

No. 44, 1948.]

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 provide for the establishment of a National Transport Commission and an Advisory Committee on roads, and to define the functions of the said commission and committee ; to abolish the Civil Aviation Council established under the Aviation Act, 1923, the Central Road Transportation Board established under the Motor Carrier Transportation Act, 1930, and the National Road Board established under the National Roads Act, 1935 ; to amend the said Acts ; and to provide for other incidental matters.

(English Text signed by the Governor-General.)

(Assented to 2nd October, 1948.)

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 certain laws.

1. The laws mentioned in the Schedule to this Act are hereby amended to the extent set out in the third column of the Schedule.

Definitions.

2. In this Act, unless the context indicates otherwise—

“ Administrator ” means the Administrator of a province acting with the consent of the Executive Committee thereof ;

“ Commission ” means the National Transport Commission established under section *three* ;

“ contract of service ” means a contract of service entered into in terms of paragraph 6 of the regulations framed under the National Roads Act, 1935 (Act No. 42 of 1935) and published under Government Notice No. 1787 of the 27th October, 1944, paragraph 7 whereof shall be deemed to form part of such a contract ;

“ declared road ” has the meaning assigned to that expression in section *one* of the National Roads Act, 1935 ;

“ Fund ” has the meaning assigned to that expression in section *one* of the National Roads Act, 1935 ;

“ Minister ” means the Minister of Transport ;

“ motor carrier transportation ” has the meaning assigned to that expression in section *one* of the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930) ;

“ Pensions Act ” means the Government Service Pensions Act, 1936 (Act No. 32 of 1936) ;

“ Pension Fund ” means the Union Public Service Pension Fund established under section *three* of the Pensions Act ;

“ prescribed ” means prescribed by this Act or by regulation ;

“ public service ” means the public service according to the provisions of section *one* of the Public Service Act, 1923 (Act No. 27 of 1923) ;

“ regulation ” means a regulation made under this Act ;

“ Treasury ” means the Minister of Finance or any officer in the Department of Finance authorized by the said Minister to perform the functions assigned to the Treasury by this Act.

Establishment of National Transport Commission.

3. (1) The Governor-General shall appoint a body to be known as the National Transport Commission which shall consist of not more than seven members one of whom the Governor-General shall designate as chairman.

(2) Not more than three members of the Commission may be persons who are members of the public service.

(3) The Governor-General shall appoint as members of the Commission—

(i) The Secretary for Transport ;

(ii) one member whom he shall designate as Commissioner for Road Transportation ; and

(iii) one member whom he shall designate as Commissioner for Civil Aviation.

(4) The remaining members shall be persons who possess wide experience of and have shewn ability in transport, or aviation, or industrial, commercial or financial matters or in the conduct of public affairs.

(5) Of the members referred to in sub-section (4)—

- (a) one shall be appointed from among four persons nominated by the Administrators of the four Provinces jointly and shall be a person who, in the opinion of the Governor-General, possesses a thorough knowledge of the requirements of the Union in respect of roads; and
- (b) one shall be appointed after consultation with the Civil Aviation Advisory Committee referred to in section *four* of the Aviation Act, 1923, and shall be a person who, in the opinion of the Governor-General, possesses a thorough knowledge of matters relating to aviation.

(6) The members of the Commission other than those who are members of the public service shall be appointed for a period not exceeding five years and not less than two years and, subject to the succeeding provisions of this Act, shall hold office upon such conditions as the Governor-General may determine when making the appointments: Provided that any member of the Commission shall be eligible for re-appointment upon expiry of his term of office, and provided further that individual members of the Commission may be appointed for different periods and upon different conditions.

(7) The member designated as chairman in terms of sub-section (1) shall hold that office for a period of five years as from the date upon which he is designated as such, unless his period of office as a member of the Commission sooner expires or unless for any other reason he sooner ceases to be a member of the Commission.

(8) The Governor-General may, notwithstanding the provisions of sub-sections (1) and (2) but subject to the provisions of sub-section (6) and sections *four* and *five*, appoint as an additional member of the Commission, a person nominated by the Minister of Defence. Such member shall have the right to take part in the proceedings of the Commission but shall not have the right to vote.

