased member as would have been entitled in terms of section *thirty-three* to receive a benefit upon the death of such member had there been no widow, the balance (if any) remaining after deducting from eighty per cent. of the basic sum the aggregate of the amounts received by the widow by way of annuity; and if there be no such other relative, there shall be paid to the person lawfully administering the estate of the deceased widow the balance (if any) remaining after deducting from eighty per cent. of the deceased member's contributions, the aggregate of the amounts received by the widow by way of annuity.

(7) If the beneficiary referred to in sub-section (1) is a person other than the deceased member's widow, there shall be paid to him a sum equal to the basic sum: Provided that for the purpose of determining the basic sum in the case of a deceased female member, sub-paragraph (i) of paragraph (a) of sub-section (3) shall be construed as if for the words 'ten per cent.' there were substituted the words 'five per cent.'"

(2) Section *thirty-one* of the Railways and Harbours Superannuation Fund Act, 1925, as substituted by sub-section (1) of this section, shall apply in respect of every member of the New Fund whose death occurs on or after the date of commencement of this Act.

8. (1) The following section is hereby substituted, subject to sub-sections (2) and (3), for section *thirty-two* of the Railways and Harbours Superannuation Fund Act, 1925:

"Death of members of the New Fund after retirement on annuity.

32. (1) Upon the death of a person who is in receipt of an annuity (other than an annuity granted under section *eleven bis* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925)), in respect of his contributions to the New Fund, there shall be paid to the beneficiary (if any) specified in or under section *thirty-three*, and subject to the provisions of that section, such benefit as is hereinafter in this section provided for in relation to the particular class of beneficiary concerned.

Substitution of new section 32 of Act 24 of 1925, as substituted by section 15 of Act 63 of 1951.

(2) If such beneficiary is the deceased annuitant's widow there shall, subject to the provisions of sub-section (3), be paid to her an annuity which shall be calculated by multiplying each one hundred pounds

(or fraction thereof) of the basic sum referred to in sub-section (4) of section *thirty-one*, by the appropriate factor set forth in the Table appearing in that sub-section: Provided that—

- (a) if any part of the deceased annuitant's annuity was commuted under any provision of this Act, the said basic sum shall, for the purpose of calculating the annuity to the widow, be deemed to be reduced in the proportion which the commuted portion of his annuity bears to the full annuity;
- (b) in applying the said Table for the purpose of calculating the annuity to the widow, the appropriate factor shall be that applicable to the widow's age at the date of her deceased husband's retirement; and
- (c) where such widow married her deceased husband after that date she shall, for the purposes of this section, be deemed to have been married to him at that date.

(3) If an annuity calculated in accordance with sub-section (2) amounts to less than thirty-six pounds, there shall be paid to the widow, in lieu of an annuity, the capital sum which in terms of that sub-section is required to be taken as the basis for such calculation.

(4) Upon the death of a widow to whom an annuity is payable in accordance with sub-section (2), there shall be paid to such other relative of the deceased annuitant as would have been entitled in terms of section *thirty-three* to receive a benefit upon the death of such annuitant had there been no widow, the balance (if any) remaining after deducting from the capital sum on which, in terms of sub-section (2), the calculation of the widow's annuity was based, the aggregate of the amounts received by the deceased annuitant and the deceased widow, respectively, by way of annuity; and if there be no such other relative, there shall be paid to the person lawfully administering the estate of the deceased widow, the balance (if any) remaining after deducting from the total amount of the contributions paid by the deceased annuitant while he was a member, the aggregate of the amounts received by the deceased annuitant and the deceased widow, respectively, by way of annuity: Provided that if any part of the annuity of the deceased annuitant was commuted upon his retirement, such contributions shall be deemed to be reduced in the proportion which the commuted portion of the annuity bears to the full annuity.

(5) If the beneficiary referred to in sub-section (1) is a person other than the deceased annuitant's widow, there shall be paid to him a sum equal to the capital sum on which, in terms of sub-section (2), the calculation of an annuity to a widow is required to be based, reduced by the aggregate of the amounts received by the deceased annuitant by way of annuity.”.

(2) Section *thirty-two* of the Railways and Harbours Superannuation Fund Act, 1925, as substituted by sub-section (1) of this section, shall apply in relation to the death of every such annuitant as is referred to in sub-section (1) of that section, who was a member of the New Fund on or after the date of commencement of this Act.

