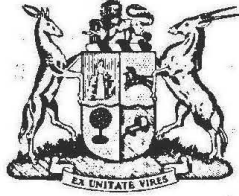


Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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CAPE TOWN, 30 MAY 1980

[No. 7039

KAAPSTAD, 30 MEI 1980

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1086.

30 May 1980.

No. 1086.

30 Mei 1980.

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

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

No. 67 of 1980: Railways and Harbours Acts Amendment Act, 1980.

No. 67 van 1980: Wysigingswet op Spoorweg- en Hawewette, 1980.

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, so as to amend the definitions of "Railway Board" and "revenue"; to amend section 1 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, so as to insert certain new definitions; to insert section 1A in the said Act so as to provide for the manner in which the Railways and Harbours are to be administered; to amend section 2 of the said Act so as to delete reference to the Republic of South Africa Constitution Act, 1961; to insert section 3A in the said Act so as to provide for the construction of railways, harbours and harbour works; to insert section 20 in and to amend section 37 of the said Act so as to control the Administration's packaging certificate on packs, packaging and containers and to make any misuse thereof punishable by law; to amend sections 57A and 57C of the said Act so as to bring the principles thereof into line with those contained in the Police Act, 1958; to amend section 1 of the Rating of Railway Property Act, 1959, so as to amend the definition of "Administration"; to amend section 1 of the Railways and Harbours Service Act, 1960, so as to amend the definition of "revenue"; to amend section 19 of the said Act so as to provide for the payment of servants during periods of suspension; to amend the heading of Part VIII and to repeal sections 99, 102, 103, 104, 104A, 105 and 106 of the Republic of South Africa Constitution Act, 1961; to substitute section 2 of the Railway Board Act, 1962, so as to provide for matters incidental to the Railways and Harbours Board; to amend sections 4 (1) (c) and 4 (2) (a) of the said Act, section 1 of the Public Debt Commissioners Act, 1969, and section 27 of the Exchequer and Audit Act, 1975, and to substitute sections 2C, 9 and 15 and to amend sections 4 (3) (b) and 16 of the Railways and Harbours Finances and Accounts Act, 1977, so as to amend the provisions regarding the use of funds for the Administration's capital programme; to amend sections 4 (1) (j) and 4 (2) of the Railway Board Act, 1962, so as to delete reference to the Republic of South Africa Constitution Act, 1961, and to bring them into line with existing legislation; to amend section 1 of the Railways and Harbours Pensions Act, 1971, and section 1 of the Railways and Harbours Pensions for Non-Whites Act, 1974, so as to amend the definitions of "Railway Board" and "revenue"; to amend section 1 of the Railways and Harbours Finances and Accounts Act, 1977, so as to amend the definition of "Fund" or "the Fund", and to insert a new definition of "Railways and Harbours Board"; to insert a new section 2 in the said Act so as to provide for the Railway and Harbour Fund; to insert section 2A in the said Act so as to provide for the establishment of a fund for maintaining

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uniformity of rates; to insert section 2B in the said Act so as to provide for a Revenue Reserve; to insert section 2D in the said Act so as to provide for the making good of deficiencies in the Railway and Harbour Fund; to substitute section 3 of the said Act so as to amend the provisions concerning the use of the Railway and Harbour Account; to amend section 4 (1) of the said Act so as to delete reference to the Republic of South Africa Constitution Act, 1961; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 16 May 1980.)

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

1. Section 1 of the Railways and Harbours Pensions Amendment Act, 1941, is hereby amended—

Amendment of section 1 of Act 26 of 1941, as amended by section 2 of Act 6 of 1965, section 2 of Act 85 of 1971 and section 1 of Act 45 of 1974.

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

"(xi) 'Railway Board' means the Railways and Harbours Board referred to in section 2 of the Railway Board Act, 1962 (Act No. 73 of 1962); (xvi)"; and

10

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

"(xiii) 'revenue' means the revenue referred to in section 1 of the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977); (vi)".

