

No. 45, 1952.]

# ACT

To amend the Railways and Harbours Regulation, Control and Management Act, 1916, the Railways and Harbours Service Act, 1925, the Railways and Harbours Superannuation Fund Act, 1925, and the Railways and Harbours Acts Amendment Act, 1949; and to provide for other incidental matters.

(English text signed by the Governor-General.)  
(Assented to 21st June, 1952.)

**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:—

1. (1) Section *four* of the Railways and Harbours Regulation, Control and Management Act, 1916, is hereby amended—
  - (a) by the insertion in paragraph (5) after the word "charges" of the words "leviable by the Administration", and by the addition at the end of the paragraph of the words "and exemption from payment or variation as to the payment of such charges.";
  - (b) by the insertion in paragraph (11) after the word "from" of the words "or variation as to the".

(2) Any regulation made under paragraphs (5) and (11) of section *four* of the Railways and Harbours Regulation, Control and Management Act, 1916, after the date of commencement of this Act, may be expressed to apply also in respect of fares, freight, dues or other charges that became due before the said date.
2. Section *forty-one* of the Railways and Harbours Regulation, Control and Management Act, 1916, is hereby amended by the substitution for sub-section (2) of the following new sub-section:

"(2) The Governor-General may at his discretion refuse to appoint any person nominated for membership to an advisory board and may at any time remove any member of an advisory board from office.

Upon removal or retirement of a member, the Governor-General may appoint any person to be a member, always observing the method of nomination hereinbefore provided, and upon a refusal to appoint any person nominated for membership the Governor-General shall invite the interest concerned to nominate one or more other persons, and upon a refusal to appoint one person so nominated, he may appoint any person to be a member from and to represent that interest."
3. Section *fourteen* of the Railways and Harbours Service Act, 1925, is hereby amended—
  - (a) by the addition at the end of paragraph (c) of sub-section (1) of the following words:

"or any position in the said department, the incumbent whereof is or may be required to perform duties on board an aircraft in flight, to which the Minister has by Notice in the *Gazette* declared the said age of retirement to apply. Any position mentioned in any such Notice shall be deemed to have been specifically mentioned in this paragraph.";
  - (b) by the deletion of sub-section (3) and the substitution therefor of the following sub-section:

"(3) The provisions of paragraph (c) of sub-section (1) shall apply only to—

    - (a) a servant who was appointed to the position of check pilot, senior commander, commander,

junior commander, first officer or navigation officer subsequent to the thirtieth day of June, 1946, or to a servant who on that date occupied the position of captain-in-command, first officer or navigator in the airways department of the Service and who on the first day of July, 1948, agreed in writing to the application, to him, of the age of retirement laid down in the said paragraph;

- (b) a servant who, subsequent to the date of publication by the Minister of a Notice in terms of the said paragraph, is appointed to any position mentioned in such Notice, or who, having held any such position at the date of publication of such Notice, has within a period of six months after the said date, or within such further period as the Administration may under special circumstances allow but in any event before he attains the age of fifty years, agreed in writing to the application, to him, of the age of retirement laid down in the said paragraph."

4. (1) Section *eight* of the Railways and Harbours Superannuation Fund Act, 1925 (hereinafter referred to as the "principal Act"), is hereby amended—

Amendment of section 8 of Act 24 of 1925, as substituted by section 16 of Act 49 of 1949 and amended by section 12 of Act 63 of 1951.

- (a) by the substitution, in sub-section (1), for the figures "6½, 6¾, 7¼, 7¾, 8¼" appearing under the heading "Percentage of pensionable emoluments" of the figures "7, 7½, 8, 8½, 9" respectively;

- (b) by the deletion, in paragraph (a) of sub-section (2), of all words up to and including the word "Service", and the substitution therefor of the words:

"A member employed in the airways department of the Service to whom, in accordance with sub-section (3) of section *fourteen* of the Railways and Harbours Service Act, 1925, the provisions of paragraph (c) of sub-section (1) of that section apply,";

- (c) by the deletion, in paragraph (b) of sub-section (2), of the words "in the position of check pilot, senior commander, commander, junior commander, first officer or navigation officer" and the substitution therefor of the words "in a position wherein, in accordance with sub-section (3) of section *fourteen* of the Railways and Harbours Service Act, 1925, the provisions of paragraph (c) of sub-section (1) of that section apply to him,";

- (d) by the substitution, in sub-section (3), for the figures "5¾, 6¼, 6¾, 7¼, 7¾, 8¼" appearing under the heading "Percentage of pensionable emoluments" of the figures "6½, 7, 7½, 8, 8½, 9" respectively.

- (2) (a) Section *twelve* of the Railways and Harbours Acts Amendment Act, 1951 (Act No. 63 of 1951), shall be deemed to have come into operation on the first day of July, 1951, in the case of officers and of employees paid on a calendar month basis, and on the twenty-fifth day of June, 1951, in the case of all other employees.

