

No. 33, 1917.]

## ACT

**To grant relief to certain persons who were erroneously admitted as contributors to the Cape Civil Service Pension Fund and the Widows' Pension Fund of that Service; to amend, in certain respects, the Railways and Harbours Service Act, 1912; to make better provision for certain servants of the Railway Administration known as "transferred servants"; and for other purposes relating to railway and harbour servants.**

**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:—

Benefits conferred upon certain persons who were irregularly admitted to the Cape Civil Service and Widows' Pension Funds.

1. Each of the persons whose names are specified in the Schedule to this Act and who became a contributor to the Cape Civil Service Pension Fund and the Widows' Pension Fund of that Service, but who was permitted or required so to contribute contrary to the provisions of the law governing those funds, shall be entitled to a return of his contributions to those funds, together with simple interest at the rate of four per cent. per annum. Each of the persons aforesaid may, if within six months after the commencement of this Act, he gives written notice to the chief accountant of the railways and harbours, be permitted to become a member of the railways and harbours superannuation fund and the railways and harbours widows' pension fund, established under Act No. 28 of 1912, upon the same terms and conditions as would have applied to him if he had been admitted under Act No. 41 of 1909 of the Cape of Good Hope to the superannuation and widows' pension funds as from the first day of January, 1910

### *Amendments of Act No. 28 of 1912.*

Amendment of section nine of Act No. 28 of 1912.

2. Section *nine* of the Railways and Harbours Service Act, 1912 (hereinafter referred to as the Service Act), is hereby amended by the addition thereto of the following sub-section (11):—

“(11) A member of the fund who has made additional contributions and who is granted an annuity under the provisions of this section, but who is ineligible for a supplementary annuity by reason of the proviso to section *forty* of this Act, shall be entitled to be repaid without interest such additional contributions as he may have made.”

Amendment of section forty-one of Act No. 28 of 1912.

3. Section *forty-one* of the Railways and Harbours Service Act, 1912, is hereby amended by the addition thereto of the following sub-section (4):—

“(4) A member who has made additional contributions and who is granted an annuity under the provisions of this section, but who is ineligible for a supplementary annuity by reason of the proviso to section *forty* of this Act shall be entitled to be repaid without interest such additional contributions as he may have made”.

Amendment of section sixty-two of Act No. 28 of 1912.

4. Section *sixty-two* of the Service Act is hereby amended by the addition thereto of the following sub-section (4):—

“(4) The provisions of section *forty-five* of this Act shall *mutatis mutandis* apply to members of the Natal public employees' superannuation fund established under Act No. 29 of 1897 of Natal, including the railway superannuation fund incorporated therewith: Provided that any gratuity and refund of any contributions that may be granted under this Act shall be deemed to be in substitution of any such refund of contributions and interest as may be claimed under section *seven* of the said Act No. 29 of 1897 of Natal”.

Extension of period mentioned in sub-section (2) of section *sixty-three* of Act No. 28 of 1912.

5. The period "ten years" in sub-section (2) of section *sixty-three* of the Service Act is hereby extended to thirty years

Extension of rights of transferred servants.

6. (1) Notwithstanding anything to the contrary contained in the Service Act, or in Act No. 20 of 1908 of the Transvaal, or in Act No. 37 of 1908 of the Orange River Colony, the pension rights, widows' pension rights, disciplinary provisions and conditions of service generally applicable to that section of the staff of the railways and harbours of the Union defined in those Acts as "transferred servants" shall, as from the commencement of those Acts, be deemed to be in all respects similar to those applicable to Cape fixed establishment servants transferred with continuity of pension rights to the service of the said railways and harbours; and the admitted pensionable employment of such transferred servants under any of the services referred to in the Service Act, together with their pensionable employment by the Administration, shall be deemed to be one continuous period of employment for pension purposes.

(2) The definition of "Cape fixed establishment servant" in section *two* of the Service Act, shall be applicable to the transferred servants described in this section.

Grant of certain pensionable rights to members of railway audit staff.

