



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 330.

3 Maart 1982.

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

No. 6 van 1982: Suid-Afrikaanse Vervoerdienstewysingswet, 1982.

No. 330.

3 March 1982.

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

No. 6 of 1982: South African Transport Services Amendment Act, 1982.

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ACT, 1982

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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 section 1 of the Railways and Harbours Pensions Amendment Act, 1941, section 1 of the Railways and Harbours Service Act, 1960, section 1 of the Level Crossings Act, 1960, section 1 of the Railways and Harbours Pensions Act, 1971, section 1 of the Railways and Harbours Pensions for Non-Whites Act, 1974, section 1 of the Railways and Harbours Finances and Accounts Act, 1977, and section 1 of the South African Transport Services Act, 1981, so as to substitute the definition of "General Manager"; to amend section 16 of the Railways and Harbours Service Act, 1960, so as to provide for the creation of the grade "learner train driver" and the abolition of the grade "telegraphist"; to amend section 32 and substitute section 32B of the said Act so as to substitute a medical scheme for the present sick fund; to insert a section 9A in the Railways and Harbours Pensions Act, 1971, so as to provide for the recovery of amounts from annuitants in respect of the medical scheme; to amend section 3 of the Railways and Harbours Pensions for Non-Whites Act, 1974, so as to authorize the South African Transport Services to increase annuities from time to time; to amend sections 6, 7 and 18 of the Railways and Harbours Finances and Accounts Act, 1977, so as to provide for certain financial procedures; to insert a section 17 in the said Act so as to authorize the South African Transport Services to trade in negotiable instruments and to lend or advance moneys; to amend section 29 of the Railways and Harbours Acts Amendment Act, 1981, and section 12 of the Second Railways and Harbours Acts Amendment Act, 1981, so as to determine the dates of commencement; to substitute section 51 of the South African Transport Services Act, 1981, so as to provide for any person to be appointed as a reservist in the South African Railways Police; to amend section 61 of the said Act so as to make the making of false fire alarms and the illegal use of fire-fighting equipment criminal offences; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 16 February 1982.)*

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

1. Section 1 of the Railways and Harbours Pensions Amendment Act, 1941, is hereby amended by the substitution for the 5 definition of "General Manager" of the following definition:

Amendment of section 1 of Act 26 of 1941, as amended by section 2 of

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- 5 “(v) ‘General Manager’ means the officer appointed to be General Manager of the South African Railways and Harbours, or any person lawfully acting in that capacity or any person acting in terms of authority delegated to him by the General Manager; (v)”.
- Act 6 of 1965, section 2 of Act 85 of 1971, section 1 of Act 45 of 1974, section 1 of Act 89 of 1976, section 1 of Act 67 of 1980, section 1 of Act 29 of 1981 and section 1 of Act 60 of 1981.
2. Section 1 of the Railways and Harbours Service Act, 1960 (hereinafter called the “Service Act”), is hereby amended by the substitution for the definition of “General Manager” of the following definition:
- 10 “(vii) ‘General Manager’ means the officer appointed to be General Manager of the South African Railways and Harbours, or any person lawfully acting in that capacity or any person acting in terms of authority delegated to him by the General Manager; (viii)”.
- Amendment of section 1 of Act 22 of 1960, as amended by section 11 of Act 62 of 1961, section 7 of Act 7 of 1963, section 45 of Act 6 of 1965, section 60 of Act 6 of 1965, section 4 of Act 8 of 1968, section 4 of Act 85 of 1971, section 5 of Act 8 of 1976, section 11 of Act 67 of 1980 and section 4 of Act 29 of 1981.
- 15 3. Section 16 of the Service Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:
- 20 “(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 of a locomotive, senior fireman, senior driver’s assistant, fireman or driver’s assistant **[of]** on a locomotive or a learner train driver; or”.
- Amendment of section 16 of Act 22 of 1960, as amended by section 3 of Act 54 of 1964, section 50 of Act 6 of 1965, section 3 of Act 18 of 1966, section 2 of Act 23 of 1967, section 3 of Act 41 of 1969, section 7 of Act 85 of 1971, section 2 of Act 33 of 1972, section 9 of Act 47 of 1973, section 12 of Act 46 of 1975, section 12 of Act 8 of 1976, section 14 of Act 64 of 1978, section 4 of Act 29 of 1981 and section 2 of Act 60 of 1981.
4. Section 32 of the Service Act is hereby amended by the substitution for paragraph (g) of subsection (1) of the following paragraph:
- 25 “(g) the establishment of a **[sick fund]** medical scheme and the management thereof;”.
- Amendment of section 32 of Act 22 of 1960, as amended by section 18 of Act 7 of 1963, sections 58 and 60 of Act 6 of 1965, section 5 of Act 18 of 1966, section 11 of Act 44 of 1974, section 14 of Act 46 of 1975, section 17 of Act 8 of 1976 and sections 4 and 14 of Act 29 of 1981.

