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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT GAZETTE

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[No. 2842.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1609. 30 September 1970.

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

No. 57 van 1970: Wysigingswet op Spoorweg- en Hawewette, 1970.

DEPARTMENT OF THE PRIME MINISTER.

No. 1609. 30th September, 1970.

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

No. 57 of 1970: Railways and Harbours Acts Amendment Act, 1970.

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1970. Act No. 57, 1970

ACT

To amend section 57 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, so as to extend the powers of the Railway Police Force; to substitute section 64 of the said Act so as to amend certain provisions relating to the application of prescriptive periods in respect of legal proceedings brought against the Administration and its servants; to amend section 70 of the said Act so as to increase the amount of the Administration's liability in respect of fire damage and the remuneration for the making and maintenance of firebreaks on land adjoining the railway; to amend section 11 of the Railways and Harbours Superannuation Fund Act, 1960, so as to provide that the assessed value of rations will no longer form a portion of a member's pensionable emoluments; to validate certain changes in conditions of employment; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 21st September, 1970.)

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

1. Section 57 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended—
- (a) by the insertion, after paragraph (b) of subsection (3) and before the proviso to the said subsection, of the following paragraphs:
- “(c) stop any person whom he has reason to suspect is engaged in any activity adverse to the internal security of the Republic and 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 such member shall inform any such person of his rights in terms of the first proviso to this paragraph;
- (d) open and search any package or receptacle which he has reason to suspect contains any document or article the dissemination or use of which may be adverse to the internal security of the Republic.”; and
- (b) by the substitution for the proviso at the end of subsection (3) of the following proviso:
- “Provided that a female shall only be searched by a female, and with strict regard to decency.”.
- Amendment of section 57 of Act 70 of 1957, as amended by section 40 of Act 44 of 1959, section 33 of Act 6 of 1965 and section 1 of Act 23 of 1967.

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1970. Act No. 57, 1970

2. The following section is hereby substituted for section 64 of the Railways and Harbours Control and Management (Consolidation) Act, 1957:

Substitution of section 64 of Act 70 of 1957, as amended by section 9 of Act 62 of 1962.

"Limitation of actions.

64. (1) No legal proceedings whatsoever, the cause of which shall have arisen after the commencement of the Railways and Harbours Acts Amendment Act, 1970, shall be brought against the Administration or a servant of the Administration (hereinafter called 'the defendant') unless the same be commenced within twelve months after the cause of such proceedings arose: Provided that nothing in this subsection contained shall affect the provisions of section 32.

(2) No legal proceedings whatsoever shall be commenced against the defendant until one month at least after written notice of intention to commence such proceedings has been served upon the defendant by the claimant or by his attorney or agent. In that notice the cause of such proceedings and details of the claim shall be clearly and explicitly stated.

(3) Subject to the provisions of sections 32 and 38 (2) no claim against the defendant shall be enforced unless a written claim has been lodged with the defendant within a reasonable time and in any event within four months of the date on which the cause of the claim is alleged to have arisen: Provided that if a court having jurisdiction is satisfied on application being made to it—

(a) that the defendant is in no way prejudiced by reason of a failure to lodge such claim within the period required under this Act; and

(b) that, having regard to any special circumstances, the claimant could not reasonably have been expected to have lodged such claim within the period so required,

such court may grant the claimant special leave to lodge such claim, and may make such order as to the costs of the application as may be just."

3. Section 70 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended—

Amendment of section 70 of Act 70 of 1957, as amended by section 42 of Act 44 of 1959 and section 39 of Act 6 of 1965.

(a) by the substitution, in paragraph (a) of subsection (2), for the words "two thousand" of the words "four thousand"; and

(b) by the substitution, in subsection (4)*bis*, for the word "six" of the word "twelve".

4. (1) Section 11 of the Railways and Harbours Superannuation Fund Act, 1960, is hereby amended—

Amendment of section 11 of Act 39 of 1960, as amended by section 7 of Act 18 of 1966 and section 4 of Act 23 of 1967.

(a) by the substitution for subsection (1) of the following subsection:

"(1) The pensionable emoluments on which contributions to the New Fund shall be paid shall be—

(a) salary or wages;

(b) the estimated rental value of quarters, whether belonging to the Administration or not, whenever a member is allowed to occupy quarters free of rent, as a portion of his emoluments, or any allowance granted in lieu of the provision of free quarters, and the said free quarters or allowance shall for the purposes of calculation be assessed at a sum equal to one-sixth of the member's other

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- (c) such sum, in addition to salary, as is declared by regulations made under section 42 to be pensionable in the case of such members, being servants to whom the provisions of section 16 (1) (d) of the Railways and Harbours Service Act, 1960, apply, as are specified in such regulations.”;
- (b) by the substitution, in subsection (2) (a), for the expression “paragraph (d)” of the expression “paragraph (c)”;
- (c) by the substitution, in subsection (4) (b), for the expression “paragraph (b) or (c)” of the expression “paragraph (b)”.
- (2) Subsection (1) shall be deemed to have come into operation on the first day of June, 1970, in the case of officers and on the sixteenth day of May, 1970, in the case of employees.

5. 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 State President until after the expiration of the period of three months mentioned in section 32 (3) of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960), are hereby validated with effect from the several dates as from which such changes were brought into operation.

Validation of certain changes in conditions of employment.

6. This Act and any amendment thereof shall apply also to the territory of South-West Africa.

Application of Act to South-West Africa.

7. This Act shall be called the Railways and Harbours Acts Amendment Act, 1970.

Short title.

Schedule.

| Number of Government Notice. | Date of Publication. |
|------------------------------|----------------------|
| R.408 | 21. 3.1969 |
| R.3705 | 7.11.1969 |
| R.3877 | 5.12.1969 |
| R.855 | 5. 6.1970 |
| R.1063 | 3. 7.1970 |