

No. 44, 1959.]

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; the Railways and Harbours Pensions Amendment Act, 1941; the Railways and Harbours Acts Amendment Act, 1949; the Railways and Harbours Service and Superannuation Amendment Act, 1955, and the Railways and Harbours Control and Management (Consolidation) Act, 1957; to provide for increased annuities to certain former members and to certain widows of deceased former members of the Railways and Harbours Service; to validate certain changes in conditions of employment; to validate options exercised by certain servants to retire at a higher age; and to provide for other incidental matters.

(Afrikaans text signed by the Governor-General.)  
(Assented to 6th June, 1959.)

**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:—

### Definitions.

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

- (i) "annuitant" means a former servant who retired or was retired from the Service on an annuity prior to the first day of April, 1959, and who is alive on that date; (ii)
- (ii) "annuity" means any annuity whether payable from a fund or from revenue or partly from a fund and partly from revenue, except an annuity granted under the Railways and Harbours Pensions Amendment Act, 1941 (Act No. 26 of 1941), or under any law relating to workmen's compensation; (ii)
- (iii) "fund" means the New Fund, the Fund or the 1912 pension fund, as the case may be; (i)
- (iv) "net annuity" means the actual periodical payment which an annuitant or a widow annuitant is receiving or is entitled to receive by way of annuity, and does not include any lump sum which he or she may have received or may be entitled to receive as part of the benefit payable to him or her under the applicable law relating to pensions; (iv)
- (v) "widow annuitant" means the widow of a deceased former servant—
  - (a) whose husband died on or before the thirtieth day of March, 1959, while he was still in the Service or after he had retired therefrom; and
  - (b) to whom an annuity is payable in terms of any provision of the Railways and Harbours Service Act, 1912 (Act No. 28 of 1912), or the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), or the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), or in terms of any Pensions (Supplementary) Act; and
  - (c) who is alive on the first day of April, 1959; (v)

and any other expression to which a meaning is assigned in section one of the Railways and Harbours Superannuation Fund Act, 1925, shall, when used in this Act, bear the same meaning.

Amendment of section 39 of Act 28 of 1912.

2. (1) Section *thirty-nine* of the Railways and Harbours Service Act, 1912, is hereby amended by the substitution for the word "average" where it occurs for the first time, of the words "annual average, increased by ten per cent., of the", and by the substitution for the word "average" where it occurs for the second time, of the words "annual average, increased as aforesaid, of".

(2) Section *thirty-nine* of the Railways and Harbours Service Act, 1912, as amended by sub-section (1) of this section, shall apply to every member of the Fund who retires or is retired on an annuity on or after the first day of April, 1959.

Amendment of section 48 of Act 28 of 1912, as substituted by section 2 of Act 15 of 1956.

3. (1) Section *forty-eight* of the Railways and Harbours Service Act, 1912, is hereby amended by the substitution, in sub-section (4), for the words "Of the sum which is in terms of sub-section (3) found to be the greater" of the words "The sum which is in terms of sub-section (3) found to be the greater shall be increased by adding thereto an amount equal to ten per cent. of that sum, and of such increased sum".

(2) Sub-section (4) of section *forty-eight* of the Railways and Harbours Service Act, 1912, as amended by sub-section (1) of this section, shall apply in respect of every member of the Fund who dies on or after the thirty-first day of March, 1959, or, for the purposes of sub-section (2) of section *forty-nine* of that Act, in relation to the death of every pensioner of the Fund who, having ceased to be a member after the first day of March, 1956, dies on or after the first-mentioned date.

(3) In relation to the death of a pensioner of the Fund who was a member on or after the twenty-sixth day of July, 1951, but ceased to be a member on or before the first day of March, 1956, and who dies on or after the thirty-first day of March, 1959, sub-section (2) of section *forty-eight* of the said Act, as substituted by section *three* of the Railways and Harbours Acts Amendment Act, 1951 (Act No. 63 of 1951), shall for the purposes of section *forty-nine* thereof as substituted by section *four* of the Railways and Harbours Acts Amendment Act, 1951, be construed as if after the words "The said sum" there were inserted the words "shall be increased by adding thereto an amount equal to ten per cent. thereof, and such increased sum".

Amendment of section 49 of Act 28 of 1912, as substituted by section 3 of Act 15 of 1956.

4. Section *forty-nine* of the Railways and Harbours Service Act, 1912, is hereby amended by the insertion, after the word "retirement" in proviso (b) to sub-section (2), of the words "or the age of sixteen years, whichever is the higher".

Amendment of section 3 of Act 23 of 1925.

5. Section *three* of the Railways and Harbours Service Act, 1925, is hereby amended by the addition at the end thereof of the words "For the purposes of this section the expression 'pensionable salary or wages' shall not be deemed to include any sum on which a servant is entitled to contribute to the New Railways and Harbours Superannuation Fund in terms of paragraph (d) of sub-section (1) of section *eleven* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925)."

Amendment of section 11A of Act 23 of 1925, as inserted by section 3 of Act 27 of 1930, and as substituted by section 4 of Act 34 of 1957.

6. Section *eleven A* of the Railways and Harbours Service Act, 1925, is hereby amended by the deletion, in paragraph (b), of the words "of severe bodily injury other than such as is mentioned in paragraph (a), or".

Amendment of section 11bis of Act 23 of 1925, as inserted by section 4 of Act 18 of 1938 and as amended by section 10 of Act 63 of 1951 and section 4 of Act 15 of 1956.

7. (1) Section *eleven bis* of the Railways and Harbours Service Act, 1925, is hereby amended by the substitution, for paragraph (c) of sub-section (4), of the following paragraph:

"(c) There shall be ascertained which of the sums respectively mentioned in sub-paragraph (i) or (ii) of this paragraph is the greater, namely—

(i) the annual average of the deceased person's pensionable emoluments for the seven years immediately preceding the date of his dismissal or resignation, as the case may be, plus five per cent. of such annual average in respect of each complete year in respect of which he contributed; or

(ii) the total amount of the contributions paid by the deceased person to any fund mentioned in sub-section (1).