15

2. Section 1 of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (hereinafter called "the Control and Management Act"), is hereby amended—

Amendment of section 1 of Act 70 of 1957, as amended by section 5 of Act 25 of 1959, section 6 of Act 62 of 1961, section 5 of Act 62 of 1962, sections 11 and 44 of Act 6 of 1965, section 2 of Act 24 of 1971, section 2 of Act 44 of 1974, section 1 of Act 8 of 1976, section 1 of Act 69 of 1977 and section 1 of Act 80 of 1979.

20

(a) by the insertion, in subsection (1), after the definition of "Administration's jurisdiction", of the following definition:

"(iiA) 'Auditor-General' means the person appointed as such in terms of section 41 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975); (ixA)";

25

(b) by the insertion, in subsection (1), after the definition of "railway", of the following definition:

"(xivA) 'Railway and Harbour Fund' means the fund established in terms of section 2 of the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977); (xxA)";

30

(c) by the insertion, in subsection (1), after the definition of "railways", of the following definition:

"(xvA) 'Railways and Harbours Board' means the board referred to in section 2 of the Railway Board Act, 1962 (Act No. 73 of 1962); (xxB)"; and

35

(d) by the insertion, in subsection (1), after the definition of "ship", of the following definition:

"(xixA) 'State Revenue Fund' means the fund referred to in section 98 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (xxC)".

40

3. The following section is hereby inserted after section 1 of the Control and Management Act:

Insertion of section 1A in Act 70 of 1957.

45

1A. (1) The railways and harbours of the Republic shall be administered on business principles with due regard to the economic interests and total transport needs of the Republic.

(2) (a) So far as may be possible, the total earnings of the railways and harbours shall not be more

"Railways and harbours to be administered on business principles."

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5 than are sufficient to meet the necessary outlays for exploitation, capital costs, and contributions to the revenue reserve established in terms of section 2B of the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977).
 10 (b) The amount of interest due on loan funds appropriated from the State Revenue Fund for the purposes of the railways and harbours shall be paid over from the Railway and Harbour Fund into the State Revenue Fund."

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

15 (a) by the substitution for subsection (1) of the following subsection:
 20 "(1) to acquire, expropriate, take, hire, purchase work, hold, sell, deliver, transfer or otherwise lawfully dispose of property, whether movable or immovable, including water, ships, servitudes and other rights, for the purposes of any activity in which the Administration may lawfully engage, and to lease any such property for any purposes, and turn the same to account: Provided that this power shall be exercised in accordance with [the provisions of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and] the provisions of the relevant law (if any) relating to the expropriation or use of land or water and subject to any obligations lawfully imposed affecting such property;" and
 25 (b) by the substitution for subsection (17) of the following subsection:
 30 "(17) subject to the provisions of [the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961),] the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977), or of any other law, to control the finances of the Administration;"

Amendment of section 2 of Act 70 of 1957, as amended by section 1 of Act 4 of 1958, section 3 of Act 7 of 1963, section 5 of Act 39 of 1963, section 2 of Act 54 of 1964, sections 12 and 44 of Act 6 of 1965, section 1 of Act 60 of 1968, section 3 of Act 32 of 1969, section 3 of Act 24 of 1971, section 3 of Act 44 of 1974, section 5 of Act 46 of 1975, section 26 of Act 48 of 1977, section 2 of Act 69 of 1977 and section 2 of Act 80 of 1979.

5. The following section is hereby inserted after section 3 of the Control and Management Act:

Insertion of section 3A in Act 70 of 1957.

40 "Construction of rail-ways, har- bours and harbour works.
 45 3A. (1) Save as provided in section 2 (6) of this Act, no railway for the conveyance of public traffic, and no harbour or similar work, shall be constructed without the sanction of Parliament.
 50 (2) Every proposal for the construction of any harbour or harbour works or of any line of railway shall, before being submitted to Parliament, be considered by the Railways and Harbours Board, which shall report thereon, and shall advise whether the proposed works or line of railway should or should not be constructed.
 55 (3) If any such works or line is constructed contrary to the advice of the board, and if the board is of opinion that the revenue derived from the operation of such works or line is insufficient to meet the exploitation and capital costs thereof, an amount equal to the actual loss sustained during a financial year shall, after certification by the Auditor-General, be paid over annually from the State Revenue Fund to the Railway and Harbour Fund."