Disqualifications for appointment, termination of membership and acting chairman.

4. (1) No person shall be appointed a member of the Commission—

- (a) if he is an unrehabilitated insolvent; or
- (b) if he has been convicted of an offence and sentenced to imprisonment without the option of a fine; or
- (c) if he is a servant of the Railway Administration; or
- (d) if he or any of his near relations is financially interested in any business of motor carrier transportation or is engaged in any activity connected with motor carrier transportation which, in the opinion of the Governor-General, is calculated to interfere with the impartial discharge by the member of the duties of his office; or
- (e) if he or any of his near relations is financially interested in any business of manufacturing or selling aircraft or in the operation of an air service or is engaged in any activity connected with such business or air service, which, in the opinion of the Governor-General, is calculated to interfere with the impartial discharge by the member of the duties of his office.

(2) Notwithstanding anything contained in sub-section (1) no act, direction or decision of the Commission shall be invalid solely by reason of the fact that any member of the Commission was by virtue of the said sub-section disqualified from serving on the Commission.

(3) A member of the Commission shall vacate his office—

- (a) if he becomes subject to any of the disqualifications for appointment mentioned in sub-section (1);
- (b) if he resigns by notice in writing addressed to the Minister.

(4) The Governor-General may remove from his office any member of the Commission—

- (a) who has failed to comply with a condition of his appointment; or
- (b) who has, in the opinion of the Governor-General, been guilty of improper conduct or habitually neglected his duties as a member of the Commission; or

(c) who is, in the opinion of the Governor-General, unable to perform efficiently his duties as a member of the Commission.

(5) If a member of the Commission dies, or vacates his office in pursuance of the provisions of sub-section (3), or is removed therefrom in terms of sub-section (4), the Governor-General may, subject to the provisions of section *three*, appoint a person as successor to such member.

(6) If the chairman of the Commission dies, or vacates his office as a member of the Commission in pursuance of the provisions of sub-section (3), or is removed therefrom in terms of sub-section (4), the Governor-General shall designate as chairman of the Commission one of the remaining members of the Commission or the person appointed to succeed the former chairman.

(7) Whenever the office of chairman of the Commission becomes vacant, or if the chairman of the Commission is temporarily unable to perform his functions as chairman, the Minister may designate any member of the Commission as acting chairman until a member of the Commission has been designated as chairman thereof in terms of sub-section (6), or until the chairman resumes his duties as such.

Remuneration of members of the Commission.

5. (1) Subject to the provisions of sub-section (2) of this section and of section *ninety-two* of the Public Service Act, 1923 (Act No. 27 of 1923), a member of the Commission shall be paid such remuneration and such allowances from the Consolidated Revenue Fund as may in each case be determined by the Minister in consultation with the Minister of Finance: Provided that if the Minister has, in terms of sub-section (7) of section *four*, designated any member of the Commission as acting chairman, he may authorize the payment from the aforesaid Fund to the acting chairman of such additional remuneration as he may determine, but not exceeding an amount which, together with the acting chairman's remuneration as an ordinary member of the Commission, equals the remuneration of the chairman in respect of the period in question.

(2) A member of the Commission who is a member of the public service shall not, in respect of the services rendered by him as a member or as chairman or acting chairman of the Commission, be paid any remuneration in addition to his salary as a member of the public service, nor shall such member be paid any allowance in respect of subsistence and transport at a rate higher than that applicable to him as a member of the public service.

Meetings of the Commission.

6. (1) The Commission shall hold meetings at such times and places as may from time to time be determined by the chairman or the acting chairman designated in terms of sub-section (7) of section *four*.

(2) The chairman or the acting chairman designated in terms of sub-section (7) of section *four* shall preside at every meeting of the Commission which he attends, and if neither the chairman nor the acting chairman attends a meeting, he shall designate one of the other members to preside at that meeting.