The sum which is thus found to be the greater shall be increased by adding thereto an amount equal to ten per cent. thereof, and the annuity to the widow shall be calculated by multiplying each one hundred pounds, or fraction thereof, of such increased sum (hereinafter in this sub-section referred to as the 'basic sum') by the appropriate factor appearing in the Table set forth in sub-section (4) of section *thirty-one* of the Railways and Harbours Superannuation Fund Act, 1925, which factor shall be taken to be the one applicable to the widow's age at the date of her deceased husband's dismissal or resignation, as the case may be: Provided that—

- (a) if any portion of the deceased person's annuity was commuted under section *seventy-four bis* of the said Act, the basic sum shall, for the purpose of calculating the annuity to the widow, be deemed to be reduced in the proportion which the commuted portion of his annuity bears to the full annuity;
- (b) if the annuity granted to the deceased person was less than one-half of the annuity which he could have claimed upon the date of his dismissal or resignation if his services had upon that date been dispensed with in consequence of a reduction in or reorganisation of staff (hereinafter referred to as 'the reorganisation annuity') the amount referred to in sub-paragraph (i) of this paragraph shall, for the purpose of determining the basic sum, be deemed to be reduced in the same proportion as the annuity actually awarded bears to one-half of the reorganisation annuity."

(2) Sub-section (4) of section *eleven bis* of the Railways and Harbours Service Act, 1925, as amended by sub-section (1) of this section, shall apply in relation to the death of every person to whom an annuity was granted under sub-section (1) of that section, whose dismissal or resignation took effect after the first day of March, 1956, and who dies on or after the thirty-first day of March, 1959.

(3) In relation to the death of any other person to whom an annuity was granted as aforesaid, whose dismissal or resignation took effect after the twenty-sixth day of July, 1951, but on or before the first day of March, 1956, and who dies on or after the thirty-first day of March, 1959, paragraph (c) of sub-section (4) of section *eleven bis* of the said Act, as it existed immediately prior to the first day of March, 1956, shall be construed as if after the words "whichever is the greater," there were inserted the words "and the sum which is thus found to be the greater shall, after having been increased by adding thereto an amount equal to ten per cent. thereof, be".

Amendment of section 12 of Act 23 of 1925 as amended by section 5 of Act 18 of 1938, section 6 of Act 15 of 1940, section 2 of Act 16 of 1945 and section 12 of Act 49 of 1949.

8. Section *twelve* of the Railways and Harbours Service Act, 1925, is hereby amended by the substitution, for sub-section (1), of the following sub-section:

"(1) A servant whose services are dispensed with owing to abolition of office, reduction in or reorganisation of staff, or on the ground of superannuation, ill-health, severe bodily injury or physical disability shall, on retirement, be entitled to payment by the Administration of his emoluments in respect of a period of vacation leave due to him at the date of his retirement not exceeding six months: Provided that the said maximum period of six months shall, if he has at any time during the twelve months ending upon the said date, been on vacation leave for any period in excess of three months or for any periods which in the aggregate exceed three months, be reduced by the extent of such excess".

Amendment of section 14 of Act 23 of 1925, as substituted by section 4 of Act 50 of 1955.

9. Section *fourteen* of the Railways and Harbours Service Act, 1925, is hereby amended—

- (a) by the deletion, in paragraph (b) of sub-section (1), of the words "or of a captain-in-command in the Airways department of the Service";
- (b) by the deletion, in sub-paragraph (ii) of paragraph (c) of sub-section (1), of the words "steam or electric";

(c) by the substitution, in paragraph (d) of sub-section (1), for the word "fifty" of the words "fifty-three" and for the word "line" of the word "fleet";

(d) by the deletion, in sub-section (4), of the words "and before he attains the age of fifty years" and by the substitution, for the words "of fifty years" where they occur for the second time, of the words "at which, but for his premature retirement as aforesaid, he would have been retired on pension".

Amendment of section 15 of Act 23 of 1925, as amended by section 5 of Act 49 of 1955.

10. Section *fifteen* of the Railways and Harbours Service Act, 1925, is hereby amended by the insertion in sub-section (5), after the word "Crown", of the words "or pending the result of an appeal against any such decision".

Amendment of section 16 of Act 23 of 1925, as amended by section 6 of Act 49 of 1955.

11. Section *sixteen* of the Railways and Harbours Service Act, 1925, is hereby amended by the substitution, in sub-section (3), for the words "the decision of the court is given or prosecution withdrawn and the case is decided departmentally," of the words "the prosecution is withdrawn or the decision of the court (including any decision on an appeal) is given and the case is finally decided departmentally,".

Amendment of section 17 of Act 23 of 1925, as amended by section 7 of Act 49 of 1955.

12. (1) Section *seventeen* of the Railways and Harbours Service Act, 1925, is hereby amended—

(a) by the addition to sub-section (1)*bis* of the following proviso:

" : Provided that for the purpose of determining whether a servant who is a policeman, as defined in sub-section (5) of section *seven*, is in all respects a fit and proper person who is eligible to be awarded any medal or decoration which is customarily awarded, in the discretion of the General Manager, to such servants in recognition of long and faithful service and exemplary conduct, any such punishment which has been so expunged may nevertheless be taken into account, and for that purpose (but for no other) a memorandum thereof, separate from the servant's service record, may be kept in such manner and subject to such safeguards as the General Manager may direct." ;

(b) by the substitution, in sub-section (4), for the words "the court has decided the criminal case or the prosecution is withdrawn", of the words "the prosecution is withdrawn or the decision of the court in the criminal case (including any decision on an appeal) has been given".

(2) Paragraph (a) of sub-section (1) shall be deemed to have come into operation on the twenty-ninth day of June, 1955.

Amendment of section 1 of Act 24 of 1925, as amended by section 10 of Act 15 of 1940 and section 11 of Act 63 of 1951.

13. Section *one* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the insertion, after the definition of the expression "pensionable emoluments" of the following definition:

"Pensions Authority" means the Minister of Social Welfare and Pensions or any officer in the Department of Social Welfare and Pensions authorized by the said Minister to perform any of the functions assigned to him or to the Treasury by or under any law relating to pensions;"

Amendment of section 6 of Act 24 of 1925, as amended by section 9 of Act 7 of 1928 and section 15 of Act 49 of 1949.