(3) In relation to the death of any such annuitant as is referred to in sub-section (1) of the said section *thirty-two*—

- (a) who ceased to be a member of the New Fund on or prior to the twenty-sixth day of July, 1951, the said

section *thirty-two*, as it existed immediately prior to that date; and

- (b) who was a member of the New Fund on or after the twenty-sixth day of July, 1951, but ceased to be a member on or prior to the date of commencement of this Act, the said section *thirty-two* as it existed immediately prior to the last-mentioned date, shall continue to apply.

9. Section *fifty-seven* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the substitution, for the words "six and three-quarters", of the words "eight and one-half".

Amendment of section 57 of Act 24 of 1925, as amended by section 3 of Act 16 of 1932, section 5 of Act 16 of 1945, section 23 of Act 49 of 1949, section 18 of Act 63 of 1951, and section 10 of Act 45 of 1952.

10. (1) Every annuitant shall have the right to elect in writing within twelve months after the date of commencement of this Act, or within such further period as the General Manager may under special circumstances allow, to pay contributions to the fund of which he was a member, at the rate of three-quarters per cent. of his pensionable emoluments in respect of the period of his contributory service from the twenty-sixth day of July, 1951, up to the date immediately preceding that upon which he ceased to be a servant, plus interest on such contributions at the rate of four and one-half per cent. per annum, compounded quarterly from the date or dates on which such contributions would have been payable had the annuitant been required by law to pay them during the said period, up to the day immediately preceding the date of commencement of this Act.

Option to certain former members of pension funds to secure improved annuities for their widows.

(2) If an annuitant has made the election provided for in sub-section (1), the said contributions and interest shall, unless some other method of payment has been agreed upon between the Administration and the annuitant concerned, be recovered for the benefit of the fund concerned by deduction from any annuity payable to him.

(3) If an annuitant who has made the said election dies before the amounts payable by him in terms of sub-section (2) have been paid in full, any balance of such amounts that may be outstanding at the date of his death shall be recovered for the benefit of the fund concerned by deduction from any benefit payable to his widow or to any other person in respect of his death. For the purpose of this sub-section the expression "benefit", in relation to a widow, shall be deemed to include the capital sum on which, in terms of the applicable provision of the principal Act, the calculation of an annuity to the widow is required to be based.

(4) Upon the death of an annuitant who has made the election provided for in sub-section (1), the benefit payable to his widow shall be equal in amount to that which she would have been entitled to receive, in accordance with the applicable provision of the principal Act as it existed immediately prior to the date of commencement of this Act, had the annuitant died on the date on which he ceased to be a member of a fund: Provided that in giving effect to the provisions of this sub-section the amount paid to the annuitant in respect of his annuity for the day on which he ceased to be such a member, shall not be taken into account: Provided further that where such widow married the annuitant after the last-mentioned date, she shall, for the purpose of this sub-section, be deemed to have been married to him at that date.

(5) If an annuitant dies within twelve months after the date of commencement of this Act without having made the election provided for in sub-section (1), and leaves a widow, the benefit payable to the widow shall, if it is to her advantage to do so, be calculated as provided in sub-section (4), subject to the pay-

ment of contributions and interest as provided in sub-section (2) of section *eleven*, in connection with the recovery whereof the provisions of that sub-section shall *mutatis mutandis* apply.

(6) If an annuitant referred to in sub-section (4) dies without leaving a widow, or upon the death of a widow who was in receipt of an annuity which had been calculated in accordance with sub-section (4), the benefit payable to any other relative of such annuitant shall be calculated in accordance with the applicable provision of the principal Act without reference to anything contained in this section which shall, in relation to such relative, be deemed not to have been enacted: Provided that the amounts received by the widow by way of annuity, which are to be taken into account, in terms of such applicable provision for the purpose of calculating the benefit payable to such other relative, shall be deemed to be those actually received by the widow in accordance with this section.

(7) An election duly made in terms of sub-section (1) shall not be capable of being withdrawn.

11. (1) With effect from the date of commencement of this Act there shall, subject to the provisions of sub-section (4), be paid to every widow annuitant in lieu of the annuity payable to her immediately prior to that date an annuity equal in amount to that which she would have been entitled to receive in accordance with the applicable provision of the principal Act as it existed immediately prior to the date of commencement of this Act, had her husband died on the date on which he ceased to be a member of a fund, and for the purpose of giving effect to the provisions of this sub-section, the capital sum which in terms of such applicable provision was used as the basis for calculating the annuity payable to such widow, shall be increased by adding thereto the aggregate of the amounts received by way of annuity by her deceased husband during his lifetime, including the amount so received by him in respect of the day on which he ceased to be such a member.

