



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

*Registered at the Post Office as a Newspaper*

*As 'n Nuisblad by die Poskantoor Geregistreer*

PRICE + 1c GST 20c PRYS + 1c AVB  
ABROAD 30c BUITELANDS  
POST FREE · POSVRY

VOL. 168]

CAPE TOWN, 27 JUNE 1979

KAAPSTAD, 27 JUNIE 1979

[No. 6528

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1367.

27 June 1979.

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

No. 80 of 1979: Railways and Harbours Acts Amendment Act, 1979.

No. 1367.

27 Junie 1979.

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

No. 80 van 1979: Wysigingswet op Spoorweg- en Hawewette, 1979.

Act No. 80, 1979

RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1979.

**GENERAL EXPLANATORY NOTE:**

**[ ]** Words in bold type in square brackets indicate omissions from existing enactments.

       Words underlined with solid line indicate insertions in existing enactments.

# ACT

To amend section 1 of the Railways and Harbours Control and Management (Consolidation) Act, 1957, so as to insert the new definition "wreck"; to amend section 2 of the said Act so as to provide for the establishment of a house ownership scheme for Black workers and to provide further that no servant shall have the right to assign, transfer or otherwise cede or pledge or hypothecate his interests in any property obtained on his behalf in terms of paragraph (22) of the said section; to amend section 3 of and to insert section 75A in the said Act so as to bring the control of road traffic upon the railways and at the harbours into line with the applicable road traffic ordinances; to amend section 13 of the said Act so as to amend the provisions regarding the misuse of free passes and tickets; to amend section 16 of the said Act so as to increase the limit on the value of luggage deposited in a cloakroom; to amend section 21A of the said Act so as to bring the Afrikaans text thereof into conformity with the English text; to amend section 64 of the said Act so as to provide for interruption of prescription by the service of process, as opposed to the issue of process; to substitute section 69 and to repeal section 70 of the said Act, so as to amend the provisions in respect of the payment of compensation for certain fire damage; to amend section 76 of the said Act so as to provide for the disposal of any profit or loss arising from the resale of a dwelling-house repossessed by the Administration; to amend section 17 of the Railways and Harbours Pensions Act, 1971, so as to extend the option to contribute to the New Railways and Harbours Superannuation Fund in respect of periods of previous non-contributory service to members of the Fund; to amend section 1 of and to insert sections 2A and 2B in the Railway and Harbour Purchase Act, 1977, so as to vest land and real rights in land acquired or to be acquired by the South African Iron and Steel Industrial Corporation, Limited, for or in connection with the Sishen-Saldanha Bay railway line and Saldanha Bay harbour, in the South African Railways and Harbours Administration; to amend section 1 of the Railways and Harbours Finances and Accounts Act, 1977, so as to insert certain new definitions; to amend sections 2, 3 and 16 of the said Act so as to amend the provisions in regard to the borrowing of moneys to finance expenditure on capital and betterment works; to insert section 24A in the said Act so as to bring the principles of procedure

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**ALGEMENE VERDUIDELIKENDE NOTA:**

**[**                      **]**      Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

\_\_\_\_\_      Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

## WET

Tot wysiging van artikel 1 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, om die nuwe woordomskrywing „wrak” in te voeg; tot wysiging van artikel 2 van gemelde Wet om voorsiening te maak vir die instelling van 'n huiseienaarskema vir Swart werkers en voorts om voorsiening te maak dat geen dienaar die reg sal hê om sy belange in enige eiendom wat namens hom ingevolge paragraaf (22) van gemelde artikel bekom is, oor te dra, oor te maak of andersins te sedeer of te verpand of met 'n verband te beswaar nie; tot wysiging van artikel 3 van en tot invoeging van artikel 75A in gemelde Wet om die beheer oor padverkeer op die spoorweë en by hawens in ooreenstemming met toepaslike padverkeersordonnansies te bring; tot wysiging van artikel 13 van gemelde Wet om die bepalings met betrekking tot die misbruik van vryreispassse en reiskaartjies te wysig; tot wysiging van artikel 16 van gemelde Wet om die beperking op die waarde van bagasie wat in 'n bewaarkamer geplaas word, te verhoog; tot wysiging van artikel 21A van gemelde Wet om die Afrikaanse teks daarvan in ooreenstemming met die Engelse teks te bring; tot wysiging van artikel 64 van gemelde Wet om voorsiening te maak dat verjaring deur die betekening, in teenstelling met uitreiking, van 'n prosesstuk gestuit word; tot vervanging van artikel 69 en tot herroeping van artikel 70 van gemelde Wet om die bepalings ten opsigte van betaling van die vergoeding vir sekere brandskade te wysig; tot wysiging van artikel 76 van gemelde Wet om voorsiening te maak vir die beskikking oor enige wins of verlies wat voortspruit uit die herverkoop van 'n woning wat deur die Administrasie teruggeneem is; tot wysiging van artikel 17 van die Spoorweg- en Hawepensioenwet, 1971, om die keuse om ten opsigte van tydperke van vorige nie-hydraende diens tot die Nuwe Spoorweg- en Hawesuperannuasiefonds by te dra, tot lede van die Fonds uit te brei; tot wysiging van artikel 1 van en tot invoeging van artikels 2A en 2B in die Spoorweg- en Hawe-aankoopwet, 1977, om grond en saaklike regte in grond wat deur die Suid-Afrikaanse Yster en Staal Industriële Korporasie Beperk vir of in verband met die Sishen-Saldanhabaaispoorlyn en Saldanhabaaihawe verkry is of verkry staan te word, in die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens te vestig; tot wysiging van artikel 1 van die Wet op Finansies en Rekenings van die Spoorweë en Hawens, 1977, om sekere nuwe woordomskrywings in te voeg; tot wysiging van artikels 2, 3 en 16 van gemelde Wet om die bepalings in verband met die leen van geld om uitgawe aan kapitaal- en verbeteringswerke te finansier, te wysig; tot invoeging van artikel 24A in gemelde Wet om die prosedurebeginsels betreffende *ex gratia*-betalings in ooreenstemming te

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concerning *ex gratia* payments into line with those contained in the Exchequer and Audit Act, 1975; and to provide for other incidental matters.

(English text signed by the Acting State President.)  
(Assented to 15 June 1979.)

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

Amendment of section 1 of Act 70 of 1957, as amended by section 5 of Act 25 of 1959, section 6 of Act 62 of 1961, section 5 of Act 62 of 1962, sections 11 and 44 of Act 6 of 1965, section 2 of Act 24 of 1971, section 2 of Act 44 of 1974, section 1 of Act 8 of 1976 and section 1 of Act 69 of 1977.

1. Section 1 of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (hereinafter called "the Control and Management Act"), is hereby amended by the insertion, in subsection (1), after the definition of "warehouse" of the following definition:

"(xxv) 'wreck' includes any hulk, aircraft, motor or other vehicle of any kind whatsoever and includes any dead body, article, thing or collection of things being or forming part of, or associated with, any wreck or remains of such hulk, aircraft, motor or other vehicle. (xxv)".

