

No. 34, 1957.]

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 Regulation, Control and Management Act, 1916; the Railways and Harbours Service Act, 1925; the Railways and Harbours Superannuation Fund Act, 1925; the Railways and Harbours Special Pensions Act, 1955; the Railways and Harbours Acts Amendment Act, 1955; and to provide for other incidental matters.

(Afrikaans text signed by the Officer Administering the Government.)

(Assented to 21st May, 1957.)

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:—

Amendment of paragraph (*r*)*bis* of section 3 of Act 22 of 1916, as inserted by section 2 of Act 18 of 1938 and as amended by section 1 of Act 20 of 1942 and section 1 of Act 40 of 1953.

1. (1) Section *three* of the Railways and Harbours Regulation, Control and Management Act, 1916, is hereby amended by the substitution, in paragraph (*r*)*bis*, for the words "such houses" of the words "any houses so acquired or erected or any other houses belonging to the Administration and no longer required for departmental purposes,".

(2) Sub-section (1) shall be deemed to have come into operation on the first day of October, 1956.

Amendment of section 38 of Act 22 of 1916.

2. (1) Section *thirty-eight* of the Railways and Harbours Regulation, Control and Management Act, 1916, is hereby amended by the substitution for sub-section (6), of the following sub-section:

"(6) Compensation under this section to the owner of any stock killed or injured shall in no case be payable at a higher rate than as follows:

For any cattle, per head	Twenty-five pounds.
For any horse	Twenty pounds.
For any mule	Fifteen pounds.
For any pig	Six pounds.
For any sheep	Three pounds.
For any ostrich	Three pounds.
For any goat	Two pounds.
For any donkey	Two pounds."

(2) Sub-section (6) of section *thirty-eight* of the Railways and Harbours Regulation, Control and Management Act, 1916, as substituted by sub-section (1) of this section, shall apply in respect of any stock killed or injured on or after the date of commencement of this Act.

Amendment of section 72*quat.* of Act 22 of 1916, as inserted by section 3 of Act 49 of 1955.

3. (1) Section *seventy-two quat.* of the Railways and Harbours Regulation, Control and Management Act, 1916, is hereby amended—

(a) by the addition, at the end of paragraph (*b*) of sub-section (2), of the words "or in repayment or discharge of the purchase price of dwelling-houses sold by it to servants pursuant to the provisions of the said paragraph";

(b) by the insertion in paragraph (*a*) of sub-section (3), after the word "granted", of the words "or in part payment of the purchase price of any dwelling-house which may thereafter be sold".

(2) Sub-section (1) shall be deemed to have come into operation on the first day of October, 1956.

Substitution of new section for section 11A of Act 23 of 1925, as inserted by section 3 of Act 27 of 1930.

4. (1) The following section is hereby substituted for section *eleven A* of the Railways and Harbours Service Act, 1925:

"Retirement of servants on ground of severe bodily injury, ill-health or physical disability. 11A. The services of a servant may be dispensed with prior to the date of his superannuation if he is found—

(a) to be incapable by reason of severe bodily injury in respect of which compensation is payable to him under any law relating to workmen's compensation; or

(b) in manner prescribed to be incapable by reason of severe bodily injury other than such as is

mentioned in paragraph (a), or of permanent ill-health or physical disability, of discharging the duties of his office or post, provided the Administration is satisfied on enquiry that such incapacity is permanent or will become permanent if the servant continues to perform the duties of his office or post or any other duties the Administration may assign to him.”.

(2) Sub-section (1) shall be deemed to have come into operation on the thirtieth day of May, 1930.

Amendment of section 18 of Act 23 of 1925, as substituted by section 8 of Act 49 of 1955.

5. Section *eighteen* of the Railways and Harbours Service Act, 1925, is hereby amended by the substitution, in sub-section (3), for the words “at the time his appeal is dealt with by the prescribed officer or the said Board, he or it shall, in addition, make such order as to him or it seems proper with regard to the payment or withholding of emoluments during the period of suspension subsequent to the date on which punishment was first imposed” of the words “or was under suspension at any time subsequent to the date on which punishment was first imposed, the prescribed officer or the said Board, as the case may be, shall, in addition, make such order as to him or it seems proper with regard to the payment or withholding of emoluments during the period of suspension subsequent to the said date.”.

Substitution of new section for section 20 of Act 23 of 1925.