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5. The following section is hereby substituted for section 32B of the Service Act:

Substitution of section 32B of Act 22 of 1960, as inserted by section 16 of Act 64 of 1978.

“Establishment and management of dispensaries.”

5 **32B. (1) The Administration is hereby empowered to establish and manage dispensaries for the purposes of the medical scheme.**

(2) The existing dispensaries established for the purposes of the sick fund shall continue in existence as dispensaries of the medical scheme.

10 (3) Before further dispensaries are established the Minister of Health and Welfare shall be consulted.”

6. Section 1 of the Level Crossings Act, 1960, is hereby amended by the substitution for the definition of “General Manager” of the following definition:

Amendment of section 1 of Act 41 of 1960.

15 “(vii) ‘General Manager’ means the officer appointed to be General Manager of the South African Railways and Harbours, or any person lawfully acting in that capacity or any person acting in terms of authority delegated to him by the General Manager; (vi)”.

20 7. Section 1 of the Railways and Harbours Pensions Act, 1971, is hereby amended by the substitution for the definition of “General Manager” of the following definition:

Amendment of section 1 of Act 35 of 1971, as amended by section 9 of Act 33 of 1972, section 15 of Act 46 of 1975, section 32 of Act 8 of 1976, section 17 of Act 67 of 1980 and section 16 of Act 29 of 1981.

25 “(vi) ‘General Manager’ means the officer appointed to be General Manager of the South African Railways and Harbours, or any person lawfully acting in that capacity or any person acting in terms of authority delegated to him by the General Manager; (xiii)”.

8. The following section is hereby inserted after section 9 of the Railways and Harbours Pensions Act, 1971:

Insertion of section 9A in Act 35 of 1971.

30 “Recovery of amounts in respect of medical scheme.”

9A. The Administration is hereby empowered to recover an amount due by an annuitant under the medical scheme referred to in section 32 of the Service Act from an annuity payable to him from any fund.”

35 9. Section 1 of the Railways and Harbours Pensions for Non-Whites Act, 1974, is hereby amended by the substitution for the definition for “General Manager” of the following definition:

Amendment of section 1 of Act 43 of 1974, as amended by section 2 of Act 89 of 1976, section 18 of Act 67 of 1980, section 19 of Act 29 of 1981 and section 9 of Act 60 of 1981.

40 “(vi) ‘General Manager’ means the officer appointed to be General Manager of the South African Railways and Harbours, or any person lawfully acting in that capacity or any person acting in terms of authority delegated to him by the General Manager; (x)”.

45 10. Section 3 of the Railways and Harbours Pensions for Non-Whites Act, 1974, is hereby amended by the insertion, after subsection (2), of the following subsection:

Amendment of section 3 of Act 43 of 1974.

50 “(3) The annuities payable to all annuitants in terms of this Act or the regulations may be increased by the Minister from time to time. Where such annuity is payable from the Pension Fund the increases shall be paid from the Pension Fund. Where such annuity is payable from revenue the increases shall be paid from revenue. Where such annuity is payable partly from the Pension Fund and partly from revenue the increases shall be paid proportionately from the Pension Fund and from revenue. Where such annuity is being paid from revenue and subsequently becomes payable from the Pension Fund, liability for the payment of the increases shall, as from the date the annuity becomes a charge against the Pension Fund, pass from revenue to the Pension Fund. Any decision made by the Minister in the

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exercise of the power vested in him in terms of the provisions of this subsection shall be published by means of a notice addressed by the General Manager to the employees of the Administration generally and by means of a notice addressed by the Chief Accountant of the Administration to each annuitant entitled to an increase in terms of such decision.”.

11. Section 1 of the Railways and Harbours Finances and Accounts Act, 1977 (hereinafter called “the Finances and Accounts Act”), is hereby amended by the substitution for the definition of “General Manager” of the following definition:

“(x) ‘General Manager’ means the officer appointed to be General Manager of the South African Railways and Harbours, or any person lawfully acting in that capacity or any person acting in terms of authority delegated to him by the General Manager; (xiii)”.

12. The following section is hereby substituted for section 6 of the Finances and Accounts Act:

“Utilization of savings in certain instances.

6. **[(1)]** When money has been appropriated by an Appropriation Act—

(a) the Minister may **[, subject to the provisions of subsection (2),]** approve the application of a saving under any vote shown in schedules 1 and 2 to that Appropriation Act, to defray an excess of expenditure **[over an amount appearing in ‘Column 1’]** under any other vote in the same schedule;

(b) a saving under a subhead of a vote may be applied at any time to defray an excess of expenditure under another subhead of the same vote.