Amendment of section 2 of Act 70 of 1957, as amended by section 1 of Act 4 of 1958, section 3 of Act 7 of 1963, section 5 of Act 39 of 1963, section 2 of Act 54 of 1964, sections 12 and 44 of Act 6 of 1965, section 1 of Act 60 of 1968, section 3 of Act 32 of 1969, section 3 of Act 24 of 1971, section 3 of Act 44 of 1974, section 5 of Act 46 of 1975, section 26 of Act 48 of 1977 and section 2 of Act 69 of 1977.

2. Section 2 of the Control and Management Act is hereby amended by the substitution for paragraph (22) of the following paragraph:

"(22) to acquire land or to use land reserved for railway or harbour purposes for the erection of dwelling-houses thereon, to acquire or erect dwelling-houses and to sell, by way of hire-purchase or otherwise, or lease any houses so acquired or erected, or any other houses belonging to the Administration and no longer required for departmental purposes, to servants upon such conditions as the Minister may determine; to enter into agreements for the loan of moneys to servants for the purpose of acquiring land for the erection of dwelling-houses thereon or of acquiring or erecting dwelling-houses or discharging any bond over any land or dwelling-house owned by a servant; to enter into agreements for the loan of moneys to Black servants for the purpose of acquiring dwelling-houses or erecting or improving dwelling-houses or discharging any bond on a house acquired by a Black servant; to secure, by way of insurance in the Administration's insurance fund or otherwise, the repayment, in the event of the servant's death, of the balance of any amount payable by him pursuant to any such sale or loan, which remains unpaid at the date of his death, or, subject to such conditions or limitations as the Minister may determine from time to time, the repayment, in the event of the servant's services being dispensed with by reason of severe bodily injury, of the balance (or any fraction thereof) of any such amount which remains unpaid at the date of his retirement, and to recover the amount of the loan and the expenses incurred in connection with such insurance from the servant in such manner or in such instalments as the Minister may determine, together with interest at a rate fixed by the Minister: Provided that when the Administration has paid or incurred liability for the premiums due in respect of any such insurance, it may, with the consent of the Minister, waive its right to



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**bring met dié vervat in die Skatkis- en Ouditwet, 1975; en om vir ander aangeleenthede wat daarmee in verband staan, voorsiening te maak.**

*(Engelse teks deur die Waarnemende Staatspresident geteken.)  
(Goedgekeur op 15 Junie 1979.)*

**DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (hierna die „Beheer- en Bestuurwet” genoem), word hierby gewysig deur in subartikel (1) na die omskrywing van „vryreispass” die volgende omskrywing in te voeg:
 

„(xxv) „wrak’ ook enige skeepsromp, vliegtuig, motor of ander voertuig van watter aard ook al en ook enige lyk, artikel, voorwerp of versameling van voorwerpe bestaande uit of wat deel uitmaak van of verband hou met enige wrak of oorblyfsels van so ’n skeepsromp, vliegtuig, motor of ander voertuig. (xxv)”.
2. Artikel 2 van die Beheer- en Bestuurwet word hierby gewysig deur paragraaf (22) deur die volgende paragraaf te vervang:
 

„(22) om grond te verkry, of om grond wat vir spoorweg- of hawedoeleindes gereserveer is, te gebruik, vir die oprigting van wonings daarop, om wonings te verkry of op te rig, en om wonings aldus verkry of opgerig, of ander wonings wat aan die Administrasie behoort en nie meer vir departementele doeleindes benodig is nie, aan dienaar te verkoop, hetsy by wyse van huurkoop of andersins, of te verhuur, op sulke voorwaardes as wat die Minister bepaal; om ooreenkomste aan te gaan vir die leen van geld aan dienaar met die doel om grond vir die oprigting van wonings daarop te verkry, of om wonings te verkry of op te rig of om ’n verband op grond of op ’n woning wat aan ’n dienaar behoort, af te los; om ooreenkomste aan te gaan vir die leen van geld aan Swart dienaar met die doel om wonings te verkry of op te rig of te verbeter of om ’n verband op ’n woning wat ’n Swart dienaar verkry het, af te los; om by wyse van versekering in die Administrasie se versekeringsfonds of andersins, die terugbetaling te verseker in geval die dienaar te sterwe kom, van die balans van enige bedrag deur hom betaalbaar uit hoofde van so ’n verkoping of lening, wat op datum van sy dood nog onbetaal is, of, onderworpe aan die voorwaardes of beperkings wat die Minister van tyd tot tyd bepaal, die terugbetaling, in geval die dienaar se diens op grond van ernstige liggaamlike besering beëindig word, van die balans (of ’n deel daarvan) van so ’n bedrag wat op datum van sy uitdienstreding nog onbetaal is, en om die bedrag van die lening en die onkoste wat in verband met sodanige versekering beloop is, op die dienaar te verhaal op so ’n wyse of in sulke paaielemente as wat die Minister bepaal, benewens rente teen ’n deur die Minister vasgestelde koers: Met dien verstande dat wanneer die Administrasie die ten opsigte van sodanige versekering verskuldigde premies betaal of daarvoor aanspreeklikheid beloop het, hy met die toestemming van die Minister afstand

Wysiging van artikel 1 van Wet 70 van 1957, soos gewysig deur artikel 5 van Wet 25 van 1959, artikel 6 van Wet 62 van 1961, artikel 5 van Wet 62 van 1962, artikels 11 en 44 van Wet 6 van 1965, artikel 2 van Wet 24 van 1971, artikel 2 van Wet 44 van 1974, artikel 1 van Wet 8 van 1976 en artikel 1 van Wet 69 van 1977.

Wysiging van artikel 2 van Wet 70 van 1957, soos gewysig deur artikel 1 van Wet 4 van 1958, artikel 3 van Wet 7 van 1963, artikel 5 van Wet 39 van 1963, artikel 2 van Wet 54 van 1964, artikels 12 en 44 van Wet 6 van 1965, artikel 1 van Wet 60 van 1968, artikel 3 van Wet 32 van 1969, artikel 3 van Wet 24 van 1971, artikel 3 van Wet 44 van 1974, artikel 5 van Wet 46 van 1975, artikel 26 van Wet 48 van 1977 en artikel 2 van Wet 69 van 1977.

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recover the amount of such premiums from the servant:  
Provided further that no servant shall have the  
right to assign, transfer or otherwise cede or pledge or  
hypothecate his interests in any property obtained on his  
behalf in terms of this paragraph and such interests shall 5  
not be subject to any form of execution under a judgment  
or order of a court of law;”.