60 6. The following section is hereby inserted after section 19 of the Control and Management Act:

Insertion of section 20 in Act 70 of 1957.

"Packaging certificate on packs, pack- 20. (1) No manufacturer of any packaging may imprint a certificate on a pack, packaging or container purporting to be the packaging certificate of the

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aging and
containers.

Administration as prescribed in the regulations whilst such pack, packaging or container does not comply with the packaging requirements as prescribed in the regulations.

5 (2) Should such certificate be imprinted on any pack, packaging or container which does not comply with the packaging requirements prescribed by the Administration, the manufacturer or user of such pack, packaging or container shall obliterate or cancel
10 such certificate when the Administration orders him to do so."

7. Section 37 of the Control and Management Act is hereby amended by the insertion after paragraph (e) of the following paragraphs:

15 "(f) imprints a certificate as contemplated in section 20 (1);
(g) fails to obliterate or cancel a certificate on a pack, packaging or container as contemplated in section 20 (2)."

Amendment of section 37 of Act 70 of 1957, as amended by section 6 of Act 39 of 1963, section 26 of Act 6 of 1965 and section 5 of Act 32 of 1969.

20 8. Section 57A of the Control and Management Act is hereby amended by the insertion after subsection (4) of the following subsections:

25 "(5) Notwithstanding anything to the contrary in any law contained, any member of the Force may, in the performance of the functions referred to in subsection (1), search without warrant any person, premises, other place, vehicle, vessel or aircraft, or any receptacle of whatever nature, at any place in the Republic within a distance of ten kilometres of any border between the Republic and any foreign State or territory and seize anything found by him upon such person or upon or at or in such premises, other place, vehicle, vessel, aircraft or receptacle.

30 (6) The State President may in the event of war or other emergency, employ the Force or any part thereof to assist in the defence of the Republic, whether within or outside the Republic, and may place the Force or any part thereof, while so employed, under the orders and directions of such person as the State President may for that purpose appoint."

Amendment of section 57A of Act 70 of 1957, as inserted by section 5 of Act 47 of 1973.

9. Section 57C of the Control and Management Act is hereby amended—

40 (a) by the substitution for subsections (2) and (3) of the following subsections:

45 "(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 residential address within three months after the commencement of this section or within three months after he has become such a member.

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

55 (c) In any prosecution of any **[such]** member of the Police Reserve for a contravention of any provision of paragraph (a) or (b), the member concerned shall be deemed not to have notified the said officer of his name and residential address or of any change of his residential address, unless **[he—**

60 (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

(ii) adduces other proof to the satisfaction of the court is adduced that **[he has in fact**

Amendment of section 57C of Act 70 of 1957, as inserted by section 12 of Act 64 of 1978.

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notified the said officer of his name and address or of any change of his address, as circumstances may require] the member concerned did in fact comply with such provision or took all reasonable steps to comply therewith.

(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 grant him an extension of time to comply therewith or may discharge or dismiss any such member from the [Force] Police Reserve.”;

(b) by the substitution for subsection (9) of the following subsection:

“(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] four years 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.”.

10. Section 1 of the Rating of Railway Property Act, 1959, is hereby amended by the substitution for the definition of “Administration” of the following definition:

“(i) ‘Administration’ means the authority which, under the Railway Board Act, 1962 (Act No. 73 of 1962), administers and works the railways, ports and harbours of the Republic; (i)’.”

Amendment of section 1 of Act 25 of 1959, as amended by section 32 of Act 65 of 1976.

11. Section 1 of the Railways and Harbours Service Act, 1960 (hereinafter called “the Service Act”), is hereby amended by the substitution, in subsection (1), for the definition of “revenue” of the following definition:

“(xviii) ‘revenue’ means the revenue referred to in section 1 of the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977); (ix)’.”

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, sections 45 and 60 of Act 6 of 1965, section 4 of Act 8 of 1968, section 4 of Act 85 of 1971 and section 5 of Act 8 of 1976.