Recalculation
of annuity
of widow
annuitant.

(2) From the gross amount by which the said capital sum is increased in terms of sub-section (1), there shall be deducted and paid to the fund concerned, contributions at the rate of three-quarters per cent. of the pensionable emoluments of the widow annuitant's deceased husband in respect of the period of his contributory service from the twenty-sixth day of July, 1951, to the day immediately preceding the date on which he ceased to be a servant, plus interest on such contributions at the rate of four and one-half per cent. per annum, compounded quarterly from the date or dates on which such contributions would have been payable had the deceased husband been required by law to pay them during the said period, up to the day immediately preceding the date of commencement of this Act.

(3) Upon the death of a widow annuitant the benefit payable to any other relative of her deceased husband shall be calculated in accordance with the applicable provision of the principal Act without reference to anything contained in this section which shall, in relation to such relative, be deemed not to have been enacted: Provided that for the purpose of calculating the benefit payable to such other relative, the amounts received by the deceased widow annuitant by way of annuity shall be deemed to include any amounts so received by her in accordance with this section.

(4) If an annuity calculated in accordance with sub-section (1) is smaller than that which the widow annuitant concerned is receiving at the date of commencement of this Act, this Act shall, in relation to such widow annuitant, be deemed not to have been passed.

12. The Administration shall contribute and pay to the fund concerned, an amount equal to the aggregate of the contributions and interest paid to that fund in terms of sub-section (2), (3) or (5) of section *ten* and sub-section (2) of section *eleven*.

Payment of
contributions
and interest
by the Adminis-
tration.

13. (1) (a) A servant who at the date of commencement of this Act is a member of the New Fund and who has elected, in terms of sub-section (2) of section *nineteen* of the Railways and Harbours Acts Amendment Act, 1949 (Act No. 49 of 1949), to receive on his retirement an annuity only, shall have the right to elect in writing

Election to
certain servants
to commute
portion of
their annuities.

to commute on his retirement, whether on superannuation or otherwise, one-fourth of any annuity which he may then be entitled to receive, and if he so elects, such commutation shall be effected in accordance with section *nineteen* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925).

- (b) The election provided for in this sub-section shall be made prior to the date of the servant's retirement, but the General Manager may, if he is satisfied that by reason of circumstances beyond his control the servant had no reasonable opportunity of making his election prior to that date, allow him to make the election within such period after that date as the General Manager may specify.

(2) The provisions of sub-section (1) shall apply also to a servant who at the date of commencement of this Act is a member of the Fund and who has elected in terms of sub-section (2) of section *twenty-four* of the said Railways and Harbours Acts Amendment Act, 1949, to receive on his retirement an annuity only: Provided that, in the application of this sub-section, the reference in paragraph (a) of sub-section (1), to section *nineteen* of the said Railways and Harbours Superannuation Fund Act, 1925, shall be construed as a reference to section *seventy-two* of that Act.

14. All changes in conditions of employment for which provision is made in any regulation published under any Government Notice mentioned in the First Schedule to this Act, and which were brought into operation with retrospective effect or in respect whereof the amending regulations were not approved by the Governor-General until after the expiration of the period of three months mentioned in sub-section (4) of section *thirty-one* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), are hereby validated with effect from the dates as from which such changes were respectively brought into operation.

Validation of certain changes in conditions of employment.

15. Every servant whose name appears in Column 1 of the Second Schedule to this Act shall be deemed to have been lawfully re-admitted, in terms of section *six* of the Public Servants (Military Service) Act, 1944 (Act No. 27 of 1944), to the service of the Administration in the position mentioned opposite his name in Column 2 of the said Schedule, with effect from the date mentioned opposite his name in Column 3 of the said Schedule.

Validation of re-admission to the Service of certain servants.

16. This Act shall apply to the Territory of South-West Africa.

Application of Act to South-West Africa.

17. This Act shall be called the Railways and Harbours Acts Amendment Act, 1956, and will be deemed to have come into force on the first day of March, 1956.

Short title and date of commencement.

First Schedule.

CHANGES IN CONDITIONS OF EMPLOYMENT WHICH ARE VALIDATED BY SECTION *Fourteen*.