Amendment of  
 section 3 of  
 Act 70 of 1957,  
 as amended  
 by section 43 of  
 Act 30 of 1959,  
 section 37 of  
 Act 44 of 1959,  
 section 2 of  
 Act 2 of 1960,  
 section 7 of  
 Act 62 of 1961,  
 section 6 of  
 Act 62 of 1962,  
 section 4 of  
 Act 7 of 1963,  
 sections 13 and 44 of  
 Act 6 of 1965,  
 section 4 of  
 Act 24 of 1971,  
 section 1 of  
 Act 47 of 1973  
 and section 1 of  
 Act 64 of 1978.

3. Section 3 of the Control and Management Act is hereby  
 amended by the deletion of paragraph (w)bis of subsection (1).

Amendment of  
 section 13 of  
 Act 70 of 1957,  
 as amended  
 by section 17 of  
 Act 6 of 1965.

4. Section 13 of the Control and Management Act is hereby 10  
 amended by the substitution for paragraph (b) of the following  
 paragraph:

“(b) uses or attempts to use a **[single]** free pass or  
**[single]** ticket which has already been used **[on a**  
**previous journey, or in the case of a return ticket or** 15  
**pass, a half thereof which has already been so used.]**  
for the journey undertaken.”.

Amendment of  
 section 16 of  
 Act 70 of 1957,  
 as amended  
 by section 18 of  
 Act 6 of 1965.

5. Section 16 of the Control and Management Act is hereby  
 amended by the substitution, in subsection (4), for the words  
 “twenty rand” of the words “two hundred rand”. 20

Amendment of  
 section 21A of  
 Act 70 of 1957,  
 as inserted  
 by section 5 of  
 Act 64 of 1978.

6. Section 21A of the Control and Management Act is hereby  
 amended by the substitution, in subsection (2) of the Afrikaans  
 text, for the word “Behoudens” of the word “Ondanks”.

Amendment of  
 section 64 of  
 Act 70 of 1957,  
 as amended  
 by section 9 of  
 Act 62 of 1962,  
 substituted by  
 section 2 of  
 Act 57 of 1970  
 and amended  
 by section 15 of  
 Act 69 of 1977.

7. Section 64 of the Control and Management Act is hereby  
 amended by the substitution for subsection (1) of the following 25  
 subsection:

“(1) Subject to the provisions of subsections (3) and (4),  
no legal proceedings whatsoever shall be brought against the  
Administration or a servant of the Administration (hereinafter  
called ‘the defendant’) unless process is served on the 30  
General Manager or a System Manager within twelve months  
after the cause of such proceedings arose.”.

Substitution of  
 section 69 of  
 Act 70 of 1957.

8. The following section is hereby substituted for section 69 of  
 the Control and Management Act:

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5 kan doen van sy reg om die bedrag van sodanige premies op die dienaar te verhaal: Met dien verstande verder dat geen dienaar die reg sal hê om sy belange in enige eiendom wat namens hom ingevolge hierdie paragraaf bekom is, oor te dra, oor te maak of andersins te seeder of te verpand of met 'n verband te beswaar nie en sodanige belange nie ingevolge 'n vonnis of bevel van 'n geregshof in beslag geneem of aan enige vorm van tenuitvoerlegging onderwerp kan word nie;".

10 3. Artikel 3 van die Beheer- en Bestuurwet word hierby gewysig deur paragraaf (w)*bis* van subartikel (1) te skrap.

Wysiging van artikel 3 van Wet 70 van 1957, soos gewysig deur artikel 43 van Wet 30 van 1959, artikel 37 van Wet 44 van 1959, artikel 2 van Wet 2 van 1960, artikel 7 van Wet 62 van 1961, artikel 6 van Wet 62 van 1962, artikel 4 van Wet 7 van 1963, artikels 13 en 44 van Wet 6 van 1965, artikel 4 van Wet 24 van 1971, artikel 1 van Wet 47 van 1973 en artikel 1 van Wet 64 van 1978.

4. Artikel 13 van die Beheer- en Bestuurwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

15 „(b) 'n **[enkel-vryreispaas]** vryreispaas of **[enkelkaartjie]** kaartjie wat reeds **[op 'n vorige reis]** gebruik is **[, of in die geval van 'n retoerkaartjie of -vrypas, 'n helfte daarvan wat reeds aldus gebruik is,]** vir die reis wat onderneem word, gebruik of probeer gebruik,".

Wysiging van artikel 13 van Wet 70 van 1957, soos gewysig deur artikel 17 van Wet 6 van 1965.

20 5. Artikel 16 van die Beheer- en Bestuurwet word hierby gewysig deur in subartikel (4) die woorde „tuintig rand" deur die woorde „tweehonderd rand" te vervang.

Wysiging van artikel 16 van Wet 70 van 1957, soos gewysig deur artikel 18 van Wet 6 van 1965.

25 6. Artikel 21A van die Beheer- en Bestuurwet word hierby gewysig deur in subartikel (2) die woord „Behoudens" deur die woord „Ondanks" te vervang.

Wysiging van artikel 21A van Wet 70 van 1957, soos ingevoeg deur artikel 5 van Wet 64 van 1978.

7. Artikel 64 van die Beheer- en Bestuurwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

30 „(1) Behoudens die bepalinge van subartikels (3) en (4), word geen regsgeding hoegenaamd teen die Administrasie of 'n dienaar van die Administrasie (hieronder „die verweerder" genoem) ingestel nie, tensy die prosesstukke binne twaalf maande nadat die oorsaak van sodanige regsgeding ontstaan het, aan die Hoofbestuurder of 'n afdelingsbestuurder beteken word."

35

Wysiging van artikel 64 van Wet 70 van 1957, soos gewysig deur artikel 9 van Wet 62 van 1962, vervang deur artikel 2 van Wet 57 van 1970 en gewysig deur artikel 15 van Wet 69 van 1977.

8. Artikel 69 van die Beheer- en Bestuurwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 69 van Wet 70 van 1957.

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"Payment  
of com-  
pensation  
for cer-  
tain fire  
damage.

69. (1) When any property has been destroyed or damaged by a fire caused by a burning object which emanated from a locomotive or a train operated by the Administration (the onus of proof of which shall be upon the claimant), the Administration shall, subject to the provisions of subsection (2), be liable for the payment of compensation in respect of such destruction or damage and the claimant shall not be required to prove that the fire was due to negligence on the part of the Administration or its servants.

(2) The amount of such compensation for loss of or damage to property caused by a fire as contemplated in subsection (1), shall be—

- (a) in the case of property which at the time of the said fire was protected by a firebreak defined in subsection (3), a sum equivalent to common law damages; or
- (b) in the case of property which at the time of the said fire was not protected by a firebreak defined in subsection (3), fifty per cent of such common law damages.

