

No. 23, 1944.]

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.

ACT

To amend the Railways and Harbours Service Act, 1912, the Railways and Harbours Service Act, 1925, the Railways and Harbours Superannuation Fund Act, 1925, and the Railways and Harbours Pensions Amendment Act, 1941.

(Signed by the Officer Administering the Government in
English.)

(Assented to 29th April, 1944.)

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

Amendment of
section 47 of
Act 28 of 1912.

1. Section *forty-seven* of the Railways and Harbours Service Act, 1912, is hereby amended by the insertion after the word "dismissal" of the words "or in anticipation of a charge of misconduct being laid against him," and by the insertion after the words "dismissed for fraud or dishonesty" in the first proviso to the said section, of the words, figures and symbols : "(including a member who is deemed to have been dismissed in terms of paragraph (a) of sub-section (4) of section *sixteen* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925) where the offence in respect of which he has been convicted involves fraud or dishonesty)."

Amendment of
section 7 of
Act 23 of 1925.

2. Section *seven* of the Railways and Harbours Service Act, 1925, is hereby amended by the addition thereto of the following sub-section :

"(3) Notwithstanding the provisions of sub-section (1) or (2)—

- (i) a policeman below the rank of commissioned officer who is in temporary employment shall, on termination of his employment on a ground other than misconduct, be entitled to receive ninety days notice or pay in lieu thereof;
- (ii) a policeman below the rank of commissioned officer who is in temporary or permanent employment shall not, without the permission of an authorized officer, leave the Service on resignation unless he has given a like period of notice of his intention to do so or has been permitted to purchase his discharge in accordance with the prescribed conditions.

For the purpose of this sub-section 'policeman' means a person appointed under section *fifty-seven* of the Railways and Harbours Regulation, Control and Management Act, 1916 (Act No. 22 of 1916), as amended."

Amendment of
section 5 of Act 24
of 1925 as
amended by
section 4 of
Act 19 of 1931.

3. (1) Section *five* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the deletion in sub-section (3) of the word "temporary" in both places where it occurs.

(2) A member of the New Fund who at the commencement of this Act is contributing thereto with effect from the commencement of his previous continuous temporary employment and who, but for the amendment of sub-section (3) of section *five* of the principal Act, by section *four* of the Railways and Harbours Service and Superannuation Fund Acts Amendment Act, 1931 (Act No. 19 of 1931), would, in terms of the said sub-section (3), have had the option of electing to make contributions in respect of his previous continuous employment after he attained the age of sixteen years, shall have the option of electing within six months after the date of commencement of this Act to make contributions (subject to the provisions of sub-section (3) of section *ten* of the principal Act), in respect of the whole of such period of continuous employment after he attained the age of sixteen years.

For the purposes of this sub-section "principal Act" means the Railways and Harbours Superannuation Fund Act, 1925, and the expression "New Fund" means the New Railways and Harbours Superannuation Fund constituted by section *three* of the principal Act.

Amendment of
section 28 of
Act 24 of 1925.

4. Section *twenty-eight* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the insertion after the word "dismissal" of the words "or in anticipation of a charge of misconduct being laid against him", and by the insertion after the words "dismissed for fraud or dishonesty" in the proviso to the said section, of the following words, figures and symbols: "(including a member who is deemed to have been dismissed in terms of paragraph (a) of sub-section (4) of section *sixteen* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), where the offence in respect of which he has been convicted involves fraud or dishonesty)."

Amendment of
section 49 of
Act 24 of 1925.

5. Section *forty-nine* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the insertion after the word "dismissal" of the words "or in anticipation of a charge of misconduct being laid against him", and by the insertion after the words "dismissed for fraud or dishonesty" in the proviso thereto, of the following words, figures and symbols: "(including a member who is deemed to have been dismissed in terms of paragraph (a) of sub-section (4) of section *sixteen* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), where the offence in respect of which he has been convicted involves fraud or dishonesty)."

Amendment of
section 2 of
Act 26 of 1941.

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

- (i) by the insertion, in paragraph (d) of sub-section (1), after the word "not" where it occurs for the first time, of the words "in respect of the period of service for which a benefit is claimed under this Act", and by the insertion in the said paragraph after the word "law" where it occurs for the second time of the words "in respect of such period";
- (ii) by the insertion, in paragraph (e) of sub-section (1), after the word "never" of the words "in respect of the period of service for which a benefit is claimed under this Act,".

Short title.

7. This Act shall be called the Railways and Harbours Acts Amendment Act, 1944.