<i>No. of Government Notice.</i>	<i>Date of Publication.</i>
405	4. 3.1955
407	4. 3.1955
1104	3. 6.1955
1105	3. 6.1955
1107	3. 6.1955
1571	12. 8.1955
1570	12. 8.1955
1991	7.10.1955
1992	7.10.1955

Second Schedule.

SERVANTS WHOSE RE-ADMISSION TO THE RAILWAY SERVICE IS VALIDATED
BY SECTION Fifteen.

Column 1. Name of servant.	Column 2. Position to which re-admitted.	Column 3. Date of re-admission.
Balie J. J.	Shunter.	21. 9.41.
Bedingfield H. A. V.	Fireman.	3.11.40.
Benn E. I.	Driver.	5.11.40.
Bossie H. G.	Guard.	2. 2.41.
Botha G. P.	Sergeant.	15. 4.40.
Carney W. G.	Electrician.	1. 2.41.
Coertse O. C. J.	Cook.	11.10.43.
Dale P.	Fitter.	5.10.39.
Daniels I. V.	Cleaner.	1. 9.39.
Dauth H. A. P.	Railworker.	1. 2.41.
Demmer R. H.	Checker.	26. 1.41.
Ekron R. A.	Storeman.	29. 6.44.
Engelbrecht J. C.	Callman.	25. 4.40.
Ferreira M. J.	Railworker.	30.12.42.
Fourie W. J.	Station Foreman.	23. 9.43.
Fraser D. J.	Constable.	1. 9.42.
Grant A. E.	Electrician.	18. 8.40.
Gardner L. J.	Railworker.	31. 5.39.
Hollis A. A.	Fitter.	14. 3.40.
Klinkradt F. E. K.	Station Foreman.	19. 3.41.
Kloke A. A.	Passed Fireman.	29. 4.41.
Le Roux F. A.	Station Foreman.	6. 8.40.
Lilja B. V.	Clerk.	28. 2.40.
MaKoenen Z.	Native Labourer.	18. 9.40.
Marais W. D.	Inv. Sergeant.	3.12.40.
McCallum J. R.	Storeman.	21. 7.41.
McKenzie S. R. Y.	Carpenter.	6. 7.40.
Nell D. R.	Fireman.	25. 4.44.
Nienaber J. H.	Sergeant.	7. 7.41.
Oldham E.	Fitter.	16. 2.40.
Preller H. O.	Fitter.	1.12.40.
Pyle B. C.	Fitter.	25. 4.40.
Rauch J. J.	Oiler.	10. 3.40.
Rennie B. A.	Fireman.	30. 1.41.
Rhoodie A. J.	Carpenter.	10. 3.40.
Robinson E. C.	Stationary Plant Attendant.	31.12.40.
Rodgers A.	Fireman.	8. 9.40.
Roodt J. J.	Constable.	1. 2.41.
Rossouw F. J.	Porter.	1. 9.41.
Rowlings G. B.	Plumber.	7. 6.41.
Saayman J. A.	Fireman.	13. 5.41.
Siebert N. F.	Carpenter.	11. 8.40.
Slabbert G. P.	Examiner & Repairer-in-Charge (C. & W.)	1.12.40.
Smith J. H.	Mason.	11. 1.40.
Sprigaton L. T.	Ground Engineer.	29. 5.40.
Strauss A. J.	Fitter.	13. 3.40.
Stride L. S.	Station Master.	26. 4.44.
Struwig J. A.	Station Foreman.	8. 5.41.
Swanepoel T. S. B.	Checker.	28. 9.41.
Thompson J. L.	Shunter.	26. 4.41.
Van der Linde M. S.	Station Foreman.	15. 2.41.
Van der Merwe W. C.	Relief Station Master.	6.11.42.
Van der Walt M. F.	Driver, Motor Car (Chauffeur).	1. 5.42.
Van Niekerk A. H. D.	Fireman.	17. 9.41.
Van Gryp T.	Fireman.	1.12.40.
Van Tonder W. M.	Learner Examiner & Repairer (C. & W.)	5. 1.43.
Viljoen P. J.	Probationer Fireman.	26. 5.44.
Visser J. C.	Railworker.	13. 8.40.
Wilken C. A.	Jnr. Cas. Asst. Engineer.	4. 8.43.
Williamson D. G.	Fitter.	24. 2.44.