

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.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 10c Price
Oorsee 15c Overseas
POSVRY—POST FREE

Vol. 73.]

KAAPSTAD, 14 JULIE 1971.
CAPE TOWN, 14TH JULY, 1971.

[No. 3202.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 1221.

14 Julie 1971.

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

No. 85 van 1971: Tweede Wysigingswet op Spoorweg- en Hawewette, 1971.

No. 1221.

14th July, 1971.

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

No. 85 of 1971: Second Railways and Harbours Acts Amendment Act, 1971.

Act No. 85, 1971 SECOND RAILWAYS AND HARBOURS ACTS AMENDMENT
ACT 1971

ACT

To amend section 49 of the Railways and Harbours Service Act, 1912, sections 1 and 8 of the Railways and Harbours Pensions Amendment Act, 1941, sections 1, 3, 13, 16 and 33 of the Railways and Harbours Service Act, 1960, and section 12 of the Second Railways and Harbours Acts Amendment Act, 1969.

(English text signed by the State President.)
(Assented to 17th June, 1971.)

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

Amendment of section 49 of Act 28 of 1912, as substituted by section 3 of Act 15 of 1956 and amended by section 4 of Act 44 of 1959 and section 1 of Act 41 of 1969.

1. Section 49 of the Railways and Harbours Service Act, 1912, is hereby amended—

- (a) by the substitution, in subsection (2), for the expression “subsections (3) or (3A)” of the expression “subsections (3), (3A) or (3B)”;
- (b) by the substitution for subsection (3A) of the following subsection:

“(3A) An annuity payable in terms of this section shall be increased by—

- (i) ten per cent, plus
- (ii) two per cent, compounded annually, during the month of the anniversary of the date on which the annuity first became payable to the deceased annuitant, such increases being calculated from the date an annuity first became payable to the deceased annuitant.”; and

- (c) by the insertion, after subsection (3A), of the following subsection:

“(3B) An annuity payable in terms of this section shall be further increased by fifteen per cent.”.

Amendment of section 1 of Act 26 of 1941, as amended by section 2 of Act 6 of 1965.

2. Section 1 of the Railways and Harbours Pensions Amendment Act, 1941, is hereby amended by the substitution, in subsection (1), for the expression “Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960)” of the expression “Railways and Harbours Pensions Act, 1971 (Act No. 35 of 1971)”.

Amendment of section 8 of Act 26 of 1941, as amended by section 5 of Act 6 of 1965.

3. Section 8 of the Railways and Harbours Pensions Amendment Act, 1941, is hereby amended by the substitution for the expression “section twenty of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960)” of the expression “section 6 of the Railways and Harbours Pensions Act, 1971 (Act No. 35 of 1971)”.

Act No. 85, 1971 SECOND RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1971.

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 and section 4 of Act 8 of 1968.

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

- (a) by the insertion, in subsection 1, after the definition of "pension", of the following definition:
- “(xiii)*bis* ‘Pension Regulation’ means a regulation made and in force under the Railways and Harbours Pensions Act, 1971 (Act No. 35 of 1971); (xvii)*bis*”;
- (b) by the substitution, in the definition of "employee" in the said subsection, for the word "daily" of the word "monthly";
- (c) by the substitution, in the definition of "officer" in the said subsection, for the word "daily" of the word "monthly"; and
- (d) by the substitution, in the definition of "the New Fund" in the said subsection, for the expression "section *three* of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960)" of the expression "section 2 of the Railways and Harbours Pensions Act, 1971 (Act No. 35 of 1971)".

Amendment of section 3 of Act 22 of 1960, as amended by section 46 of Act 6 of 1965.

5. Section 3 of the Service Act is hereby amended by the substitution for the expression "paragraph (d) of subsection (1) of section *eleven* of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960)" of the expression "Pension Regulation No. 23 (1) (b)".

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 and section 2 of Act 41 of 1969.

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

- (a) by the substitution, in subsection (1), for the expression "section *fifty-eight* of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960)" of the expression "section 9 of the Railways and Harbours Pensions Act, 1971 (Act No. 35 of 1971)";
- (b) by the substitution, in subsection (2), for the expression "section *fifty-eight* of the Railways and Harbours Superannuation Fund Act, 1960" of the expression "section 9 of the Railways and Harbours Pensions Act, 1971";
- (c) by the substitution for paragraph (a) of subsection (4) of the following paragraph:
- “(4) (a) Upon the death of a person to whom an annuity has been granted under subsection (1) of this section or under section 11*bis* (1) of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), there shall, subject to the provisions of subsection (5) of this section, be paid to the beneficiary (if any) specified in or under Pension Regulation No. 44, and subject to the provisions of that Regulation, such benefit as is hereinafter in this subsection provided for in relation to the particular class of beneficiary concerned.”;
- (d) by the substitution, in paragraph (c) of subsection (4), for the expression "subsection (4) of section *thirty* of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960)" of the expression "Pension Regulation No. 42 (4)";
- (e) by the substitution, for proviso (1) to paragraph (c) of subsection (4), of the following proviso:

Act No. 85, 1971 SECOND RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1971.