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

(a) the Commissioner for Road Transportation referred to in sub-section (3) of section *three* shall preside at every meeting of the Commission held for the purpose of considering applications or appeals under the Motor Carrier Transportation Act, 1930;

(b) the Commissioner for Civil Aviation referred to in sub-section (3) of section *three* shall preside at every meeting of the Commission held for the purpose of considering applications for the operation of any air services:

Provided that in the absence of the Commissioner for Road Transportation or the Commissioner for Civil Aviation, as the case may be, the chairman or the acting chairman referred to in sub-section (2) of this section shall preside or designate one of the other members of the Commission to preside at any such meeting.

(4) Three members (apart from the additional member referred to in sub-section (8) of section *three*) shall be a quorum at any meeting of the Commission: Provided that the Minister may direct that four or five members shall form a quorum at any meeting at which the Commission deals with a particular matter specified by the Minister: Provided further that there shall be no quorum if the majority of the members present at

any meeting of the Commission consists of members of the public service.

(5) The decision of the majority of the members present at a meeting of the Commission, shall be deemed to be a decision of the Commission, and in the event of an equality of votes at such meeting, the person presiding at the meeting shall have a casting vote.

(6) Subject to the provisions of sub-sections (3) and (4), two meetings of the Commission may be held simultaneously at different places.

Object of
the Commission.

7. The object of the Commission shall be, subject to the provisions of this Act or any other law, to promote and encourage the development of transport in the Union and, where necessary, to co-ordinate various phases of transport in order to achieve the maximum benefit and economy of transport service to the public.

Abolition of
National Road
Board, Central
Road Trans-
portation Board
and Civil Aviation
Council and
transfer of their
functions to the
Commission.

8. (1) Notwithstanding the provisions of any other law the National Road Board, established under section two of the National Roads Act, 1935 (Act No. 42 of 1935), the Central Road Transportation Board, established under section two of the Motor Carrier Transportation Act, 1930 (Act No. 39 of 1930), and the Civil Aviation Council, established under section three bis of the Aviation Act, 1923 (Act No. 16 of 1923), shall, upon the establishment of the Commission under section three, cease to exist and the powers, functions and duties of the said bodies shall thereupon be transferred to the Commission, which shall, subject to the provisions of this Act, for all purposes be deemed to be their successor.

(2) All property acquired by the National Road Board for the purposes of its functions, and all the records of that Board, shall vest in the Union Government and be made available for the use of the Commission in carrying out its functions under this Act, unless in the case of any of such property the Minister directs that it be otherwise dealt with for the benefit of the Fund.

(3) Any decision or act lawfully given or performed by any of the bodies abolished by sub-section (1) shall be deemed to have been given or performed by the Commission.

(4) Any matter which was under consideration by any of the bodies abolished by sub-section (1), but in regard to which no decision had been given or arrived at by such body at the time of its abolition, shall be considered *de novo* by the Commission.

Further functions
of the Commission.

9. In addition to the powers conferred and duties imposed upon the Commission by any other law, the functions of the Commission shall be—

(i) in relation to roads—

- (a) to recommend, after consultation with any Administrator affected by such recommendation, which roads shall be declared national, provincial or special roads in terms of section four of the National Roads Act, 1935;
- (b) on its own initiative or by direction of the Minister to investigate, in collaboration with any Administrator affected, any question appertaining to roads in the Union, with particular reference to declared roads and to report thereon to the Minister from time to time, making such recommendations as it may deem necessary;
- (c) to advise the Minister on road questions which may arise with Governments of neighbouring territories;
- (d) to direct, in collaboration with the Council for Scientific and Industrial Research established under the Scientific Research Council Act, 1945 (Act No. 33 of 1945), technical research on road construction, road maintenance and materials therefor and on road safety;
- (e) to submit to the Minister for his approval, after consultation with any Administrator affected and subject to the provisions of sub-section (4) of section eleven, schemes of works to be undertaken on declared roads;
- (f) to prescribe the manner in which plans, specifications and estimates for works, the cost or part