(3) For the purpose of subsection (2) a firebreak means—

- (a) in the case of property directly adjoining a railway line, excluding property mentioned in paragraph (b), a belt of ground at least eight metres in width which was immediately before and at the time of the fire mentioned in subsection (1), completely devoid of any inflammable material, and situated at least forty-five metres but not more than sixty metres from the centre-line of the railway line and extends parallel along the railway line for the whole distance the railway line runs over the property;
- (b) in the case of property directly adjoining a railway line on which agricultural vegetation of any nature, kind, class or category whatsoever, including trees, is planted, sown or cultivated in any other manner, or on which natural forests or trees grow, a belt of ground at least fifty metres in width, measured from the centre-line of the railway line, which was immediately before and at the time of the fire mentioned in subsection (1), completely devoid of any inflammable material, and extends parallel along the railway line for the whole distance the railway line runs over the property;
- (c) in the case of property not directly adjoining a railway line, a belt of ground at least eight metres in width, which was immediately before and at the time of the fire mentioned in subsection (1), completely devoid of any inflammable material and which was made along the borders of the said property;

Provided that the Administration may on the written request by the owner or occupier of property, in its discretion and if deemed expedient under the circumstances, amend the provisions for the making of firebreaks as stated above in respect of such property or any part of such property, as the case may be, or substitute such provisions by provisions with different wording.

(4) When any property has been destroyed or damaged by a fire caused by a servant of the Administration acting in the course of his duty on railway property, the provisions of this section shall *mutatis mutandis* apply to such destruction or damage."



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„Betaling  
van ver-  
goeding  
vir sekere  
brandskade.

- 5 69. (1) Wanneer enige eiendom vernietig of  
beskadig word deur 'n brand wat veroorsaak is deur  
'n brandende voorwerp afkomstig uit 'n lokomotief of  
'n trein wat deur die Administrasie bedryf word  
(waarvan die bewyslas op die eiser rus), is die  
Administrasie, behoudens die bepalings van subartikel  
10 (2), aanspreeklik vir die betaling van vergoeding ten  
opsigte van sodanige vernietiging of beskadiging en is  
die eiser nie verplig om te bewys dat die brand deur  
nalatigheid van die Administrasie of sy dienare  
veroorzaak is nie.
- (2) Die omvang van sodanige vergoeding vir  
verlies van of skade aan eiendom veroorsaak deur 'n  
brand bedoel in subartikel (1), is—
- 15 (a) in die geval van eiendom wat ten tyde van  
bedoelde brand deur 'n in subartikel (3)  
omskrewe voorbrand beskerm was, 'n bedrag  
gelyk aan gemeenregtelike skadevergoeding; of
- 20 (b) in die geval van eiendom wat ten tyde van  
bedoelde brand nie deur 'n in subartikel (3)  
omskrewe voorbrand beskerm was nie, vyftig  
persent van sodanige gemeenregtelike skadever-  
goeding.
- (3) Vir die doeleindes van subartikel (2) beteken 'n  
25 voorbrand—
- (a) in die geval van eiendom wat direk aan 'n  
spoorlyn grens, uitgesonderd eiendom bedoel in  
paragraaf (b), 'n strook grond minstens agt meter  
30 breed wat onmiddellik voor en ten tyde van die  
brand in subartikel (1) bedoel, geheel en al vry  
van enige brandbare materiaal was en wat  
minstens vyf-en-veertig meter maar hoogstens  
sestig meter van die hartlyn van die spoorlyn  
geleë is en wat parallel langs die spoorlyn af  
35 strek vir die hele afstand wat die spoorlyn oor  
die eiendom loop;
- (b) in die geval van eiendom wat direk aan 'n  
spoorlyn grens en waarop landbougewasse van  
40 enige aard, soort, klas of kategorie hoegenaamd,  
insluitend bome, geplant, gesaai of op enige  
ander manier verbou word, of waarop natuurlike  
woude of bome groei, 'n strook grond minstens  
vyftig meter breed gemeet vanaf die hartlyn van  
45 die spoorlyn wat onmiddellik voor en ten tyde  
van die brand in subartikel (1) bedoel, geheel en  
al vry van enige brandbare materiaal was en wat  
parallel langs die spoorlyn af strek vir die hele  
afstand wat die spoorlyn oor die eiendom loop;
- 50 (c) in die geval van eiendom wat nie direk aan 'n  
spoorlyn geleë is nie, 'n strook grond minstens  
agt meter breed wat onmiddellik voor en ten tyde  
van die brand in subartikel (1) bedoel, geheel en  
al vry van enige brandbare materiaal was, en wat  
55 al langs die grense van bedoelde eiendom  
gemaak is:
- Met dien verstande dat die Administrasie op skrifte-  
like versoek van die eienaar of okkupeerder van  
eiendom na goeddunke en indien dit onder die  
60 omstandighede dienstig is, die voorskrifte vir die  
maak van voorbrande soos hierbo uiteengesit ten  
opsigte van sodanige eiendom of enige gedeelte van  
sodanige eiendom, na gelang van die geval, kan  
wysig of met andersluidende voorskrifte kan vervang.
- (4) Wanneer eiendom vernietig of beskadig word  
65 deur 'n brand wat veroorsaak is deur 'n dienaar van  
die Administrasie handelende in die uitvoering van sy  
pligte op spoorwegeiendom, is die bepalings van  
hierdie artikel *mutatis mutandis* op sodanige vernieti-  
ging of skade van toepassing."

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## RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1979.

Repeal of  
section 70 of  
Act 70 of 1957,  
as amended  
by section 42 of  
Act 44 of 1959,  
section 39 of  
Act 6 of 1965,  
section 3 of  
Act 57 of 1970,  
section 9 of  
Act 24 of 1971  
and section 8 of  
Act 46 of 1975.

9. Section 70 of the Control and Management Act is hereby repealed.

Insertion of  
section 75A in  
Act 70 of 1957.

10. The following section is hereby inserted after section 75 of the Control and Management Act:

"Control  
of road  
traffic.

75A. All laws relating to motor vehicles as defined 5  
in the Compulsory Motor Vehicle Insurance Act,  
1972 (Act No. 56 of 1972), and in the applicable road  
traffic ordinances shall apply to such vehicles whilst  
upon the railways or at the harbours."

Amendment of  
section 76 of  
Act 70 of 1957,  
as amended  
by section 44 of  
Act 6 of 1965.

11. Section 76 of the Control and Management Act is hereby 10  
amended by the substitution for paragraph (b) of subsection (2) of  
the following paragraph:

"(b) any capital sums that may be received from servants or  
from other sources on or after the first day of April, 15  
1956, in repayment or discharge of loans made by the  
Administration to servants pursuant to the provisions of  
paragraph (22) of section 2, whether such loans were  
made before or after the said date or in repayment or  
discharge of the purchase price of dwelling-houses sold  
by it to servants pursuant to the provisions of the said 20  
paragraph: Provided that any profit or loss arising  
from the resale of a dwelling-house repossessed by the  
Administration shall be for the account of the Fund;"

Amendment of  
section 17 of  
Act 35 of 1971,  
as substituted  
by section 14 of  
Act 33 of 1972  
and amended  
by section 15 of  
Act 44 of 1974,  
section 35 of  
Act 8 of 1976  
and section 19 of  
Act 64 of 1978.