12. Section 19 of the Service Act is hereby amended by the substitution for subsection (3) (c) of the following subsection:

“(c) If a servant is acquitted by the court or the criminal charge is withdrawn, he shall be paid for the period of suspension unless—

(i) disciplinary action is taken against him in accordance with subsection (4)[]; or

(ii) an officer empowered to take disciplinary action against the servant in his discretion decides that the servant is not to be paid for the whole or any part of the period of suspension, in which event any part of the said period for which the servant is not paid, shall be treated either as leave of absence as against any leave with pay which may be due to the servant, or as leave without

Amendment of section 19 of Act 22 of 1960, as amended by section 1 of Act 43 of 1960, section 9 of Act 7 of 1963 and section 5 of Act 54 of 1964 and substituted by section 5 of Act 33 of 1972.

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pay, or partly as leave with pay and partly as leave without pay.]”.

13. Part VIII of the Republic of South Africa Constitution Act, 1961, is hereby amended—

- 5 (a) by the deletion in the heading of the words “AND RAILWAYS”;
- (b) by the repeal of sections 99, 102, 103, 104, 104A, 105 and 106.

Amendment of Part VIII of Act 32 of 1961, as amended by sections 18 and 19 of Act 58 of 1966, section 52 of Act 66 of 1975, and section 25 of Act 48 of 1977.

14. The following section is hereby substituted for section 2 of 10 the Railway Board Act, 1962:

Substitution of section 2 of Act 73 of 1962.

“Railways and Harbours Board.

2. (1) The Railways and Harbours Board (hereinafter called ‘the board’) referred to in section 1 of the Railway Board Act, 1916 (Act No. 17 of 1916), shall continue in existence under the same name.

15 (2) The board shall consist of not more than three commissioners, who shall be appointed by the State President, and the Minister, who shall be chairman.

(3) A commissioner shall hold office for a period of five years, but may be reappointed.

20 (4) A commissioner shall not be removed before the expiration of his period of appointment, except by the State President for cause assigned, which shall be communicated by message to the Senate and to the House of Assembly within one week after the removal, if Parliament is in session, or, if Parliament is not in session, within one week after the commencement of the next ensuing session.

25 (5) The salaries of the commissioners shall be fixed by the State President and shall not be reduced during their respective terms of office.

30 (6) Every reference to the board in any law passed prior to the commencement of this Act, shall be construed as a reference to the board.

35 (7) Nothing in this Act contained shall detract from any powers possessed by the board in its capacity as the final appellate authority in relation to any appeal under sections 9, 10, 21 and 29 of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), or under any regulation made under that Act.”.

15. Section 4 of the Railway Board Act, 1962, is hereby 40 amended—

- (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

45 “(c) the estimates of revenue and expenditure, including [loan expenditure,] the capital budget, which are from time to time to be submitted to Parliament;”;

- (b) by the substitution for paragraph (j) of subsection (1) of the following paragraph:

50 “(j) the administration of the fund mentioned in section [one hundred and four of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961),] 2A of the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977);”;

- (c) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

55 “(2) The report mentioned in section [one hundred and five of the said Republic of South Africa Constitution Act, 1961,] 3A (2) of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), shall be a full and exhaus-

Amendment of section 4 of Act 73 of 1962, as amended by section 8 of Act 33 of 1972 and section 23 of Act 8 of 1976.