- of the cost of which is to be defrayed from the Fund, shall be submitted to the Commission ;
- (g) to submit to the Minister annually for his approval estimates of expenditure to be incurred from the Fund ;
 - (h) through any of its members or any officer of the Department of Transport to inspect roads and road works in collaboration with the Provincial Administration concerned ;
 - (i) to maintain records of all works the cost or part of the cost whereof is being or has been defrayed from the Fund ;
 - (j) to recommend to the Minister or to the Administrators the introduction of any legislation relating to roads which it considers desirable ;
 - (k) with the approval of the Minister to invest any monies in the Fund which the Commission does not require immediately ;
 - (l) generally, to perform any work entrusted to it by the Minister in connection with declared roads, or with roads which, in the opinion of the Minister, deserve consideration with a view to their proclamation under section *four* of the National Roads Act, 1935 ;
- (ii) in relation to motor carrier transportation, to advise and direct local road transportation boards appointed under section *three* of the Motor Carrier Transportation Act, 1930, in the exercise of their powers and the performance of their functions under the said Act ;
 - (iii) in relation to civil aviation—
 - (a) to make recommendations regarding the proclamations to be issued and the regulations to be made under the Aviation Act, 1923 (Act No. 16 of 1923) ;
 - (b) to keep under review and promote the progress and development of civil aviation in the Union, and to promote or undertake, in collaboration with such bodies or institutions as may be concerned, research into matters pertaining to civil aviation ;
 - (iv) generally, to promote the development of transport in the Union with a view always to securing the greatest benefit to the public, and to exercise such powers and perform such duties as may be conferred or imposed upon it by any other law.

Annual report
by Commission.

10. (1) The Commission shall, as soon as may be after the thirty-first day of March in each year, submit to the Minister a report on its work, the work of the Committee referred to in section *eleven* and the work of local road transportation boards during the twelve months which ended on the said date, and the Commission shall in such report make specific mention of any matter in connection with which any recommendation made by the Commission to the Governor-General during that year was not acted upon.

(2) Every such report shall as soon as possible after its submission to the Minister be laid by him on the Tables of both Houses of Parliament.

Establishment
and functions
of Advisory
Committee
on Roads.

11. (1) The Governor-General may appoint a committee to be known as the Advisory Committee on Roads (hereinafter referred to as the Committee), designate the chairman thereof, and make regulations, not inconsistent with the National Roads Act, 1935, or this Act, prescribing the constitution, functions and the conduct of the business of the Committee and other matters relating thereto.

(2) In appointing the members of the Committee, the Governor-General shall include at least one representative nominated by each Administrator.

(3) The members of the Committee shall be appointed for such periods and on such conditions (subject to the provisions of section *ninety-two* of the Public Service Act, 1923 (Act No. 27 of 1923)) as the Governor-General may determine when making any such appointment. The provisions of sub-section (2) of section *five* shall apply *mutatis mutandis* to a member of the Committee who is a member of the public service.

(4) The Committee shall consider all matters referred to it by the Minister or initiated by any of its members and shall make recommendations in connection therewith to the Commission. The functions to be entrusted to the Committee in terms of sub-section (1) shall include the initiation, consideration and recommendation of schemes of works to be undertaken on declared roads: Provided that the provisions of this sub-section shall not preclude the Commission from itself initiating any particular scheme of works to be undertaken on a declared road: Provided further that in the event of a difference of opinion between the Commission and the Committee on any such scheme, the Minister shall consult the Administrator affected before arriving at a decision.

Provision of staff required for administration of this Act, and performance of executive and administrative work.

12. (1) The Secretary for Transport shall, subject to the laws governing the public service, be responsible for providing all such officers as may be necessary to assist the Commission and the Committee in the performance of their functions, and all such officers shall be under the control of the Secretary for Transport. All executive and administrative work arising out of the performance of their functions by the bodies mentioned in this section, shall be undertaken by the Department of Transport.

(2) Any reference in the National Roads Act, 1935, to an officer of the National Road Board shall be deemed to be a reference to an officer of the Department of Transport.

Employees of the National Road Board to become employees of the Union Government and provision with regard to conditions of service.