12. Section 17 of the Railways and Harbours Pensions Act, 25  
1971, is hereby amended—

(a) by the substitution for subsections (1) and (2) of the  
following subsections:

"(1) A member of the New Fund who, immediately  
prior to the date of admission to the said fund, was  
employed in a temporary or a casual capacity, shall have 30  
the right to elect, subject to the succeeding provisions of  
this section, to contribute to that fund in respect of the  
period of his continuous service prior to the said date  
but not from a date earlier than that upon which he  
attained the age of sixteen years, and he shall not be 35  
precluded from electing so to contribute because he had  
exercised or failed to exercise any option that had  
[previously] been available to him prior to 1 March  
1978 in terms of this section or previously under any  
other law. 40

(2) The election provided for in subsection (1)  
[shall] may be exercised [within a period of three  
months] at any time while the member is in the Service  
after the date on which there is furnished to the member  
by the Administration's Chief Accountant [a state- 45  
ment] by means of an election form, details of the  
arrear contributions and interest that will become  
payable by him to the New Fund should he decide to  
contribute in respect of any such period of continuous  
service as is referred to in that subsection: Provided that 50  
an election that is exercised shall be irrevocable;"

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9. Artikel 70 van die Beheer- en Bestuurwet word hierby herroep.

Herroeping van artikel 70 van Wet 70 van 1957, soos gewysig deur artikel 42 van Wet 44 van 1959, artikel 39 van Wet 6 van 1965, artikel 3 van Wet 57 van 1970, artikel 9 van Wet 24 van 1971 en artikel 8 van Wet 46 van 1975.

10. Die volgende artikel word hierby na artikel 75 van die Beheer- en Bestuurwet ingevoeg:

Invoeging van artikel 75A in Wet 70 van 1957.

5 „Beheer van pad-verkeer.

75A. Alle wette wat betrekking het op motorvoertuie soos omskryf in die Wet op Verpligte Motorvoertuigversekering, 1972 (Wet No. 56 van 1972), en in die toepaslike padverkeersordonnansies is van toepassing op sodanige voertuie terwyl dit op die spoorweë of by die hawens is.”

10

11. Artikel 76 van die Beheer- en Bestuurwet word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

Wysiging van artikel 76 van Wet 70 van 1957, soos gewysig deur artikel 44 van Wet 6 van 1965.

15

„(b) alle kapitaalsomme wat op of na die eerste dag van April 1956 van dienare of uit ander bronne ontvang word ter terugbetaling of aflossing van lenings deur die Administrasie aan dienare toegestaan ingevolge die bepalings van paragraaf (22) van artikel 2, hetsy sodanige lenings vóór of ná bedoelde datum toegestaan is, of ter terugbetaling of aflossing van die koopprys van wonings wat ingevolge die bepalings van daardie paragraaf deur die Administrasie aan dienare verkoop is: Met dien verstande dat enige wins of verlies wat voortspruit uit die herverkoop van ’n woning wat deur die Administrasie teruggeneem is teen die Fonds in berekening gebring word;”

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25

12. Artikel 17 van die Spoorweg- en Hawepensioenwet, 1971, word hierby gewysig—

Wysiging van artikel 17 van Wet 35 van 1971, soos vervang deur artikel 14 van Wet 33 van 1972 en gewysig deur artikel 15 van Wet 44 van 1974, artikel 35 van Wet 8 van 1976 en artikel 19 van Wet 64 van 1978.

30

(a) deur subartikels (1) en (2) deur die volgende subartikels te vervang:

35

„(1) ’n Lid van die Nuwe Fonds wat onmiddellik voor die datum van toelating tot die genoemde fonds in ’n tydelike of ’n los hoedanigheid in diens was, het die reg om te kies, onderworpe aan die hieropvolgende bepalings van hierdie artikel, om tot daardie fonds by te dra ten opsigte van die tydperk van sy onafgebroke diens vóór daardie datum maar nie vanaf ’n vroeër datum nie as dié waarop hy die ouderdom van sestien jaar bereik het, en hy word nie belet om te kies om aldus by te dra nie omdat hy ’n keuse wat hy voor 1 Maart 1978 ingevolge hierdie artikel of voorheen ingevolge enige ander wet gehad het, uitgeoefen het of versuim het om dit uit te oefen.

40

45

(2) Die keuse waarvoor in subartikel (1) voorsiening gemaak word, **[moet]** kan uitgeoefen word **[binne ’n tydperk van drie maande]** te eniger tyd onderwyl die lid in die Diens is na die datum waarop die Administrasie se Hoofrekenmeester aan die lid, **[’n staat]** deur middel van ’n keusevorm, besonderhede verstrekk van die agterstallige bydraes en rente wat deur hom aan die Nuwe Fonds betaalbaar sal word ingeval hy sou besluit om by te dra ten opsigte van die tydperk van onafgebroke diens wat in daardie subartikel bedoel word: Met dien verstande dat ’n keuse wat uitgeoefen word onherroeplik is.”

50

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- (b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:
- “(a) A member who receives **[a statement]** an election form from the Chief Accountant in terms of subsection (2) shall sign **[and]**, date and 5 return a receipt for such **[statement, and he shall inform]** election form to the Chief Accountant **[within the stipulated period whether he elects to contribute to the New Fund in respect of that period of continuous service, prior to the date of his admission to the said fund, in respect of which he has an option].**”; and
- (c) by the substitution for paragraph (a) of subsection (5) of the following paragraph:
- “(a) If a member referred to in subsection (1) dies or 15 retires or is retired from the Service on the ground of superannuation or by reason of severe bodily injury occasioned without his own default, or by reason of permanent ill-health or physical disability in respect of which a railway medical officer or 20 such other practitioner or board as may be prescribed has not certified that it was occasioned by the member's own default, or in consequence of a reduction or reorganization of staff—
- (i) before the **[statement]** election form re- 25 ferred to in subsection (2) has been furnished to him; or
- (ii) **[within three months]** after such **[state-ment]** election form was furnished to him but before he has exercised the election referred to 30 in subsection (1), he shall be deemed to have elected to contribute in respect of such period of continuous service as is referred to in subsection (1), and any benefit payable to the member or to some other person in respect of 35 his death shall be calculated as if the amount payable in terms of subsection (4) had been paid in full at the time of the member's death or retirement, as the case may be: Provided that the provisions of this paragraph shall be 40 given effect to only if it would be to the advantage of the member or his widow or other dependant to do so.”.

Amendment of  
section 1 of  
Act 47 of 1977.