14. Section *six* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the substitution, for sub-section (2), of the following sub-section:

"(2) When the expression 'continuous employment' is used in connection with membership of the New Fund it shall, in addition to the meaning assigned to the expression in section *one*, include the time spent by the servant in transit from one appointment to another in the Service or from or to the Service when transferred under competent authority from or to—

(a) the public service of the Union; or

(b) the service of a provincial administration or of the administration of the Territory of South-West Africa; or

(c) the service of any institution or body for the benefit of the employees whereof a pension or provident fund is administered by the pensions authority.

or, if approved by the Administration, when seconded to any such service as aforementioned.”.

Amendment of section 7 of Act 24 of 1925.

15. Section *seven* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the substitution for the words “sections *forty* and *forty-one*” of the words “section *forty*”.

Amendment of section 8 of Act 24 of 1925, as substituted by section 16 of Act 49 of 1949 and as amended by section 12 of Act 63 of 1951, section 4 of Act 45 of 1952, section 5 of Act 50 of 1955 and section 6 of Act 15 of 1956.

16. Section *eight* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended—

(i) by the substitution, for paragraph (b) of sub-section (2), of the following paragraph:

“(b) A servant who has, subsequent to the thirtieth day of June, 1946, been transferred from the public service of the Union or from the service of a provincial administration or of the administration of the Territory of South-West Africa to employment under the Administration in a position wherein the provisions of paragraph (d) of sub-section (1) of section *fourteen* of the Railways and Harbours Service Act, 1925, apply to him, or who is hereafter so transferred from any such service as aforementioned or from the service of any institution or body for the benefit of the employees whereof a pension or provident fund is administered by the pensions authority, and who has been or is permitted in terms of section *forty* or *forty-one* to become a member of the New Fund, shall, notwithstanding anything contained in section *forty*, pay to that Fund the special contributions prescribed in paragraph (a) of this sub-section in respect of any period for which he contributed to a pension or provident fund constituted for the service from which he was transferred.”;

(ii) by the addition to sub-paragraph (ii) of paragraph (d) of sub-section (2), of the words “or of any institution or body for the benefit of the employees whereof a pension or provident fund is administered by the pensions authority”;

(iii) by the addition to paragraph (c) of sub-section (2)*bis*, of the words “or of any institution or body for the benefit of the employees whereof a pension or provident fund is administered by the pensions authority”.

Amendment of section 10 of Act 24 of 1925, as amended by section 4 of Act 27 of 1930.

17. Section *ten* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended—

(a) by the deletion, in sub-section (4), of the words “Any instalments paid by a member, including any amount credited to him in terms of sub-section (2) of this section, shall be regarded as applying to the period immediately preceding the period in respect of which contributions have been made by him to the New Fund.”;

(b) by the deletion of sub-section (5).

Amendment of section 11 of Act 24 of 1925, as amended by section 2 of Act 30 of 1926 and section 4 of Act 16 of 1945.

18. Section *eleven* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended—

(a) by the addition to sub-section (1), of the following paragraph:

“(d) such sum, in addition to salary, as is declared by regulations made under section *forty-two* to be pensionable in the case of such members, being servants to whom the provisions of paragraph (d) of sub-section (1) of section *fourteen* of the Railways and Harbours Service Act, 1925, apply, as are specified in such regulations.”

(b) by the insertion after sub-section (1) of the following sub-section:

“(1) *bis*. (a) A member who is entitled in terms of paragraph (d) of sub-section (1) to contribute to the New Fund on a sum in addition to his salary, shall have the right to elect to contribute to that Fund in respect of the period from the first day of March, 1956, to the thirty-first day of December, 1958, on such sum or sums, in addition to his salary, as may be declared by regulations made under section *forty-two* to

be the sum or sums on which such member shall from time to time during that period be entitled to contribute to the New Fund in terms of this paragraph and in the case of a member who has exercised the said election such sum or sums shall for the purposes of section *two* of the Railways and Harbours Special Pensions Act, 1953 (Act No. 41 of 1953), be deemed to form part of his actual pensionable emoluments during the period in question.

- (b) The election provided for in paragraph (a) of this sub-section shall be made within a period of three months from the date on which there is furnished to the member an official statement setting out the amount of the arrear contributions and interest that will become payable by him to the New Fund should he decide to make the election.
- (c) The said election shall be made prior to the date of the member's retirement, but the General Manager may, if he is satisfied that by reason of circumstances beyond his control the member had no reasonable opportunity of making his election prior to that date, allow him to make the election within such further period after that date as the General Manager may specify.
- (d) A member who has made the said election shall pay to the New Fund, in addition to the contributions at the applicable rate on the amount by which his total pensionable emoluments are increased by reason of the inclusion therein of the prescribed sum, also interest on such contributions at the rate of four and one-half per cent. per annum, compounded quarterly, from the date or dates on which such contributions would have been payable had the said sum in fact formed part of his pensionable emoluments during the period covered by the election, up to the date or dates on which the payments on account thereof are actually made. Such contributions and interest shall be paid to the New Fund in such manner as may be directed by the Administration after consultation with the member concerned and with due regard to his circumstances.
- (e) If a member who has made the said election ceases to be a servant under the circumstances mentioned in sub-section (1) of section *eleven bis* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), before the amounts payable by him in terms of paragraph (d) of this sub-section have been paid in full, and an annuity is granted to him under the said section, the amount by which his total pensionable emoluments are increased by reason of the inclusion therein of the prescribed sum shall, for the purpose of calculating the amount of such annuity, be taken into account only for the period in respect of which contributions on the first-mentioned amount have actually been paid.
- (f) (i) If a member has made the said election and before the amounts payable by him in terms of paragraph (d) have been paid in full, he dies or retires or is retired from the Service on the ground of superannuation or by reason of severe bodily injury or by reason of permanent ill-health or physical disability in respect of which a railway medical officer or such medical practitioner or board as may be prescribed in terms of this Act, has not certified that it was occasioned by the member's own default, or in consequence of a reduction in or re-organisation of staff, any benefit payable to the member or to some other person in

respect of his death shall be calculated as if such amounts had been paid in full at the time of the member's death or retirement, as the case may be.