13. (1) All persons who are in the employ of the National Road Board at the date of commencement of this Act (other than the officers of the public service referred to in section *seventeen*) shall at that date become employees of the Government, and any contract of service under which any such person is so employed shall as from that date be deemed to be a contract of service entered into between him and the Government: Provided that by mutual consent such contract may be terminated before the expiration of the period of employment provided therein.

(2) Subject to the succeeding provisions of this Act, the continuous employment by the National Road Board of any person referred to in sub-section (1), prior to the date of commencement of this Act, shall for all purposes other than for pension purposes be deemed to be employment in the service of the Government.

(3) Unless and until they are appointed to posts in the public service in terms of sub-section (4), the conditions of service of all persons referred to in sub-section (1) shall, save as is otherwise specifically provided in this Act, be governed by the laws regulating the service of employees of the Government not being members of the public service: Provided that except with his own consent or in accordance with this Act or any other law, the salary or the scale of salary at or in accordance with which any such person was remunerated immediately prior to the date of the commencement of this Act or his rate of progression up that scale, shall not be reduced.

(4) Notwithstanding any limitation in respect of age, educational or other qualifications, other than health, prescribed by or under the Public Service Act, 1923 (Act No. 27 of 1923), but subject otherwise to the provisions of that Act, any person referred to in sub-section (1) who is a Union National and who has not attained the prescribed age of retirement may, upon the recommendation of the Public Service Commission be appointed on probation or otherwise to a post in the public service, provided that the Public Service Commission is satisfied that such person is sufficiently proficient in the use of both official languages to enable him to discharge efficiently the duties of his post. The conditions of service of any person so appointed shall, save as is otherwise specifically provided in this Act, be governed by the laws regulating the public service.

(5) Any person appointed to the public service in terms of sub-section (4) shall be adjusted to the scale of salary applicable to the post to which he has been appointed at such notch on that scale as may be recommended by the Public Service Commission.

(6) In addition to the salary payable to any such person from time to time by virtue of his occupancy of a post in the public service, there shall be paid to him a personal allowance equal to the difference between his said salary for the time being and the higher salary (if any) to which he was, or would have been, entitled in accordance with the scale of salary applicable to him as an employee of the National Road Board immediately

prior to the commencement of this Act: Provided that for the purpose of determining such person's pensionable emoluments for the purpose of the Pensions Act, regard shall not be had to any allowance payable to him in terms of this sub-section: Provided further that any such allowance shall form part of such person's salary for the purpose of the Provident Fund referred to in sub-section (1) of section *fourteen*.

Provision for retiring benefits.

14. (1) Subject to the succeeding provisions of this Act—

- (a) every person who becomes an employee of the Government in terms of section *thirteen* and who, at the date of commencement of this Act is under sixty years of age in the case of a male, or under fifty-five years of age in the case of a female, shall retain all the rights and remain subject to all the obligations acquired or incurred by him as a member of the National Road Board Provident Fund established by the said Board for the benefit of its employees;
- (b) all rights and obligations of the National Road Board, in respect of the said Provident Fund, shall, as from the date of commencement of this Act, vest in the Treasury and all policies of insurance taken out by the said Board in accordance with the regulations governing such Provident Fund shall as soon as may be thereafter be ceded to the Treasury;
- (c) any contributions payable by the Treasury in terms of the said regulations as from the date of the commencement of this Act, including the repayment to the Fund of any contributions that may have been paid in advance from the Fund in respect of a period of service subsequent to such date, shall be paid out of revenue (as defined in section *eighty-three* of the Pensions Act) and all expenses incurred by the Treasury in the administration of the said National Road Board Provident Fund shall be paid out of the Consolidated Revenue Fund.

(2) Notwithstanding anything to the contrary contained in the Pensions Act, any person appointed to the public service in terms of sub-section (4) of section *thirteen* who is a member of the said National Road Board Provident Fund and who, in the case of a male is under fifty years of age or in the case of a female is under forty-five years of age at the date of his or her appointment to the public service, shall elect in writing within three months of the date upon which he is called upon by the head of his department to do so, either—

- (a) to contribute to the Pension Fund as from the date of his appointment to the public service; or
- (b) to retain any rights and remain subject to any obligations which he may have acquired or incurred as a member of the said National Road Board Provident Fund.