- (b) Paragraphs (a) and (d) of sub-section (1) shall be deemed to have come into operation on the twenty-sixth day of July, 1951.

5. (1) Section *fourteen* of the principal Act is hereby amended by the deletion of the words "of contributions", and the substitution therefor of the words, "whether of contributions or interest, or both,".

Amendment of section 14 of Act 24 of 1925.

- (2) Sub-section (1) shall be deemed to have come into operation on the first day of September, 1925.

6. Section *sixteen* of the principal Act is hereby amended by the substitution, for paragraph (b) of sub-section (2), of the following paragraph:

Amendment of section 16 of Act 24 of 1925, as amended by section 11 of Act 15 of 1940 and section 17 of Act 49 of 1949.

- "(b) A member who has contributed to the New Fund in respect of a period of at least ten years and to whom, in accordance with sub-section (3) of section *fourteen* of the Railways and Harbours Service Act, 1925, the provisions of paragraph (c) of sub-section (1) of that

section apply, shall have the right to retire on pension, or may be required to retire on pension, on or after attaining the age of fifty years: Provided that any such member may be required by the Minister to retire on attaining the age of forty-five years or at any time thereafter before he attains the age of fifty years, even if at that time he has not contributed to the New Fund in respect of a period of ten years."

7. Section *twenty-seven* of the principal Act, is hereby amended by the deletion of the second sentence and the substitution therefor of the following: "In the application of this section the expression 'contributions' shall be deemed to include, in the case of a member to whom, in accordance with sub-section (3) of section *fourteen* of the Railways and Harbours Service Act, 1925, the provisions of paragraph (c) of sub-section (1) of that section apply, any special contributions paid by the Administration on his behalf in terms of sub-section (2) of section *eight* of this Act."

Amendment of section 27 of Act 24 of 1925, as substituted by section 20 of Act 49 of 1949.

8. (1) Section *thirty-one* of the principal Act is hereby amended by the deletion in paragraph (b) of sub-section (3) of the words "plus interest at the rate of two and one-half per cent. per annum" and the substitution therefor of the words "plus two and one-half per cent. of the sum so arrived at in respect of each complete year in respect of which he contributed."

Amendment of section 31 of Act 24 of 1925, as substituted by section 14 of Act 63 of 1951.

(2) Sub-section (1) shall be deemed to have come into operation on the twenty-sixth day of July, 1951.

9. Section *thirty-four ter* of the principal Act is hereby amended by the deletion in sub-section (2) of the words "who holds or held a position mentioned in paragraph (a) of sub-section (2) of section *eight*, any special contributions paid by the Administration on his behalf in terms of that sub-section" and the substitution therefor of the words "to whom, in accordance with sub-section (3) of section *fourteen* of the Railways and Harbours Service Act, 1925, the provisions of paragraph (c) of sub-section (1) of that section apply or applied, any special contributions paid by the Administration on his behalf in terms of sub-section (2) of section *eight* of this Act."

Amendment of section 34ter of Act 24 of 1925, as inserted by section 22 of Act 49 of 1949.

10. (1) Section *fifty-seven* of the principal Act is hereby amended by the deletion of the word "six" and the substitution therefor of the words "six and three-quarters."

Amendment of section 57 of Act 24 of 1925, as amended by section 3 of Act 16 of 1932, section 5 of Act 16 of 1945, section 23 of Act 49 of 1949 and section 18 of Act 63 of 1951.

(2) (a) Section *eighteen* of the Railways and Harbours Acts Amendment Act, 1951 (Act No. 63 of 1951), shall be deemed to have come into operation on the first day of July, 1951, in the case of officers and of employees paid on a calendar month basis, and on the twenty-fifth day of June, 1951, in the case of all other employees.

(b) Sub-section (1) shall be deemed to have come into operation on the twenty-sixth day of July, 1951.

11. Section *sixteen* of the Railways and Harbours Acts Amendment Act, 1949, is hereby amended by the deletion in paragraph (a) of sub-section (2), of the words "the position of check pilot, senior commander, commander, junior commander, first officer or navigation officer in the airways department of the Service" and the substitution therefor of the words "any position mentioned in paragraph (c) of sub-section (1) of section *fourteen* of the Railways and Harbours Service Act, 1925,"

Amendment of section 16 of Act 49 of 1949.

12. All changes in conditions of employment prescribed by regulation which were, prior to the commencement of this Act, brought into operation with retrospective effect, or in respect of which amended regulations were not approved by the Governor-General until after 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.

Validation of certain changes in conditions of employment.

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

Application of this Act to South-West Africa.

14. This Act shall be called the Railways and Harbours Acts Amendment Act, 1952.

Short title.