7. Anything to the contrary notwithstanding in sections *fifty-six* and *eighty-four* of the Service Act, or in any other law, any officer who was engaged, until the passing of the Act No. 31 of 1916, in the statutory audit of the accounts of the railways and harbours administration, and who is referred to in section *eighty-four* of the Service Act, may elect, within three months after the commencement of this Act, whether he will become a contributor to the administrative and clerical division pension fund established under Act No. 19 of 1908 of the Transvaal; and an officer who so elects, shall make contributions at the rate of four per centum per annum upon his pensionable emoluments instead of at the rate of three per centum as heretofore and shall, in respect of his previous pensionable employment, pay the difference between those rates in such instalments and at such times as the Treasury may prescribe: Provided that an amount equivalent to the arrear contributions of an officer so electing, with compound interest at the rate of eight per centum per annum shall be paid to the said pension fund out of revenue on behalf of such an officer.

*Amendments of Act No. 7 of 1914.*

Amendment of section *two* of Act 7 of 1914.

8. The date "thirty-first day of December, 1915" in sub-section (1) of section *two* of the Railways and Harbours Strike and Service Amendment Act, 1914, being the date prior to which the leave in that sub-section described may be taken, is hereby altered to the day which is the first anniversary of the date of the termination of the present war.

Certain emoluments on which pension contributions shall and shall not be made.

9. (1) Section *nine* of the Railways and Harbours Strike and Service Amendment Act, 1914, is hereby repealed.

(2) Notwithstanding anything contained in the proviso to sub-section (2) of section *thirty-five* of the Service Act and the abolition of the trip system therein referred to, overtime payments to any driver, fireman or guard who was employed in any of those capacities by the Administration on or before the thirtieth day of September, 1912, and who, being on that day a member of the railway superannuation fund, established under Act No 20 of 1908 of the Transvaal, Act No. 37 of 1908 of the Orange River Colony, or Act No. 41 of 1909 of the Cape of Good Hope, has contributed thereon, shall be included in his

pensionable emoluments so long as he is employed as a driver, fireman or guard: Provided that this section shall not be construed as having retrospective effect except to the extent of confirming the contributions actually made and accepted by the Administration prior to the commencement of this Act.

*Provisions relating to war service.*

Relief granted to servants on active service or employed as munition workers.

10. Notwithstanding anything contained in the provisions of sub-sections (2) and (3) of section *twenty-eight* or of section *thirty-one* or of sub-section (2) of section *thirty-two* of the Service Act, any servant admitted to permanent employment, who, but for his absence on active service or on munition work during the present war, would have been able to exercise any such option as is described in those provisions may be permitted to exercise any such option within three months after the commencement of this Act, if he has at that time resumed duty permanently in the service, or if he has not then so resumed duty, within three months after he has resumed his normal occupation in the service.

*Miscellaneous provisions.*

Appropriation of fines and unclaimed salary and wages to certain funds.

11. Any fines received by the Administration under the provisions of the Service Act or any unclaimed salary or wages due to servants shall be paid by the Administration to the charitable fund and the railway institutes fund in equal proportions, and may be used for the purposes of those funds as determined from time to time by the Administration: Provided that such payment shall not prevent a servant whose salary or wages shall not have been claimed, from recovering the same from the Administration according to law; and if his claim is established, the amount due may be paid to him and may be deducted from any balance of unclaimed salary or wages then or thereafter in the hands of the Administration.

Authority to the Administration to make certain grants and allowances.

12. The Administration may make any grant or give any bonus or allowance, not exceeding at any one time a sum of one hundred pounds, to any servant for special services, exemplary conduct on special occasions, or for the provision of appliances of any kind for the better performance of his duties, but subject always to the regulations.

Short title.

13. This Act may be cited for all purposes as the Railways and Harbours Service Act Amendment and Further Provision Act, 1917.

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**Schedule.**

PERSONS DESCRIBED IN SECTION *one* TO WHOM RELIEF IS GRANTED.

Thomas Picton Evans.  
William Sadler Metcalf.  
William Bruce McLean  
Edward Arthur Trelford.  
William French  
Paulin Scott-Lawrence.  
Joseph Stokes.