13. Section 1 of the Railway and Harbour Purchase Act, 1977 (hereinafter called “the Purchase Act”), is hereby amended by the 45 substitution for subsection (1) of the following subsection:

“(1) The State President may cause to be purchased from the South African Iron and Steel Industrial Corporation, Limited, the line of railway of a gauge of one thousand and sixty-five millimetres over an approximate distance of 50 eight hundred and eighty kilometres between Sishen in the district of Postmasburg, and Saldanha Bay in the district of Vredenburg, built in terms of the Sishen-Saldanha Bay Railway Construction Act, 1973 (Act No. 28 of 1973), the 55 harbour at Saldanha Bay in the district of Vredenburg, constructed in terms of the Saldanha Bay Harbour Construction Act, 1973 (Act No. 29 of 1973), and any land or real rights in land acquired or to be acquired by the South African Iron and Steel Industrial Corporation, Limited, for the purpose of such line of railway or such harbour prior to, on or 60 subsequent to the date of purchase, and including any land or real rights in land acquired by the South African Iron and Steel Industrial Corporation, Limited, other than for the purpose of such line of railway or such harbour but which was subsequently utilized for such purpose, together with all 65 the equipment relating thereto, at a cost not exceeding 650 million rand.”.



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(b) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

„(a) 'n Lid wat ingevolge subartikel (2) 'n **[staat]** keusevorm van die Hoofrekenmeester ontvang, moet 'n ontvangsbewys vir sodanige **[staat]** keusevorm teken **[en]**, dateer en **[hy moet]** **[aan]** die Hoofrekenmeester **[binne die bepaalde tydperk in kennis stel of hy kies om tot die Nuwe Fonds by te dra vir dié tydperk van onafgebroke diens voor die datum van sy toelating tot die genoemde fonds ten opsigte waarvan hy 'n keuse het]** terugstuur.”; en

(c) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:

„(a) Indien 'n in subartikel (1) bedoelde lid te sterwe kom of uit die Diens tree of daaruit afgedank word op grond van bereiking van die leeftydgrens of as gevolg van ernstige liggaamlike besering sonder sy eie skuld opgedoen of as gevolg van blywende swak gesondheid of liggaamlike ongeskiktheid ten opsigte waarvan 'n spoorweggeneesheer of sodanige ander praktisyn of raad wat voorgeskryf word, nie gesertifiseer het dat dit deur die lid se eie skuld veroorsaak is nie, of ten gevolge van 'n vermindering of reorganisering van personeel—

(i) voordat die in subartikel (2) bedoelde **[staat]** keusevorm aan hom verstrekk is; of

(ii) **[binne drie maande]** nadat sodanige **[staat]** keusevorm aan hom verstrekk is maar voordat hy die in subartikel (1) bedoelde keuse uitgeoefen het, word hy geag te gekies het om by te dra ten opsigte van die tydperk van onafgebroke diens wat in subartikel (1) bedoel word, en word enige voordeel wat aan die lid of aan iemand anders ten opsigte van sy dood betaalbaar is, bereken asof die bedrag wat ingevolge subartikel (4) betaalbaar is, ten tyde van die lid se dood of uitdienstreding, na gelang van die geval, ten volle betaal was: Met dien verstande dat daar aan die bepalinge van hierdie paragraaf uitvoering gegee word slegs indien die lid of sy weduwee of ander afhanklike daardeur bevoordeel sou word.”.

13. Artikel 1 van die Spoorweg- en Hawe-aankoopwet, 1977 (hierna die „Aankoopwet” genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 1 van Wet 47 van 1977.

„(1) Die Staatspresident kan van die Suid-Afrikaanse Yster en Staal Industriële Korporasie Beperk die spoorlyn met 'n spoorwydte van eenduisend en vyf-en-sestig millimeter en van 'n benaderde lengte van agthonderd-en-tagtig kilometer tussen Sishen in die distrik Postmasburg, en Saldanhabaai in die distrik Vredenburg, aangelê ingevolge die Sishen-Saldanhabaai-spoorlynaanlegwet, 1973 (Wet No. 28 van 1973), die hawe te Saldanhabaai in die distrik Vredenburg, gebou ingevolge die Saldanhabaaihawe-aanlegwet, 1973 (Wet No. 29 van 1973), en enige grond of saaklike regte in grond wat deur die Suid-Afrikaanse Yster en Staal Industriële Korporasie Beperk verkry is of verkry staan te word vir die doeleindes van sodanige spoorlyn of sodanige hawe voor, op of na die datum van aankoop, insluitende enige grond of saaklike regte in grond wat deur die Suid-Afrikaanse Yster en Staal Industriële Korporasie Beperk verkry is vir ander doeleindes as die doeleindes van sodanige spoorlyn of sodanige hawe maar wat daarna vir sodanige doeleindes aangewend is, asook al die uitrusting wat daarmee in verband staan, laat aankoop vir 'n bedrag van hoogstens 650 miljoen rand.”.



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## RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1979.

Insertion  
of sections 2A  
and 2B in  
Act 47 of 1977.

**14.** The following sections are hereby inserted after section 2 of the Purchase Act:

“Vesting  
of rights.

**2A.** (1) On the date of purchase of the line of railway and the harbour referred to in section 1, all land and real rights in land acquired by the Republic of South Africa in its Railways and Harbours Administration in terms of such purchase, shall vest in the Republic of South Africa in its Railways and Harbours Administration: Provided that in respect of land or real rights in land acquired by the South African Iron and Steel Industrial Corporation, Limited, for the purpose of such line of railway and such harbour and which only vests in it from a date subsequent to the said date of purchase, such land or real rights in land shall vest in the Republic of South Africa in its Railways and Harbours Administration simultaneously with vesting thereof in the South African Iron and Steel Industrial Corporation, Limited.

(2) The Registrar of Deeds concerned shall, at the request of the Republic of South Africa in its Railways and Harbours Administration, cause the office copies of the title deeds of land or real rights referred to in subsection (1) to be endorsed to the effect that such land or real rights vest in the Republic of South Africa in its Railways and Harbours Administration and make the necessary consequential endorsements and entries in his records, and if at any time the original of any such title deed is lodged in his registry for any purpose, he shall cause a similar endorsement to be made thereon: Provided that, where the land or real right in land has been acquired by the South African Iron and Steel Industrial Corporation, Limited, by virtue of its powers of expropriation, such expropriation shall be noted in the Deeds Office records in the usual way prior to any endorsement or entry relating to the vesting of such expropriated land or real right in the Republic of South Africa in its Railways and Harbours Administration being made.

(3) Notwithstanding the date of vesting of the land referred to in subsection (1) in the Republic of South Africa in its Railways and Harbours Administration, the provisions of the Rating of Railway Property Act, 1959 (Act No. 25 of 1959), shall only apply to such land from the first day of the month following that in which the Railways and Harbours Acts Amendment Act, 1979, is promulgated.

“Date of  
Purchase.

**2B.** For the purposes of sections 1 and 2A ‘the date of purchase’ shall mean 1 April 1977.”.

Amendment of  
section 1 of  
Act 48 of 1977.