- (ii) Any balance of such amounts that may in fact be outstanding at the date of the member's death or retirement may, in the absence of agreement as to some other method of payment, be recovered from any moneys due to the member by the Administration, or by deduction from any benefit mentioned in sub-paragraph (i) of this paragraph. For the purpose of this sub-paragraph the expression "benefit" shall be deemed to include, in relation to a deceased member, the capital sum on which, in terms of this Act, the calculation of any annuity payable to his widow is to be based."

Substitution of new section for section 12 of Act 24 of 1925.

19. The following section is hereby substituted for section *twelve* of the Railways and Harbours Superannuation Fund Act, 1925:

"Benefits from New Fund to be related to periods for which contributions paid, and manner of collecting contributions.

12. (1) Subject to the provisions of sub-section (2), no person shall be entitled to any benefit from the New Fund in respect of any period for which there has been no specific contribution by him or on his behalf.

(2) Subject to the provisions of sub-section (4) of section *ten*, all contributions to the New Fund, including arrear contributions and interest thereon (if any), shall be collected by means of deductions from the salary or wages of the member, or in such other manner as may be prescribed: Provided that if, when a member leaves the Service for any reason or dies, there is owing by him to the New Fund any amount on account of—

- (a) contributions in respect of a prescribed period of service immediately preceding the date on which he leaves the Service or dies, with reference to which the amount due in respect of contributions is required by the regulations to be assessed but not actually recovered from the salary or wages payable to the member for that period; or
- (b) contributions erroneously not collected in respect of any period earlier than that referred to in paragraph (a); or
- (c) unpaid contributions and interest (if any) for the payment of which the member had incurred liability in terms of paragraph (a) or (b) of sub-section (2) of section *thirteen*; or
- (d) contributions and interest (if any) for the repayment of which the member had incurred liability by reason of his having at some time in the past been mistakenly but *bona fide* dealt with, under any provision of this Act, as if he had left the Service; or
- (e) arrear contributions and interest (if any) in respect of a period of previous service which has become pensionable by virtue of the exercise of any option or the condonation of a break in service,

any benefit payable from the New Fund to such former member or his estate or to some other person in respect of his death, shall none-the-less be calculated with reference to the whole period of his employment which can be taken into account for pension purposes, and any amount so owing to the New Fund shall be recovered, in such manner as may be prescribed, from any such benefit as aforementioned.

(3) For the purpose of sub-section (2) the expression 'benefit' shall be deemed to include, in relation to a deceased member, the capital sum on which the calculation of any annuity payable to his widow is required to be based."

Amendment of section 13 of Act 24 of 1925, as amended by section 5 of Act 19 of 1931.

20. Section *thirteen* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the substitution, for sub-sections (1) and (2), of the following sub-sections:

"(1) A member shall continue to contribute to the New Fund while on leave with full or part pay, or under suspension on full or part pay, but such contributions shall be calculated on his full pensionable emoluments and not on the reduced pay actually drawn.

(2) (a) A member shall be liable to contribute to the New Fund in respect of a period not exceeding ninety days during which he has continuously been on leave of absence without pay. The contributions due in respect of such period shall be recovered from him, without interest, upon his resumption of duty, in such manner as may be prescribed.

(b) A member shall be liable to contribute to the New Fund in respect of the whole of a period exceeding ninety days during which he has continuously been on leave of absence without pay. He may, but shall not be obliged to, discharge that liability by paying the contributions in respect of such period either in advance or as and when they fall due during his absence on leave. Upon the member's resumption of duty he shall have the right to elect, within ninety days after the date on which he is informed by the Administration's Chief Accountant of the amount of his indebtedness to the New Fund, not to contribute in respect of the whole period of leave. If he so elects, contributions in respect of the period of leave shall not be recovered from him or, to the extent to which they have already been paid, shall be refunded to him without interest, and such period shall in that event not be reckoned in calculating the period of his continuous employment. If such member does not elect not to contribute as aforesaid, there shall be recovered from him, in such manner as may be prescribed, the contributions due in respect of the period of leave (to the extent to which they have not already been paid), together with interest thereon at the rate of four and one-half per cent. per annum, compounded monthly, in respect of so much of the said period of leave as exceeds ninety days.

(c) The right of a member to make an election in terms of paragraph (b) shall lapse if the member leaves the Service for any reason or dies without having exercised such right.

(d) Contributions for any period regarded as leave of absence without pay shall be calculated and made in accordance with paragraph (a), (b), (c) or (d) of sub-section (2) of section *eleven*, and shall be based on the pensionable emoluments on which the member was contributing immediately prior to the commencement of his leave.

(e) The preceding provisions of this sub-section shall apply *mutatis mutandis* in respect of a period of suspension without pay."

Amendment of section 16 of Act 24 of 1925, as amended by section 11 of Act 15 of 1940, section 17 of Act 49 of 1949, section 6 of Act 45 of 1952 and section 6 of Act 50 of 1955.

21. Section *sixteen* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended—

(a) by the deletion, in sub-paragraph (ii) of paragraph (b) of sub-section (2), of the words "steam or electric";

(b) by the substitution, in paragraph (c) of sub-section (2), for the word "fifty" of the words "fifty-three", and by the deletion, in the proviso to that paragraph, of the words "and before he attains the age of fifty years";

(c) by the substitution, in paragraph (e) of sub-section (2), for the words "of fifty years" of the words "at



which, but for his premature retirement as aforesaid, he would have been retired on pension”;

(d) by the substitution for sub-section (3) of the following sub-section:

“(3) A member who, having contributed to the New Fund in respect of a period of ten years or more, is compelled to retire from the Service by reason of severe bodily injury or by reason of permanent ill-health or physical disability in respect of which a railway medical officer or such medical practitioner or board as may be prescribed, has not certified that it was occasioned by the member’s own default, shall be entitled to receive, in respect of his period of membership, an annuity calculated in accordance with the provisions of section *eighteen*.”.

Amendment of section 18 of Act 24 of 1925, as amended by section 18 of Act 49 of 1949 and section 7 of Act 50 of 1955.

22. (1) Section *eighteen* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the insertion, in sub-section (1), after the words “annual average” in both places where they occur, of the words “increased by ten per cent.”.