[(2) Subject to the provisions of section 7 (1) (b) (ii), the amounts appearing in ‘Column 2’ of schedules 1 and 2 to an Appropriation Act shall not be exceeded, and savings on any amount in ‘Column 2’ of schedule 1 only may, with the approval of the Minister, be applied to defray an excess of expenditure over an amount appearing in ‘Column 1’ under any other vote in the same schedule.]”.

13. Section 7 of the Finances and Accounts Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) to defray **[(—(i)]** expenditure in connection with an anticipated excess on a vote which cannot without serious prejudice to the public interest be postponed until appropriation therefor can be made by Parliament **[/; and (ii) expenditure in connection with an anticipated and/or temporary excess over amounts appearing in ‘Column 2’ of schedules 1 and 2 to an Appropriation Act]:”.**

14. The following section is hereby inserted after section 16 of the Finances and Accounts Act:

“Authority to trade in negotiable instruments and to lend or advance moneys.

17. Notwithstanding anything to the contrary in this Act or any other law contained, the General Manager may, with the approval in each case of the Minister, make, draw, accept, endorse and negotiate negotiable instruments, and lend or advance moneys, subject to such conditions as the Minister may decide, and it shall not be necessary in such cases for any moneys withdrawn from the Fund to be appropriated in accordance with an Act of Parliament.”.

Amendment of section 1 of Act 48 of 1977, as amended by section 15 of Act 80 of 1979 and section 20 of Act 67 of 1980.

Substitution of section 6 of Act 48 of 1977.

Amendment of section 7 of Act 48 of 1977.

Insertion of section 17 in Act 48 of 1977.

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15. Section 18 of the Finances and Accounts Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph: Amendment of section 18 of Act 48 of 1977.
- 5 “(b) in excess of the authorized appropriation for a financial year in respect of a particular vote **[or an item in ‘Column 2’]** of schedule 1 or 2 to the then current Appropriation Act and for which no financial provision has been made in terms of section 6 or 7 (1) (b), according to the circumstances of the case;”.
- 10 16. Section 29 of the Railways and Harbours Acts Amendment Act, 1981, is hereby amended by the substitution for the words preceding paragraph (a) of the following words: Amendment of section 29 of Act 29 of 1981, as amended by section 10 of Act 60 of 1981.
- 15 “29. This Act shall be called the Railways and Harbours Acts Amendment Act, 1981, and shall come into operation on **[a date fixed by the State President by proclamation in the Gazette] 1 April 1981**, except that the provisions of—”.
17. Section 12 of the Second Railways and Harbours Acts Amendment Act, 1981, is hereby amended by the substitution for the words preceding paragraph (a) of the following words: Amendment of section 12 of Act 60 of 1981.
- 20 “12. This Act shall be called the Second Railways and Harbours Acts Amendment Act, 1981, and shall come into operation on **[a date fixed by the State President by proclamation in the Gazette] 28 August 1981**, except that the provisions of—”.
- 25 18. Section 1 of the South African Transport Services Act, 1981, is hereby amended by the substitution for the definition of “General Manager” of the following definition: Amendment of section 1 of Act 65 of 1981.
- 30 “(iii) ‘General Manager’ means the officer appointed to be General Manager of the South African Transport Services, or any person lawfully acting in that capacity or any person acting in terms of authority delegated to him by the General Manager; (vi)”.
19. The following section is hereby substituted for section 51 of the South African Transport Services Act, 1981: Substitution of section 51 of Act 65 of 1981.
- 35 “Appointment of reservists. 51. Any person may be appointed on a voluntary basis as a reservist of the Force under such conditions as the Commissioner of the Force may, subject to the directions of the Minister, prescribe.”.
- 40 20. Section 61 of the South African Transport Services Act, 1981, is hereby amended by the insertion after paragraph (g) of the following paragraphs: Amendment of section 61 of Act 65 of 1981.
- 45 “(h) without lawful authority moves, removes, covers, damages, interferes or tampers with, defaces or paints, writes or draws upon any fire alarm, telephone, apparatus, board, plate or sign used for combating fires;
- 50 (i) uses any fire alarm, telephone or other apparatus for the transmission of alarms, calls or signals relating to fire for any purpose other than the transmission of a bona fide fire alarm or fire call, or in any other way gives or causes to be given a false fire alarm,”.
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.

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22. This Act shall be called the South African Transport Services Amendment Act, 1982, and shall come into operation on the date of promulgation in the *Gazette*, except that the provisions of—

- 5 (i) section 3 shall be deemed to have come into operation from the September 1981 paymonth; and
- (ii) sections 4, 5 and 8 shall come into operation on 1 April 1982.