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- tive report accompanied by maps or charts indicating approximately the direction of the proposed line and the farms contemplated to be traversed, and shall set forth in detail and as far as possible categorically—"; and
- 5 (d) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
 "(a) the **capital** expenditure to be incurred on the new line or works;"
16. Section 1 of the Public Debt Commissioners Act, 1969, is hereby amended by the substitution for the definition of "deposits" of the following definition: Amendment of section 1 of Act 2 of 1969, as amended by section 23 of Act 13 of 1974.
- 15 "(iii) 'deposits' means all moneys available for investment, which may be received or held by, for, or on account of the Government of the Republic (other than revenues as defined in the **Exchequer and Audit Act, 1956 (Act No. 23 of 1956)**) **Exchequer and Audit Act, 1975 (Act No. 66 of 1975)**), and includes **the balances available for investment of moneys** surplus cash held by the Administration of the Railways and Harbours, **available for investment**, but does not include moneys available for investment held by the Department of Posts and Telecommunications; (iii)".
- 20
17. Section 1 of the Railways and Harbours Pensions Act, 1971, is hereby amended— 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 and section 32 of Act 8 of 1976.
- 25 (a) by the substitution for the definition of "Railway Board" of the following definition:
 "(xiv) 'Railway Board' means the Railways and Harbours Board referred to in section 2 of the Railway Board Act, 1962 (Act No. 73 of 1962); (xxiii)"; and
- 30 (b) by the substitution for the definition of "revenue" of the following definition:
 "(xvi) 'revenue' means the revenue referred to in section 1 of the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977); (xiii)".
- 35 18. Section 1 of the Railways and Harbours Pensions for Non-Whites Act, 1974, is hereby amended— Amendment of section 1 of Act 43 of 1974, as amended by section 2 of Act 89 of 1976.
- (a) by the substitution for the definition of "Railway Board" of the following definition:
 "(xix) 'Railway Board' means the Railways and Harbours Board referred to in section 2 of the Railway Board Act, 1962 (Act No. 73 of 1962); (xxiv)"; and
- 40 (b) by the substitution for the definition of "revenue" of the following definition:
 "(xxi) 'revenue' means the revenue referred to in section 1 of the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977); (xi)".
- 45
19. Section 27 of the Exchequer and Audit Act, 1975, is hereby amended by the substitution, in subsection (1), for the words preceding subparagraph (a) of the following words: Amendment of section 27 of Act 66 of 1975.
- 50 "(1) Moneys appropriated out of the State Revenue Fund as loans to the Railways and Harbours Administration and which that Administration requires from time to time for its capital **expenditure** programme, shall be obtained by requisition on the Treasury, and the Treasury shall determine
- 55 in what instalments and on what dates the moneys so requisitioned shall be paid to that Administration and whether it shall be paid—".

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20. Section 1 of the Railways and Harbours Finances and Accounts Act, 1977 (hereinafter called "the Finances and Accounts Act"), is hereby amended—
- 5 (a) by the substitution for the definition of "Fund" or "the Fund" of the following definition:
- "(ix) 'Fund' or 'the Fund' means the Railway and Harbour Fund established in terms of section 2 of this Act; (x);" and
- 10 (b) by the insertion, after the definition of "Public Debt Commissioners", of the following definition:
- "(xviA) 'Railways and Harbours Board' means the board referred to in section 2 of the Railway Board Act, 1962 (Act No. 73 of 1962); (xviiA)".
21. (1) The following new section is hereby inserted in Chapter 15 I of the Finances and Accounts Act:
- 2. (1) There shall be a Railway and Harbour Fund**
- into which shall be paid all revenue as defined in section 1 and all moneys obtained as loans in terms of sections 15 and 16.
- 20 (2) No moneys shall be withdrawn from the Railway and Harbour Fund except in accordance with an Act of Parliament."
- (2) The existing section 2 of the said Act is renumbered to section 2C.
- 25 22. The following section is hereby inserted after section 2 of the Finances and Accounts Act:
- 2A. Notwithstanding anything to the contrary**
- contained in section 1A of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), the Railways and Harbours Board may establish a fund out of railway and harbour revenue to be used for maintaining, as far as may be, uniformity of rates notwithstanding fluctuations in traffic."
- 30 "Establishment of fund for maintaining uniformity of rates.
23. The following section is hereby inserted after section 2A of the Finances and Accounts Act:
- 2B. There shall be a revenue reserve, comprising**
- contributions from moneys appropriated by Parliament, and which shall be applied towards financing the capital programme."
- 40 "Revenue Reserve.
24. The following section is hereby substituted for section 2C of the Finances and Accounts Act:
- 2C. With regard to the Fund and any other funds**
- established by law, the control of which is entrusted to it in terms of the laws concerned, the Administration shall keep accounts in accordance with approved accounting principles."
- 45 "Accounts of the Fund.
25. The following section is hereby inserted after section 2C of the Finances and Accounts Act:
- 2D. If the Railways and Harbours Board is required**
- by the State President or under any Act of Parliament or resolution of the Senate and of the House of Assembly to provide any services or facilities either gratuitously or at a tariff which is insufficient to meet the costs involved in the provision of such services or facilities, the board shall at the end of each financial year present to Parliament an account certified by the Auditor-General, showing, as nearly as can be ascertained, the amount of the loss incurred by reason
- 55 "Making good of deficiencies in Railway and Harbour Fund in certain cases.