(2) Sub-section (1) of section *eighteen* of the Railways and Harbours Superannuation Fund Act, 1925, as amended by sub-section (1) of this section, shall apply to every member who retires or is retired on an annuity on or after the first day of April, 1959.

Amendment of section 19 of Act 24 of 1925, as substituted by section 19 of Act 49 of 1949 and as amended by section 8 of Act 50 of 1955.

23. Section *nineteen* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended—

(a) by the deletion, in the Table set forth in sub-section (1) thereof, of the references to the ages of 60, 61, 62 and 63 together with the factors applicable thereto, and the substitution therefor of the following under the first, second and third columns, respectively, of that Table:

“60 or over    10·32    11·47”;

(b) by the addition to sub-section (1) after the said Table, of the following proviso:

“Provided that in the case of a member to whom the provisions of paragraph (c) of sub-section (1) of section *fourteen* of the Railways and Harbours Service Act, 1925, apply, the factor applicable to the age of fifty-five years shall also apply to any higher age, and that in the case of a member to whom the provisions of paragraph (d) of the said sub-section apply, the factor applicable to the age of fifty years shall also apply to any higher age.”;

(c) by the substitution for the Table set forth in sub-section (3) thereof, of the following Table:

“Nearest age at date of Retirement.	Number of pounds for each pound of annuity commuted. £
Male member. Any age .. ..	10·32
Female member: Up to 55 .. ..	12·96
56 .. ..	12·67
57 .. ..	12·37
58 .. ..	12·07
59 .. ..	11·77
60 or over .. ..	11·47”.

Amendment of section 24 of Act 24 of 1925, as amended by section 13 of Act 15 of 1940.

24. Section *twenty-four* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the substitution for sub-section (1) of the following sub-section:

“(1) If a member is compelled, before he has contributed to the New Fund in respect of a period of ten years, to retire by reason of severe bodily injury or by reason of permanent ill-health or physical disability in respect of which a railway medical officer or such medical practitioner or board as may be prescribed, has not certified that it was occasioned by the member’s own default, he shall be entitled to a refund equal to the amount of his own contributions plus two and one-half per cent. of such amount in respect of each complete year for which he has contributed.”.

Amendment of section 31 of Act 24 of 1925, as substituted by section 7 of Act 15 of 1956.

25. (1) Section *thirty-one* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the substitution, in sub-section (4), for the words "Of the sum which is in terms of sub-section (3) found to be the greater" of the words "The sum which is in terms of sub-section (3) found to be the greater shall be increased by adding thereto an amount equal to ten per cent. of that sum, and of such increased sum".

(2) Sub-section (4) of section *thirty-one* of the Railways and Harbours Superannuation Fund Act, 1925, as amended by sub-section (1) of this section, shall apply in respect of every member of the New Fund who dies on or after the thirty-first day of March, 1959, or, for the purposes of sub-section (2) of section *thirty-two* of that Act, in relation to the death of every pensioner of the New Fund who, having ceased to be a member after the first day of March, 1956, dies on or after the first-mentioned date.

(3) In relation to the death of a pensioner of the New Fund who was a member on or after the twenty-sixth day of July, 1951, but ceased to be a member on or before the first day of March, 1956, and who dies on or after the thirty-first day of March, 1959, sub-section (3) of section *thirty-one* of the said Act, as substituted by section *fourteen* of the Railways and Harbours Acts Amendment Act, 1951, shall, for the purposes of section *thirty-two* thereof, as substituted by section *fifteen* of the Railways and Harbours Acts Amendment Act, 1951, be construed as if for the words "The sum on which such annuity is in terms of this sub-section required to be based," there were substituted the words "The sum which is thus found to be the greater shall be increased by adding thereto an amount equal to ten per cent. thereof, which increased sum".

Amendment of section 32 of Act 24 of 1925, as substituted by section 8 of Act 15 of 1956.

26. Section *thirty-two* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the insertion, after the word "retirement" in proviso (b) to sub-section (2), of the words "or the age of sixteen years, whichever is the higher".

Substitution of new section for section 40 of Act 24 of 1925, as amended by section 8 of Act 19 of 1931.

27. The following section is hereby substituted for section *forty* of the Railways and Harbours Superannuation Fund Act, 1925:

"Transfers to and from other Services.

40. (1) If a person who is a member of the New Fund is transferred without a break in his service to any other Service for the benefit of the members whereof a pension or provident fund exists under any law relating to pensions administered by the pensions authority or by a provincial administration or the administration of the Territory of South-West Africa, and he becomes a member of any such fund as from the date of his transfer and is permitted to contribute thereto in respect of his past pensionable employment under the Administration, he shall be entitled for pension purposes to reckon the whole period of his pensionable employment under the Administration as continuous with that of his pensionable employment in the Service to which he is transferred: Provided that there shall be paid from the New Fund to the pensions authority or to the administration concerned, as the case may be, an amount equal to twice the amount of such member's contributions to the New Fund, together with interest compounded annually at the rate of five per cent. per annum: Provided further that if the amount thus available for payment is in excess of the requirements of the pension or provident fund of which such person becomes a member, such excess shall be paid in equal shares to such person and the Administration, and if the amount is less than the said requirements, the deficiency shall be made up in equal shares by such person and the Administration, and such person shall thereafter have no further claim upon the New Fund.

(2) If a person who is a member of a pension or provident fund established under any law relating to pensions administered by the pensions authority or by a provincial administration or the administration of the Territory of South-West Africa, is transferred

without a break in his service to the service of the Administration and becomes a member of the New Fund (as a condition of admission whereto a medical examination shall not be required), he shall be entitled for pension purposes to reckon the whole period of his pensionable employment in the Service from which he was transferred, as continuous with that of his pensionable employment under the Administration: Provided that there shall be paid from the pension or provident fund of which such person was a member, to the Administration for the benefit of the New Fund, such amount as may be prescribed by or under the law governing the pension or provident fund in question and, if the amount thus available is more or less than the requirements of the New Fund, as set forth in sub-section (3), the pensions authority or the administration concerned, as the case may be, shall determine in what manner the excess shall be disposed of or in what manner the deficiency shall be made good by the pensions authority or by the administration concerned, or by such person, and thereafter such person shall have no further claim upon the pension or provident fund of which he was a member.