**15.** Section 1 of the Railways and Harbours Finances and Accounts Act, 1977 (hereinafter called “the Finances and Accounts Act”), is hereby amended—

(a) by the insertion after the definition of “Bank” of the following definition:

“(viA) ‘capital programme’ means that portion of the estimates which is applied to the acquisition of new assets, replacement of assets and repayment of loans; (xivA)”;

(b) by the insertion after the definition of “estimates of expenditure” of the following definition:

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14. Die volgende artikels word hierby na artikel 2 van die Aankoopwet ingevoeg:

Invoeging van artikels 2A en 2B in Wet 47 van 1977.

„Vestiging van regte.

2A. (1) Op die datum van aankoop van die

spoorlyn en die hawe waarna in artikel 1 verwys word, word alle grond en saaklike regte in grond wat kragtens sodanige aankoop deur die Republiek van Suid-Afrika in sy Administrasie van Spoorweë en Hawens verkry is, in die Republiek van Suid-Afrika in sy Administrasie van Spoorweë en Hawens gevestig: Met dien verstande dat ten opsigte van grond of saaklike regte in grond wat deur die Suid-Afrikaanse Yster en Staal Industriële Korporasie Beperk verkry is vir die doeleindes van sodanige spoorlyn en sodanige hawe en wat eers op 'n datum na gemelde datum van aankoop in hom vestig, sodanige grond of saaklike regte in grond in die Republiek van Suid-Afrika in sy Administrasie van Spoorweë en Hawens gevestig word gelyktydig met vestiging daarvan in die Suid-Afrikaanse Yster en Staal Industriële Korporasie Beperk.

(2) Die betrokke Registrateur van Aktes moet, op versoek van die Republiek van Suid-Afrika in sy Administrasie van Spoorweë en Hawens, die kantoorafskrifte van die titelbewyse van grond of saaklike regte waarna in subartikel (1) verwys word, laat endosseer ten effekte dat sodanige grond of saaklike regte in die Republiek van Suid-Afrika in sy Administrasie van Spoorweë en Hawens vestig en alle gepaardgaande endossemente en aantekeninge in sy oorkondes aanbring, en indien die oorspronklike van enige sodanige titelbewys te eniger tyd vir enige doel by sy registrasiekantoor ingedien word, moet hy 'n soortgelyke endossement daarop laat aanbring: Met dien verstande dat, waar die grond of saaklike reg in grond deur die Suid-Afrikaanse Yster en Staal Industriële Korporasie Beperk ingevolge sy magte van onteining verkry was, sodanige onteining op die gebruikelike wyse in die Aktekantooroorkondes aangeteken moet word voor enige endossemente of aantekeninge met betrekking tot die vestiging van sodanige onteinde grond of saaklike reg in die Republiek van Suid-Afrika in sy Administrasie van Spoorweë en Hawens gemaak word.

(3) Nieteenstaande die datum van vestiging van die grond waarna in subartikel (1) verwys word in die Republiek van Suid-Afrika in sy Administrasie van Spoorweë en Hawens, word die bepalings van die Wet op Belastinge op Spoorwegeiendom, 1959 (Wet No. 25 van 1959), eers op sodanige grond toegepas vanaf die eerste dag van die maand wat volg op dié waarin die Wysigingswet op Spoorweg- en Hawewette, 1979, gepromulgeer is.

Datum van aankoop.

2B. By die toepassing van artikels 1 en 2A beteken „die datum van aankoop” 1 April 1977.”.

15. Artikel 1 van die Wet op Finansies en Rekenings van die Spoorweë en Hawens, 1977 (hierna „die Wet op Finansies en Rekenings” genoem), word hierby gewysig—

Wysiging van artikel 1 van Wet 48 van 1977.

(a) deur na die omskrywing van „eiendom van die Administrasie” die volgende omskrywing in te voeg:

„(ixA) „*ex gratia*”-betaling”, vir die doeleindes van hierdie Wet, ’n betaling wat nie wetlik afdwingbaar is nie en bloot by wyse van gracie gedoen word; (viiA)”; en

(b) deur na die omskrywing van „inkomste” die volgende omskrywing in te voeg:

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## RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1979.

“(viiA) ‘*ex gratia* payment’, for the purposes of this Act, means a payment which is not legally enforceable and is made purely as an act of grace; (ixA)”.

Amendment of  
section 2 of  
Act 48 of 1977.

16. Section 2 of the Finances and Accounts Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) a **Capital Net Investment Control** Account which shall show the moneys borrowed in terms of Chapter II of this Act and the provisions of any other law, as well as receipts from other sources, and the expenditure chargeable to this account;”.

Amendment of  
section 3 of  
Act 48 of 1977.

17. Section 3 of the Finances and Accounts Act is hereby amended by the substitution in subsection (1) for the words preceding subparagraph (a) of the following words:

“(1) The Administration shall maintain at the Bank an account entitled ‘the Railway and Harbour Account’, into which shall be deposited all revenue of the Administration as well as all other receipts from whatever source arising, including the receipts of the **Capital Net Investment Control** Account mentioned in section 2 (1) (d) and of the funds mentioned in section 2 (2), and from which shall be drawn all moneys necessary to meet expenditure and payments for which the Administration is, or may become, liable on behalf of the Fund and the funds mentioned in section 2 (2) and for other purposes: Provided that no moneys shall be drawn from the Railway and Harbour Account to meet expenditure chargeable to the Fund, unless—”.

Amendment of  
section 16 of  
Act 48 of 1977.

18. Section 16 of the Finances and Accounts Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Notwithstanding anything to the contrary in any law contained, the General Manager may, with the approval of the Minister granted in consultation with the Minister of Finance, raise money **by way of loans** to finance **anticipated expenditure in respect of any financial year on capital and betterment works of the Administration** wholly or in part the Administration’s capital programme and enter into any agreement that may be necessary to achieve this purpose.”.

Insertion of  
section 24A in  
Act 48 of 1977.

19. The following section is hereby inserted after section 24 of the Finances and Accounts Act:

**24A.** (1) When the Administration makes an *ex gratia* payment and the amount involved exceeds R10 000, the prior authority of Parliament shall be obtained by specifying the item in the Estimates of Expenditure and, in the event of this not being possible in practice, the payment shall be submitted to Parliament at the next ensuing session for validation, or the matter shall be dealt with in terms of section 7 of this Act. Where the amounts involved do not exceed R10 000 and no important principle is involved, the Administration may make such *ex gratia* payments. The Administration shall report all such cases annually to the Auditor-General. The Auditor-General shall mention the total amount involved in his Report to Parliament, specifying each instance where an amount of R1 000 or more is involved, as well as any instance which in his view warrants special mention.

(2) When the Administration agrees to the variation of a contract in circumstances where the variation is not legally enforceable by the other party to the contract and such variation is the cause of a payment or a remission—

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„(xivA) ‚kapitaalprogram’ daardie gedeelte van die begroting wat aangewend word vir die daarstelling van nuwe bates, vervanging van bates en terugbetaling van lenings; (viA)”.

- 5 16. Artikel 2 van die Wet op Finansies en Rekenings word hierby gewysig deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 2 van Wet 48 van 1977.