Amendment of section 1 of Act 48 of 1977, as amended by section 15 of Act 80 of 1979.

Insertion of new section 2 in Act 48 of 1977.

Insertion of section 2A in Act 48 of 1977.

Insertion of section 2B in Act 48 of 1977.

Substitution of section 2C of Act 48 of 1977, as amended by section 16 of Act 80 of 1979.

Insertion of section 2D in Act 48 of 1977.

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of the provision of such services or facilities, and such amount shall be paid out of the State Revenue Fund to the Railway and Harbour Fund.”.

26. The following section is hereby substituted for section 3 of the Finances and Accounts Act: Substitution of section 3 of Act 48 of 1977, as amended by section 17 of Act 80 of 1979.
- “The Railway and Harbour Account.
3. The Administration shall maintain at the Bank an account entitled ‘the Railway and Harbour Account’, into which shall be deposited all revenue of the Administration as well as all other receipts from whatever source arising, and from which shall be drawn all moneys which are voted to meet expenditure and payments for which the Administration is, or may become, liable on behalf of the Fund and the other funds mentioned in section 2C.”.
27. Section 4 of the Finances and Accounts Act is hereby amended— Amendment of section 4 of Act 48 of 1977.
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) The moneys in the Fund shall, in compliance with the provisions of [section 99 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961),] section 2 of this Act be appropriated by Parliament by an Appropriation Act for the requirements of the Administration: Provided that until such time as provision has been made in respect of a financial year for such requirements in an Appropriation Act, Parliament may, subject to the provisions of subsection (2), by a Part Appropriation Act, appropriate out of the Fund a portion of the moneys necessary for such requirements: Provided further that such a Part Appropriation Act shall cease to have effect on the coming into operation of the Appropriation Act for that financial year and disbursements made under such a Part Appropriation Act shall be deemed to be disbursements under that Appropriation Act.”; and
- (b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:
- “(b) [Capital and Betterment Services] Capital Programme.”.
28. The following section is hereby substituted for section 9 of the Finances and Accounts Act: Substitution of section 9 of Act 48 of 1977.
- “9. A system of account books and accounts [adapted to requirements] based on approved accounting principles, shall, when approved by the Administration after consultation with the Auditor-General, form the basis of the system of bookkeeping, subject to such variations as the Administration may from time to time allow in order to conform to the circumstances of any particular branch thereof.”.
29. The following section is hereby substituted for section 15 of the Finances and Accounts Act: Substitution of section 15 of Act 48 of 1977.
- “Requisition by the Administration for amounts out of loan moneys from the Treasury.
15. Moneys that the Administration requires from time to time for its capital [expenditure] programme shall be obtained as loans from the State Revenue Fund by requisition on the Treasury, and the provisions of section 27 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), shall apply to any such loan.”.
30. Section 16 of the Finances and Accounts Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 16 of Act 48 of 1977.

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1980

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- 5 “(1) Notwithstanding anything to the contrary in any law contained, the General Manager may, with the approval of the Minister granted in consultation with the Minister of Finance, raise money **[to finance wholly or in part the Administration’s capital programme]** and enter into any agreement that may be necessary to achieve this purpose.”
31. This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.
- 10 32. This Act shall be called the Railways and Harbours Acts Amendment Act, 1980, and shall be deemed to have come into operation on 1 April 1980, with the exception that section 12 shall be deemed to have come into operation on 15 February 1980.

as amended by
section 18 of
Act 80 of 1979.

Application of
Act to South West
Africa.

Short title and date
of commencement.