(3) For the purposes of sub-section (2) the requirements of the New Fund shall be calculated at an amount equal to twice the amount of the contributions which would have been payable to the New Fund by the person transferred if, during the period of his pensionable employment in the Service from which he was transferred, he had been a member of the New Fund and had contributed to that Fund in accordance with the appropriate scale of contributions in force under this Act from time to time, and on the pensionable emoluments on which he was from time to time contributing to the pension or provident fund constituted for the said Service, together with interest compounded annually at the rate of five per cent. per annum and calculated by reference to the dates upon which such contributions would have become payable.”.

Repeal of section 41 of Act 24 of 1925.

28. Section *forty-one* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby repealed.

Amendment of section 50*quat.* of Act 24 of 1925, as inserted by section 16 of Act 63 of 1951.

29. (1) Section *fifty quat.* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the substitution, in sub-section (3), for all the words occurring after paragraph (b) and before the Table, of the words “The sum which is thus found to be the greater shall be increased by adding thereto an amount equal to ten per cent. thereof, and the annuity shall be calculated by multiplying each one hundred pounds, or fraction thereof, of such increased sum (hereinafter in this section and in section *fifty quin.* referred to as the ‘basic sum’) by the appropriate factor set forth in the following Table:”.

(2) Sub-section (3) of section *fifty quat.* of the Railways and Harbours Superannuation Fund Act, 1925, as amended by sub-section (1) of this section, shall, for the purposes of sub-section (2) of section *fifty quin.* of that Act, apply in relation to the death of every pensioner of the 1912 pension fund who made the election provided for in sub-section (1) of the first-mentioned section and who dies on or after the thirty-first day of March, 1959.

Amendment of section 72 of Act 24 of 1925, as substituted by section 24 of Act 49 of 1949 and as amended by section 19 of Act 63 of 1951 and section 11 of Act 50 of 1955.

30. Section *seventy-two* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended—

(a) by the substitution, for the Table set forth in sub-section (1), of the following Table:

“Nearest age at date of retirement.	Number of pounds for each pound of annuity commuted. £
Up to 55 .. .. .	11·57
56 .. .. .	11·32
57 .. .. .	11·07
58 .. .. .	10·82
59 .. .. .	10·57
60 or over .. .. .	10·32”;

- (b) by the substitution in sub-section (3), for the words "in accordance with the following Table" of the words "arrived at by multiplying each pound of annuity commuted, by the factor 10.32.", and by the deletion of the Table set forth in the said sub-section.

Amendment of section 5 of Act 26 of 1941.

31. Section *five* of the Railways and Harbours Pensions Amendment Act, 1941, is hereby amended by the insertion, in sub-section (2), after the word "calculating" of the words "the period of service of any person as a basis for a pension, or of calculating".

Amendment of section 16 of Act 49 of 1949, as amended by section 11 of Act 45 of 1952.

32. Section *sixteen* of the Railways and Harbours Acts Amendment Act, 1949, is hereby amended by the addition, at the end of sub-paragraph (iii) of paragraph (a) of sub-section (2), of the word "or", and by the insertion, after the said sub-paragraph, of the following sub-paragraph:

- "(iv) the service of any institution or body for the benefit of the employees whereof a pension or provident fund is administered by the pensions authority,".

Amendment of section 1 of Act 50 of 1955.

33. Section *one* of the Railways and Harbours Service and Superannuation Amendment Act, 1955, is hereby amended—

- (a) by the addition, at the end of the definition of the expression "new member", of the words "or, in relation to a member to whom the provisions of paragraph (d) of sub-section (1) of section *fourteen* of the Railways and Harbours Service Act, 1925, apply, means a member who was first appointed to any position mentioned or deemed to be mentioned in that paragraph, on or after the first day of January, 1959";
- (b) by the addition, at the end of the definition of the expression "new servant", of the words "or, in relation to a servant to whom the provisions of paragraph (d) of sub-section (1) of section *fourteen* of the Railways and Harbours Service Act, 1925, apply, means a person who was first appointed to any position mentioned or deemed to be mentioned in that paragraph on or after the first day of January, 1959";
- (c) by the addition, at the end of the definition of the expression "present member", of the words "or, in relation to a member to whom the provisions of paragraph (d) of sub-section (1) of section *fourteen* of the Railways and Harbours Service Act, 1925, apply, means a member who was first appointed to any position mentioned or deemed to be mentioned in that paragraph prior to the first day of January, 1959, and who had not attained his existing age of retirement prior to that date";
- (d) by the addition, at the end of the definition of the expression "present servant", of the words "or, in relation to a servant to whom the provisions of paragraph (d) of sub-section (1) of section *fourteen* of the Railways and Harbours Service Act, 1925, apply, means a servant who was first appointed to a position mentioned or deemed to be mentioned in that paragraph prior to the first day of January, 1959, and who had not attained his existing age of retirement prior to that date".

Amendment of section 2 of Act 50 of 1955.

34. (1) Section *two* of the Railways and Harbours Service and Superannuation Amendment Act, 1955, is hereby amended by the substitution, in sub-section (3), for the words "sixty days" of the words "one hundred and eighty days".

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

Amendment of section 4 of Act 50 of 1955.

35. (1) Section *four* of the Railways and Harbours Service and Superannuation Amendment Act, 1955, is hereby amended—

- (a) by the substitution, in sub-section (2), for the expression "or (c)" of the expression "(c) or (d)";
- (b) by the deletion, in sub-section (3), of the expression "or (d)" and by the substitution for the expression "or (c)" of the expression "(c) or (d)";

(c) by the substitution, in sub-section (5), for the words "sixty days" of the words "one hundred and eighty days";

(d) by the substitution, in sub-section (6), for all the words occurring after the words "shall be construed" of the words "as if for the words 'sixty-three', 'fifty-eight' and 'fifty-three' occurring in paragraphs (a), (c) and (d), respectively, of the first-mentioned sub-section, there were substituted the words 'sixty', 'fifty-five' and 'fifty', respectively."