6. The following section is hereby substituted for section *twenty* of the Railways and Harbours Service Act, 1925:

“Servants on duty while under the influence of liquor or drugs. 20. Any servant who is under the influence of intoxicating liquor or narcotic drugs—

- (a) while in charge of a locomotive or other engine, or while serving as engine driver or fireman, or as a ticket examiner or guard, or as officer in charge of a station, station foreman, shunter, gatekeeper or signalman, or as a telegraph or telephone operator transmitting or receiving messages in relation to the movement of trains, or as a pilot, crane driver or person in charge of any Government craft or marine engine; or
- (b) while on duty in any capacity other than one of those mentioned in paragraph (a) and whose performance of his duty while in such condition would be likely to endanger the safety of any person travelling or being on railway or harbour property,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds or, in default of payment, to imprisonment for a period not exceeding twelve months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.”.

Substitution of new section for section 29 of Act 24 of 1925.

7. (1) The following section is hereby substituted for section *twenty-nine* of the Railways and Harbours Superannuation Fund Act, 1925:

“Benefits to members of New Fund on voluntary resignation. 29. (1) A servant who is a member of the New Fund and who after giving the notice required by any law or contract, resigns voluntarily from the Service prior to superannuation shall, unless the resignation is in order to avoid discharge on account of misconduct, or in anticipation of a charge of misconduct being laid against him, become entitled—

- (a) in the case of a present member, to a refund of the total amount of his own contributions plus, in respect of each complete year for which he has contributed in excess of thirteen years, ten per cent. of the amount arrived at after deducting from the total amount of the member's own contributions, so much of the contributions paid by him during the period from the fixed date to the date of his resignation as represents two and one-half per cent. of his pensionable emoluments from time to

time over the said period in the case of a male member, and three-quarters per cent. of her pensionable emoluments from time to time over the said period in the case of a female member;

- (b) in the case of a new member, to a refund of the total amount of his own contributions plus, in respect of each complete year for which he contributed in excess of thirteen years, four per cent. of the amount arrived at after deducting from the total amount of the member's own contributions so much thereof as represents two and one-half per cent. of his pensionable emoluments from time to time in the case of a male member, and three-quarters per cent. of her pensionable emoluments from time to time in the case of a female member,

and on payment of any sum to which he may be entitled in terms of paragraph (a) or (b), such servant shall have no further claim upon the New Fund or upon the Administration: Provided that, if the servant concerned is a female servant who is discharged or required to resign from the Service on her marriage or who voluntarily resigns from the Service in contemplation of her marriage after having notified the head of her department in writing to that effect, and marries within three months after her resignation, the amount to be paid to her under this sub-section shall not be less than twice the amount of her own contributions to the New Fund.

(2) For the purposes of sub-section (1)—

“fixed date” means the first day of April, 1957, in the case of officers and employees paid on a calendar-month basis, and the sixteenth day of March, 1957, in the case of all other employees;

“new member” means a servant who became a member of the New Fund on or after the fixed date;

“present member” means a servant who became a member of the New Fund prior to the fixed date.”

(2) Section *twenty-nine* 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 resignation or discharge takes effect on or after the date of commencement of this Act.

Amendment of Schedule to Act 36 of 1955.

8. (1) The Schedule to the Railways and Harbours Special Pensions Act, 1955, is hereby amended by the addition of the following to the first and second columns, respectively, of part B thereof:

“71 years 6.95”.

(2) Sub-section (1) shall be deemed to have come into operation on the first day of July, 1955.

Repeal of sub-section (2) of section 8 of Act 49 of 1955.

9. Sub-section (2) of section *eight* of the Railways and Harbours Acts Amendment Act, 1955, is hereby repealed.

Validation of certain changes in conditions of employment.

10. All changes in conditions of employment for which provision is made in any regulation published under any Government Notice mentioned in the 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.

Application of Act to South West Africa.

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

Short title.

12. This Act shall be called the Railways and Harbours Acts Amendment Act, 1957.

Schedule.

<i>No. of Government Notice.</i>			<i>Date of Publication</i>
1405	..	..	8. 7.1955
2261	..	..	18.11.1955
2262	..	..	18.11.1955
464	..	..	16. 3.1956
466	..	..	16. 3.1956
597	..	..	5. 4.1956
634	..	..	13. 4.1956
635	..	..	13. 4.1956
636	..	..	13. 4.1956
471	..	..	20. 4.1956
953	..	..	1. 6.1956
472	..	..	22. 6.1956
1177	..	..	6. 7.1956
1178	..	..	6. 7.1956
1182	..	..	6. 7.1956
1766	..	..	28. 9.1956
1767	..	..	28. 9.1956
1771	..	..	28. 9.1956
1806	..	..	28. 9.1956
1807	..	..	28. 9.1956
1980	..	..	26.10.1956
1981	..	..	11. 1.1957