(3) A person who fails to make an election in terms of sub-section (2) shall be deemed to have elected to contribute to the Pension Fund as from the date of his appointment to the public service.

(4) A person who has elected in terms of sub-section (2) or is deemed to have elected in terms of sub-section (3) to contribute to the Pension Fund as from the date of his appointment to the public service may, subject to the provisions of paragraphs (a), (c), (e) and (f) of section *sixteen* of the Pensions Act, elect in writing within one month of the date upon which he is called upon by the head of his department to do so, to contribute to the Pension Fund in respect of such portion of his continuous employment (including his continuous employment under the National Road Board) immediately prior to such appointment as may be approved by the Treasury, and if he so elects—

- (a) the policy of insurance taken out in respect of him by the National Road Board shall be surrendered and realized, half the proceeds thereof being paid to him and half to the Fund, or alternatively, he may require that the policy shall be ceded to him subject to the payment by him to the Fund of an amount equal to the difference between the amount paid in respect of that policy from the said Provident Fund and the contributions paid by him to that Provident Fund; and

(b) there shall, notwithstanding anything to the contrary in this Act or in any other law contained, be paid from the Fund to revenue (as defined in section *eighty-three* of the Pensions Act) an amount equal to that payable to the Pension Fund in terms of sub-paragraph (a) and items (i) and (ii) of sub-paragraph (b) of paragraph (2) of section *thirty-one* of the Pensions Act in respect of his continuous employment under the said Board.

(5) Notwithstanding the provisions of sub-section (2), any person appointed to the public service in terms of sub-section (4) of section *thirteen* who, in the case of a male is fifty years of age or more, or in the case of a female is forty-five years of age or more at the date of his or her appointment to the public service, may within three months of the date upon which he is called upon by the head of his department to do so, elect to contribute to the Pension Fund as from the said date of appointment provided the person concerned elects and is permitted to contribute to the said Fund in accordance with the provisions of sub-section (4) in respect of his continuous employment, as approved by the Treasury, as from a date prior to the date on which such person attained the age of fifty or forty-five years, as the case may be.

(6) Any person referred to in sub-section (4) of section *thirteen* who becomes a member of the Pension Fund and has elected to contribute to that Fund in terms of sub-section (4) of this section and who, in order to enter into the employment of the National Road Board, had resigned from employment under the Government (as defined in section *one hundred and one* of the Public Service Act, 1923) may elect in writing, within a period of three months from the date upon which he is called upon by the head of his department to do so, to contribute to the Pension Fund, subject to the provisions of the Pensions Act, in respect of such period of his past continuous employment under the Government as may be approved by the Treasury, and if he elects so to contribute, any period which may have elapsed between the date upon which his employment under the Government terminated and the date upon which his employment under the said National Road Board commenced shall, for the purposes of the said Act, be regarded as special leave of absence without pay: Provided that any period so regarded as leave of absence without pay shall not be reckoned as service for pension purposes.

(7) If any person has elected or is deemed to have elected to contribute to the Pension Fund in terms of sub-section (2) or (3) but has elected not to contribute to the said Fund in terms of sub-section (4), all contributions by the Treasury in respect of that person in terms of the regulations governing the said National Road Board Provident Fund shall cease as from the date of that person's appointment to the public service and any policy of insurance which has been effected on his life in terms of the said regulations shall be ceded to him subject to the repayment by him to revenue (as defined in section *eighty-three* of the Pensions Act) of an amount equal to the difference between the amount paid from the said National Road Board Provident Fund in respect of his service as from the said date and the contributions recovered from him in terms of the said regulations in respect of his service as from the said date.

(8) When any person appointed to the public service in terms of sub-section (4) of section *thirteen* does not become a member of the Pension Fund, the provisions of section *nineteen* of the Pensions Act shall apply to such person as if he were a new member within the meaning of that Act, and in the application of the said provisions to any such person his pensionable age shall be determined in accordance with the definition of that expression in section *eighty-three* of the said Act.