(2) Paragraph (c) of sub-section (1) shall be deemed to have come into operation on the twenty-ninth day of June, 1955.

Amendment of section 6 of Act 50 of 1955.

36. (1) Section *six* of the Railways and Harbours Service and Superannuation Amendment Act, 1955, is hereby amended—

(a) by the insertion, in sub-section (2), after the expression "paragraph (b)" of the expression "or (c)";

(b) by the deletion, in sub-section (3), of the expression "or (c)" and by the insertion after the expression "paragraph (b)" of the expression "or (c)";

(c) by the substitution, in sub-section (5), for the words "sixty days" of the words "one hundred and eighty days";

(d) by the substitution, in sub-section (6), for all the words occurring after the words "shall be construed" of the words "as if for the words 'sixty-three' occurring in sub-section (1) of the first-mentioned section there were substituted the word 'sixty' and for the words 'fifty-eight' and 'fifty-three' occurring in paragraphs (b) and (c) respectively, of sub-section (2) thereof, there were substituted the words 'fifty-five' and 'fifty', respectively."

(2) Paragraph (c) of sub-section (1) shall be deemed to have come into operation on the twenty-ninth day of June, 1955.

Amendment of section 3 of Act 70 of 1957.

37. Section *three* of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended by the insertion of the following new paragraph after paragraph (w) of sub-section (1):

"(w)*bis*. the regulation and control of road traffic on railway premises and at the harbours, including but without limiting the generality of the foregoing, the prohibition of the driving of any vehicle in a dangerous, reckless or negligent manner, or by any person who is under the influence of intoxicating liquor or narcotic drugs, and the restriction of the speed at which vehicles may be driven;"

Amendment of section 30 of Act 70 of 1957.

38. Section *thirty* of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended—

(a) by the insertion, in sub-section (1), of the words "or delay to" after the words "deterioration of" and by the insertion, in the English version thereof, of the words "and above" after the word "over";

(b) by the substitution, in sub-section (2), for the words "or deterioration", in both places where they occur of the words " , deterioration or delay".

Amendment of section 56 of Act 70 of 1957.

39. Section *fifty-six* of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended by the substitution for sub-section (3) of the following sub-section:

"(3) For the purposes of this section 'policeman' means a member of the Railway Police Force as defined in sub-section (9) of section *fifty-seven*, or a member of the South African Police Force established under the Police Act, 1958 (Act No. 7 of 1958)."

Amendment of section 57 of Act 70 of 1957.

40. Section *fifty-seven* of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended by the substitution, for sub-section (2), of the following sub-sections:

"(2) The duty imposed under sub-section (1) upon a member of the Railway Police Force of maintaining law and order upon the railways and at the harbours, shall include the duty of investigating and taking all other necessary steps in connection with any offence committed or suspected to have been committed in, on or with respect to—

(a) any aircraft belonging to the Administration or to any air transport undertaking for which the Administration acts as general agent in the Union;

- (b) any baggage, postal mail or cargo carried or to be carried on any aircraft mentioned in paragraph (a) during the time that such baggage, postal mail or cargo is in the custody of the Administration, whether on board an aircraft or elsewhere, or is being conveyed within the precincts of an airport, to or from any such first-mentioned aircraft on which it is to be or has been carried;
- (c) any article belonging to the Administration and used by it in connection with the provision of catering services at an airport, or as part of the equipment of any office maintained by it at an airport for the purposes of its air services.

(3) Any member of the Railway Police Force may—

- (a) stop and search any vehicle found upon the railways or at the harbours, and may search any person found therein or thereon, and may open and examine any package or receptacle in or on such vehicle or in the possession of such person in order to ascertain whether there are in or on such vehicle, package or receptacle or in the possession of such person, any goods belonging to the Administration or in its lawful custody for purposes of conveyance or otherwise which ought not to be in or on such vehicle, package or receptacle or in the possession of such person;
- (b) stop any person found upon the railways or at the harbours whom he has reason to suspect has any goods referred to in paragraph (a) secreted about him or in his possession and may search such person: Provided that before being searched any such person may require such member to take him before an officer of or above the rank of sergeant who may at his discretion discharge such person or direct that he be searched:

Provided further that a female shall only be searched by a female.

(4) A document in the form prescribed by regulations made under section *thirty-one* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), certifying that any person has been appointed a member of the Railway Police Force and purporting to have been signed by a person thereto authorized under the said regulations, shall be *prima facie* proof of such appointment.

(5) When any decoration or medal has been instituted or created for members or former members of the Railway Police Force in terms of any regulations made under section *thirty-one* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), any person who wears or without written permission granted by a person authorized thereto under such regulations, makes use of such decoration or medal or its bar, clasp or ribbon or anything so closely resembling any such decoration, medal, bar, clasp or ribbon as to be calculated to deceive, shall, unless he is the person to whom such decoration or medal was awarded, be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds.

(6) Any person who wears any uniform or distinctive badge or button of the Railway Police Force or anything so closely resembling any such uniform, badge or button as to be calculated to deceive, shall, unless—

- (a) he is a member of the said Force entitled by reason of his appointment, rank or designation to wear such uniform, badge or button; or
- (b) he has been granted permission to wear such uniform, badge or button by a person thereto authorized by regulations made under section *thirty-one* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925),

be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

(7) Any person who, not being a member of the Railway Police Force, by words, conduct or demeanour pretends that he is such a member, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds, or in default of payment to imprisonment for a period not exceeding six months, or to such imprisonment without the option of a fine.

(8) Any reference in sections *twenty-seven* and *twenty-eight* of the Police Act, 1958 (Act No. 7 of 1958), to a 'member

of the Force' or a 'member', shall be deemed to include a reference to a member of the Railway Police Force.

(9) For the purpose of the preceding provisions of this section the expression 'Railway Police Force' means the Railways and Harbours Police Force consisting of the officers, warrant-officers, non-commissioned officers and constables appointed under sub-section (1)."

Insertion of  
new section 66bis  
in Act 70 of 1957.

41. The following section is hereby inserted after section sixty-six of the Railways and Harbours Control and Management (Consolidation) Act, 1957:

"Identifi-  
cation  
marks, and  
unauthor-  
ized dealing  
with  
Railway  
property.