“(1) if any portion of the deceased person’s annuity was commuted under section 74*bis* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), section 58 of the Railways and Harbours Superannuation Fund Act, 1960, or section 9 of the Railways and Harbours Pensions Act, 1971, the basic sum shall, for the purpose of calculating the widow’s annuity, be deemed to be reduced in the proportion which the commuted portion of the annuity bears to the full annuity;”;

- (f) by the substitution for paragraph (dA) of subsection (4) of the following paragraph:

“(dA) An annuity payable in terms of this subsection shall be increased by—

(i) five per cent, plus

(ii) two per cent, compounded annually, during the month of the anniversary of the date on which the annuity first became payable to the deceased annuitant, such increases being calculated from the date an annuity first became payable to the deceased annuitant.”;

- (g) by the insertion, after paragraph (dA) of subsection (4), of the following paragraph:

“(dB) An annuity payable in terms of this subsection shall be further increased by the following percentages according to the date on which the annuitant retired or retires from the Service—

Up to and including the thirty-first day of March, 1968 . . .	Fifteen per cent
From the first day of April, 1968, to the thirty-first day of March, 1969 . . .	Twelve and a half per cent
From the first day of April, 1969, to the thirty-first day of May, 1971 . . .	Ten per cent
From the first day of June, 1971, to the thirty-first day of May, 1972 . . .	Seven and a half per cent
From the first day of June, 1972, to the thirty-first day of May, 1973 . . .	Five per cent
From the first day of June, 1973, and thereafter . . .	Nil

Provided that in the case of an annuitant who dies on or after the first day of June, 1973, the widow annuitant shall not receive a lesser annuity than would have been payable had the annuitant died on the thirty-first day of May, 1973, and received the benefit of the five per cent enhancement on annuity.”;

- (h) by the substitution, in paragraph (e) of subsection (4), for the expression “section *thirty-two* of the said Railways and Harbours Superannuation Fund Act, 1960” of the expression “Pension Regulation No. 44”;
- (i) by the substitution for paragraph (b) of subsection (7) of the following paragraph:

Act No. 85, 1971 SECOND RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1971.

“(b) Any annuity granted to a widow in terms of subsection (6), increased by ten per cent or five per cent, as the case may be, shall be increased by two per cent, compounded annually, during the month of the anniversary of the date on which the annuity first became payable to the deceased annuitant, such increases being calculated from the date an annuity first became payable to the deceased annuitant.”; and

(j) by the insertion, after paragraph (b) of subsection (7), of the following paragraph:

“(c) Any annuity granted to a widow in terms of subsection (6) shall be further increased by the following percentages according to the date on which the annuitant retired from the Service—

Up to and including the thirty-first day of March, 1968 . . .	Fifteen per cent
From the first day of April, 1968, to the thirty-first day of March, 1969 . . .	Twelve and a half per cent
From the first day of April, 1969, to the thirty-first day of March, 1971 . . .	Ten per cent.”.

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 and section 3 of Act 41 of 1969.

7. Section 16 of the Service Act is hereby amended by the substitution, in paragraph (g) of subsection (7), for the expression “subsection (2) of section 41 of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960)” of the expression “section 13 (2) of the Railways and Harbours Pensions Act, 1971 (Act No. 35 of 1971)”.

Amendment of section 33 of Act 22 of 1960, as amended by section 59 of Act 6 of 1965.

8. Section 33 of the Service Act is hereby amended by the substitution for the expression “section *thirty-four* of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960)” of the expression “Pension Regulation No. 47”.

Amendment of section 12 of Act 41 of 1969.

9. Section 12 of the Second Railways and Harbours Acts Amendment Act, 1969, is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The annuity received by an annuitant or widow annuitant, including the ten per cent or five per cent referred to in subsection (1), as the case may be, shall be further increased by two per cent, compounded annually, for each completed year in respect of which the annuity has been or is received: Provided that in the case of an annuitant who dies, the two per cent enhancement on his widow’s annuity shall be calculated from the date on which the annuity first became payable to the annuitant.”;

Act No. 85, 1971 SECOND RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1971.

- (b) by the insertion, after subsection (2), of the following subsection:

“(2A) The annuities referred to in subsection (1) shall be further increased by the following percentages according to the date on which the member died or retired from the Service—

Up to and including the thirty-first day of March, 1968 . . .	Fifteen per cent
From the first day of April, 1968, to the thirty-first day of March, 1969 . . .	Twelve and a half per cent

From the first day of April, 1969, to the thirty-first day of March, 1971 . . .	Ten per cent.”;
---	-----------------

- (c) by the substitution, in subsection (3), for the expression “subsection (1)” of the expression “subsections (1) and (2A)”; and
- (d) by the substitution for subsection (4) of the following subsection:

“(4) Where, in terms of the applicable pension law, an annuity which on the first day of April, 1971, is being paid from revenue, is to become payable from a fund as from a subsequent date, liability for the payment of the additional percentages referred to in subsections (1), (2) and (2A) shall as from that date pass from revenue to the fund in question.”.

Application of Act to South-West Africa.

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

Short title and commencement.

11. This Act shall be called the Second Railways and Harbours Acts Amendment Act, 1971, and shall be deemed to have come into operation on the first day of April, 1971.