Cessation of Treasury's contributions to National Road Board Provident Fund.

15. If any person referred to in paragraph (a) of sub-section (1) of section *fourteen* is not appointed to the public service, any contributions payable by the Treasury in respect of such person in terms of the regulations governing the said National Road Board Provident Fund shall cease when that person attains the pensionable age as defined in section *eighty-three* of the Pensions Act.

Power of Treasury to determine certain emoluments for pension purposes.

16. (1) Notwithstanding anything to the contrary contained in the Pensions Act, the contributions payable—

(a) to the Pension Fund in respect of any period of employment prior to his appointment to a post in the public service; or

(b) from time to time, to the Government Employees Provident Fund established by section *sixty-three* of the said Act,

by any person referred to in section *thirteen*, shall be based on such emoluments as may be determined by the Treasury, on the recommendation of the Public Service Commission, and such emoluments shall for the purposes of that Act, be deemed to be the pensionable emoluments of the person concerned.

(2) Any pension that may become payable in terms of section *thirty-nine* of the Pensions Act to a native or coloured person who becomes an employee of the Government in terms of section *thirteen* of this Act shall, notwithstanding anything to the contrary contained in the Pensions Act, be based on such emoluments as may be determined by the Treasury, on the recommendation of the Public Service Commission, and such emoluments shall for the purposes of the Pensions Act, be deemed to be the pensionable emoluments of the person concerned.

Secondment
of officers to
terminate.

17. (1) The secondment of every officer of the public service who was seconded to the service of the National Road Board shall terminate at the date of commencement of this Act.

(2) The salary and the scale of salary (including the corresponding rank and status) of every such officer as a member of the public service shall be as determined from time to time upon the recommendation of the Public Service Commission: Provided that in the making of any such determination under this sub-section, regard shall be had to the progression in salary, rank and status which such officer would have made in the public service had he not been seconded to the service of the said National Road Board: Provided further that except with his own consent or in accordance with any law, the amount (including the scale of salary upon which that amount was based) deemed to be his pensionable emoluments immediately before the commencement of this Act, shall not be reduced.

(3) If the salary to which such an officer is entitled by virtue of any determination made under sub-section (2) at any time falls short of the salary to which he was or would have been entitled in accordance with the scale of salary applicable to him while he was serving the said National Road Board, there shall be paid to him (in addition to the salary to which he is entitled as a member of the public service) a personal allowance equal to the difference. That allowance shall, if he was seconded to the service of the said Board prior the second day of December, 1935, form part of his pensionable emoluments for the purposes of the Pensions Act, but if he was so seconded on or after the second day of December, 1935, that allowance shall not form part of his pensionable emoluments for the purposes mentioned.

Short title and
commencement.

18. This Act shall be called the Transport (Co-ordination) Act, 1948, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*: Provided that the amendment of section *nine* of the National Roads Act, 1935 (Act No. 42 of 1935) as set out in the Schedule, shall be deemed to have come into operation on the first day of April, 1948.

Schedule.

LAWS AMENDED.

No. and year of Law.	Title of Law.	Extent of Amendment.
Act No. 16, 1923.	Aviation Act, 1923.	The repeal of sub-sections (1), (2) and (3) of section <i>three bis</i> , as inserted by section <i>four</i> of Act No. 41 of 1946.
Act No. 39, 1930.	Motor Carrier Transportation Act, 1930.	The repeal of section <i>two</i> , and of sub-section (3) of section <i>five</i> as inserted by section <i>six</i> of Act No. 31 of 1932.
Act No. 42, 1935.	National Roads Act, 1935.	(a) The repeal of sections <i>two</i> , <i>three</i> , <i>fifteen</i> , and paragraphs (b), (c) and (d) of sub-section (1) of section <i>sixteen</i> as amended by Act No. 22 of 1944; (b) The deletion with effect from the first day of April, 1948, of the words "and redemption" in sub-section (1) of section <i>nine</i> .