10 „(d) ’n **[Kapitaalrekening]** Netto Investeringskontrolerekening wat die gelde geleen ingevolge Hoofstuk II van hierdie Wet en die bepalings van enige ander wet, asook ontvangste uit ander bronne, en die uitgawe ten laste van hierdie rekening aantoon;”.

17. Artikel 3 van die Wet op Finansies en Rekenings word hierby gewysig deur in subartikel (1) die woorde wat subparagraaf 15 (a) voorafgaan deur die volgende woorde te vervang: Wysiging van artikel 3 van Wet 48 van 1977.

20 „(1) Die Administrasie moet by die Bank ’n rekening met die naam ‚die Spoorweg- en Hawerekening’ hou waarin sowel alle inkomste van die Administrasie as alle ander ontvangste, uit watter bron ook al, insluitende die ontvangste van die **[kapitaalrekening]** netto investeringskontrolerekening in artikel 2 (1) (d) gemeld en van die fondse in artikel 2 (2) gemeld, gestort word, en waaruit alle geld wat nodig is vir die bestryding van uitgawe en betalings waarvoor die Administrasie namens die Fonds en die fondse in artikel 2 (2) 25 gemeld en vir ander doeleindes aanspreeklik is of word, getrek word: Met dien verstande dat geen geld uit die Spoorweg- en Hawerekening getrek word om uitgawe te bestry wat die Fonds ten laste kom nie, tensy—”.

- 30 18. Artikel 16 van die Wet op Finansies en Rekenings word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 16 van Wet 48 van 1977.

35 „(1) Ondanks andersluidende wetsbepalings, kan die Hoofbestuurder, met die goedkeuring van die Minister in oorleg met die Minister van Finansies verleen, geld **[by wyse van lenings]** opneem om **[verwagte uitgawe ten opsigte van enige boekjaar aan kapitaal- en verbeteringswerke van]** die Administrasie se kapitaalprogram in geheel of gedeeltelik te finansier en enige ooreenkoms aangaan wat nodig mag wees om hierdie doel te verwesenlik.”.

- 40 19. Die volgende artikel word hierby na artikel 24 van die Wet op Finansies en Rekenings ingevoeg: Invoeging van artikel 24A in Wet 48 van 1977.

„Ex gratia-betalings, wysiging van kontrakte, en eise om betalings wat verjaar het.

45 24A. (1) Wanneer die Administrasie ’n *ex gratia*-betaling doen en die betrokke bedrag R10 000 oorskry, word die voorafgaande magtiging van die Parlement verkry deur die item in die Begroting van Uitgawe te spesifiseer en, indien dit nie prakties moontlik is nie, word die betaling by die eersvolgende sessie van die Parlement vir geldigverklaring voorgelê, of word daar kragtens artikel 7 van hierdie Wet opgetree. Waar die betrokke bedrae nie R10 000 oorskry nie en geen belangrike beginsel ter sprake is nie, kan die Administrasie sodanige *ex gratia*-betalings doen. Die Administrasie moet al sodanige gevalle jaarliks aan die Ouditeur-generaal rapporteer. 55 Die Ouditeur-generaal moet in sy Verslag aan die Parlement die totale bedrag aangee wat daarby betrokke is en elke geval spesifiseer waarby ’n bedrag van R1 000 of meer betrokke is, asook elke geval wat, na sy mening, spesiale vermelding vereis.

60 (2) Wanneer die Administrasie tot die wysiging van ’n kontrak instem in omstandighede waar die wysiging nie wetlik deur die ander party tot die kontrak afgedwing kan word nie en sodanige wysiging lei tot betaling of kwytskelding—



## Act No. 80, 1979

## RAILWAYS AND HARBOURS ACTS AMENDMENT ACT, 1979.

- (i) of R5 000 or more in the case of uncompleted contracts; or
- (ii) of R1 000 or more in the case of contracts where both parties have complied with their contractual obligations,

the Administration shall annually submit details of such cases to the Auditor-General, who shall mention them in his Report to Parliament. In such instances the payments or remissions will not be regarded as *ex gratia* and it will not be necessary to obtain the sanction of Parliament or to act in terms of section 7.

(3) When the Administration makes a payment of R5 000 or more in respect of a debt which has become prescribed in terms of the relevant legislation and no deferment of prescription has been granted prior to the date of prescription, the Administration shall annually submit details of such cases to the Auditor-General, who shall mention them in his Report to Parliament. Such payments will not be regarded as *ex gratia* payments and it will not be necessary to obtain the sanction of Parliament or to act in terms of section 7."

Application of  
Act to  
South West Africa.

20. This Act and any amendment thereof shall, with the exception of sections 13 and 14, apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.

Short title  
and date of  
commencement.

21. This Act shall be called the Railways and Harbours Acts Amendment Act, 1979, and shall come into operation on the date of promulgation in the *Gazette*, with the exception that section 12 shall be deemed to have come into operation on 1 March 1978, and sections 13 and 14 on 1 April 1977.



## WYSIGINGSWET OP SPOORWEG- EN HAWEWETTE, 1979.

Wet No. 80, 1979

- (i) van R5 000 of meer in die geval van onvoltooide kontrakke; of
- (ii) van R1 000 of meer in die geval van kontrakke waar albei partye hul kontrakverpligtings nagekom het,
- 5 moet die Administrasie jaarliks besonderhede van sodanige gevalle aan die Ouditeur-generaal verstrek, wat dit in sy Verslag aan die Parlement moet meld. In sodanige gevalle word die betalings of kwytskeldings nie as *ex gratia* beskou nie en sal dit nie nodig wees om die magtiging van die Parlement te verkry of kragtens artikel 7 op te tree nie.
- 10 (3) Wanneer die Administrasie 'n betaling van R5 000 of meer doen ten opsigte van 'n skuld wat ingevolge die toepaslike wetgewing verjaar het en geen uitstel van verjaring voor die verjaringsdatum toegestaan is nie, moet die Administrasie jaarliks besonderhede van sodanige gevalle aan die Ouditeur-generaal verstrek, wat dit in sy Verslag aan die Parlement moet meld. Sodanige betalings word nie as *ex gratia*-betalings beskou nie en dit is nie nodig om magtiging van die Parlement te verkry of kragtens artikel 7 op te tree nie."
- 15
- 20

20. Hierdie Wet en 'n wysiging daarvan is, met uitsondering Toepassing van  
25 van artikels 13 en 14, ook in die gebied Suidwes-Afrika, met Wet op  
inbegrip van die Oostelike Caprivi Zipfel, van toepassing. Suidwes-Afrika.

21. Hierdie Wet heet die Wysigingswet op Spoorweg- en Kort titel  
Hawewette, 1979, en tree in werking op die datum waarop dit in en datum van  
die *Staatskoerant* gepromulgeer word, behalwe dat artikel 12 geag inwerkingtreding.  
30 word op 1 Maart 1978, en artikels 13 en 14 op 1 April 1977, in  
werking te getree het.