66bis. (1) The Minister may by notice in the *Gazette* declare that any combination or arrangement of letters or any emblem or design specified in the notice shall be the official identification mark or marks or the official cancellation mark as the case may be, of the Administration for the purposes of this section: Provided that no such combination or arrangement of letters and no such emblem or design shall be so declared to be an official identification mark of the Administration unless the Minister is satisfied that such or substantially the same combination or arrangement of letters, or such or substantially the same emblem or design has, before the commencement of this section, regularly been applied to or used in connection with railway property for the purpose of identifying such property as that of the Administration.

(2) Whenever in any legal proceedings, whether civil or criminal, any question arises as to the ownership of any article whereon there appears an official identification mark of the Administration which has not been cancelled by means of the Administration's official cancellation mark, (whether such identification mark has been applied to such article before or after the commencement of this section) it shall be presumed, until the contrary is proved, that such article is the property of the Administration.

(3) Any person who, without lawful authority, the onus of the proof whereof shall rest upon him, applies to any article an official identification mark or the official cancellation mark of the Administration, or defaces or conceals any such identification mark on any article, or receives, possesses, sells or delivers any article bearing any such identification mark, shall be guilty of an offence and liable on conviction to the penalties prescribed in section thirty-seven.

(4) In this section the expression 'official identification mark' or 'official cancellation mark' means any combination or arrangement of letters or any emblem or design declared to be an official identification mark or the official cancellation mark as the case may be, of the Administration in any notice issued under sub-section (1)."

Amendment  
of section 70 of  
Act 70 of 1957.

42. Section seventy of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended—

(a) by the substitution, in paragraph (a) of sub-section (2), for the words "two hundred and fifty" of the words "one thousand";

(b) by the insertion, after sub-section (4), of the following new sub-sections:

"(4)bis. The Administration may enter into an agreement with the owner or occupier of any land whereby a firebreak of such length, type and situation as may be agreed upon, will be made and maintained on such land—

(i) by the Administration on behalf of such owner or occupier; or

(ii) by such owner or occupier himself,  
in either case subject to the condition that the party undertaking to make and maintain such firebreak shall be entitled to receive from the other, as remuneration for the work involved, an annual sum to be fixed in the agreement. For the purpose of determining the

amount of such remuneration the cost of making and maintaining a firebreak shall be deemed to be the sum of three pounds per mile per annum.

(4)*ter*. Where an agreement with respect to the making and maintenance of a firebreak was entered into or renewed between the Administration and the owner or occupier of any land before the date of commencement of the Railways and Harbours Acts Amendment Act, 1959, for a period which has not expired at that date, paragraph (a) of sub-section (2) shall, in its application to such owner or occupier, be construed as if it had not been amended by the said Act unless, prior to the date upon which any fire referred to in that paragraph occurred, such owner or occupier had entered into a fresh agreement with the Administration in accordance with the provisions of sub-section (4)*bis* or had in writing indicated his willingness to enter into such agreement."

Regulations may be made retrospective.

43. Any regulations made under section *twelve* of the Railways and Harbours Service and Superannuation Amendment Act, 1955 (Act No. 50 of 1955), for the purpose of giving effect to the provisions of that Act as amended by this Act, may be declared to be effective retrospectively as from the first day of January, 1959.

Validation of exercise of certain elections.

44. If a present member as defined in section *one* of the Railways and Harbours Service and Superannuation Amendment Act, 1955 (Act No. 50 of 1955), being a member to whom the provisions of paragraph (d) of sub-section (1) of section *fourteen* of the Railways and Harbours Service Act, 1925, apply, has on or after the first day of January, 1959, but prior to the date of commencement of this Act, elected in writing to retire from the Service on pension on attaining the age of fifty-three years, such election shall be deemed to have been validly made in accordance with the regulations made under section *twelve* of the first-mentioned Act.

Annuities payable to certain former servants and widows of former servants to be increased.

45. (1) With effect from the first day of April, 1959, the net annuity payable to every annuitant and to every widow annuitant shall be increased by ten per cent.

(2) Where such annuity is payable partly from a fund and partly from revenue the additional ten per cent. shall be paid proportionately from the fund concerned and from revenue.

(3) Where, in terms of the applicable pension law, an annuity which on the first day of April, 1959, is being paid from revenue, is to become payable from a fund as from a subsequent date, liability for the payment of the additional ten per cent. shall as from that date pass from revenue to the fund in question.

Validation of certain changes in conditions of employment.

46. 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.

Dates of commencement of certain sections.

47. (1) Sections *five* and *eight*, paragraphs (a), (c) and (d) of section *nine*, paragraph (a) of section *eighteen*, paragraphs (b) and (c) of section *twenty-one*, sections *twenty-three*, *thirty* and *thirty-three*, paragraphs (a), (b) and (d) of sub-section (1) of section *thirty-five* and paragraphs (a), (b) and (d) of sub-section (1) of section *thirty-six*, shall be deemed to have come into operation on the first day of January, 1959.

(2) Sections *one*, *two*, *three*, *seven*, *twenty-two*, *twenty-five* and *twenty-nine* shall be deemed to have come into operation on the first day of April, 1959.

This Act to apply to South-West Africa.

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

Short title.

49. This Act shall be called the Railways and Harbours Acts Amendment Act, 1959.



## Schedule.

<i>No. of Government Notice.</i>				<i>Date of Publication.</i>
190	..	..	..	8. 2.1957
810	..	..	..	7. 6.1957
1317	..	..	..	30. 8.1957
1989	..	..	..	20.12.1957
61	..	..	..	17. 1.1958
697	..	..	..	23. 5.1958
700	..	..	..	23. 5.1958
701	..	..	..	23. 5.1958
704	..	..	..	23. 5.1958
1142	..	..	..	8. 8.1958
1146	..	..	..	8. 8.1958
1147	..	..	..	8. 8.1958
1148	..	..	..	8. 8.1958
1478	..	..	..	9.10.1958
1479	..	..	..	9.10.1958
1573	..	..	..	31.10.1958
1576	..	..	..	31.10.1958
1804	..	..	..	28.11.1958
128	..	..	..	30. 1.1959
134	..	..	..	30. 1.1959