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GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

No. 428. 15 March 1989

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

No. 9 of 1989: Legal Succession to the South African Transport Services Act, 1989.

KANTOOR VAN DIE STAATSPRESIDENT

No. 428. 15 Maart 1989

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

No. 9 van 1989: Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989.

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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 make provision for the formation of a company, for the legal succession to the South African Transport Services by the Company, for the establishment of the South African Rail Commuter Corporation Limited and for related matters.

(English text signed by the acting State President.)
(Assented to 1 March 1989.)

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

ARRANGEMENT OF ACT

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INTERPRETATION

Definitions

1. In this Act and in the Schedules thereto, unless the context indicates otherwise,—

(i) "Auditor-General" means the person referred to in section 41 of the Exchequer and Audit Act, 1975;

(ii) "Company" means the company referred to in section 2;

(iii) "Corporation" means the South African Rail Commuter Corporation Limited established in terms of section 22;

(iv) "Government" means the Government of the Republic of South Africa;

(v) "Minister" means the Minister of Transport Affairs;

(vi) "South African Transport Services" means the South African Transport Services referred to in section 2 of the South African Transport Services Act, 1981;

(vii) "State" means the Republic of South Africa;

(viii) "subsidiary" means, in relation to the Company, a subsidiary within the meaning given to that term in section 1 (3) of the Companies Act, 1973, which definition shall also apply *mutatis mutandis* to a subsidiary of the Corporation as if the Corporation were a company as defined in the Companies Act, 1973; and

(ix) "Transmed" means the medical scheme referred to in section 10.

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ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Om voorsiening te maak vir die oprigting van 'n maatskappy, vir die regsopvolging van die Suid-Afrikaanse Vervoerdienste deur die Maatskappy, vir die totstandkoming van die Suid-Afrikaanse Spoorpendelkorporasie Beperk en vir verbandhoudende aangeleenthede.

(Engelse teks deur die waarnemende Staatspresident geteken.)
(Goedgekeur op 1 Maart 1989.)

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

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UITLEG

Woordomskrywings

1. In hierdie Wet en in die Bylaes hierby, tensy dit uit die samehang anders blyk, beteken—

(i) "filiaal" met betrekking tot die Maatskappy, 'n filiaal soos bedoel deur artikel 1 (3) van die Maatskappywet, 1973, en hierdie omskrywing geld ook *mutatis mutandis* vir 'n filiaal van die Korporasie asof die Korporasie 'n maatskappy was soos in die Maatskappywet, 1973, omskryf;

(ii) "Korporasie" die Suid-Afrikaanse Spoorpendelkorporasie Beperk daargestel deur artikel 22;

(iii) "Maatskappy" die maatskappy bedoel in artikel 2;

(iv) "Minister" die Minister van Vervoerwese;

(v) "Ouditeur-generaal" die persoon genoem in artikel 41 van die Skatkis- en Ouditwet, 1975;

(vi) "Regering" die Regering van die Republiek van Suid-Afrika;

(vii) "Staat" die Republiek van Suid-Afrika;

(viii) "Suid-Afrikaanse Vervoerdienste" die Suid-Afrikaanse Vervoerdienste genoem in artikel 2 van die Suid-Afrikaanse Vervoerdienstewet, 1981; en

(ix) "Transmed" die mediese skema in artikel 10 genoem.

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CHAPTER I

LEGAL SUCCESSION TO THE SOUTH AFRICAN TRANSPORT SERVICES

Formation of Company

2. (1) The Minister shall take the necessary action, due regard being had to the provisions of this section, for the formation and incorporation of a public company with share capital and the issuing of a certificate to commence business in terms of the Companies Act, 1973.

(2) The State shall, upon incorporation of the Company, be the only member and shareholder of the Company.

(3) The Minister shall on behalf of the State sign the memorandum of association, articles of association and all other documents necessary in connection with the formation and incorporation of the Company and he shall exercise the rights of the State as member and shareholder of the Company.

(4) Notwithstanding the provisions of section 32 of the Companies Act, 1973, the Registrar of Companies shall register the memorandum of association and articles of association of the Company and shall incorporate the Company as a public company with the State as the only member and shareholder thereof.

(5) In order to give effect to the provisions of this section, the Registrar of Companies shall issue such directives and authorise such deviations from the regulations promulgated in terms of the Companies Act, 1973, and the documents prescribed in terms thereof as he may consider necessary under the circumstances.

(6) The provisions of sections 66 and 344 *(d)* of the Companies Act, 1973, shall not apply to the Company while the State is the only beneficial member and shareholder thereof.

Transfer of Commercial Enterprise to Company

3. (1) The Minister shall, within 12 months after compliance with section 2 (1), stipulate by notice in the *Gazette* a date upon which the Company shall become the successor to the South African Transport Services.

(2) On the date stipulated in terms of subsection (1) the whole of the commercial enterprise of the State as contemplated in section 3 (1) of the South African Transport Services Act, 1981, including all assets, liabilities, rights and obligations of whatever nature, with the exception of the assets referred to in section 25 (1), shall be transferred to the Company, which shall acquire such enterprise as a going concern.

(3) Arising out of the transfer of the commercial enterprise in terms of subsection (2) and without in any way derogating from the generality of the preceding provision—

(a) the Company shall become the owner of all movable and immovable property, with the exception of the assets referred to in section 25 (1), that, immediately prior to the date referred to in subsection (1)—
  - (i) was registered in the asset registers of the South African Transport Services; or
  - (ii) fell under the control and jurisdiction of the South African Transport Services or formed part of the South African Transport Services' jurisdiction as defined in section 1 of the South African Transport Services Act, 1981; or
  - (iii) was possessed, occupied or used by the South African Transport Services as if the South African Transport Services, the State, the State President or the Government were the owner thereof;

(b) all persons who, immediately prior to the date referred to in subsection (1), were in the employ of the South African Transport Services, shall be employees of the Company without any interruption in their service as if they had been in the employ of the Company from the beginning;

(c) the Company shall be substituted as litigating party for the South African Transport Services on the date referred to in subsection (1) in all pending litigation, including arbitrations, as if the Company had been the litigant from the beginning;

(d) the Company shall be substituted as contracting party for the South African Transport Services on the date referred to in subsection (1) in all contracts as if the Company had been the contracting party from the beginning;

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HOOFSTUK I

REGSOPVOLGING VAN DIE SUID-AFRIKAANSE VERVOERDIENSTE

Oprigting van Maatskappy

2. (1) Die Minister doen die nodige stappe, met inagneming van die bepalings van hierdie artikel, vir die oprigting en inlywing van 'n publieke maatskappy met aandelekapitaal en die uitreiking van 'n sertifikaat om met besigheid te begin ingevolge die Maatskappywet, 1973.

(2) Die Staat is by inlywing van die Maatskappy die enigste lid en aandeelhouer van die Maatskappy.

(3) Die Minister onderteken ten behoewe van die Staat die akte van oprigting, statute en alle ander dokumente wat by oprigting en inlywing van die Maatskappy nodig mag wees en oefen die Staat se regte as lid en aandeelhouer van die Maatskappy uit.

(4) Ondanks die bepalings van artikel 32 van die Maatskappywet, 1973, registreer die Registrateur van Maatskappye die akte van oprigting en statute van die Maatskappy en lyf hy die Maatskappy as publieke maatskappy in met die Staat as die enigste lid en aandeelhouer daarvan.

(5) Ten einde aan die bepalings van hierdie artikel uitvoering te gee, reik die Registrateur van Maatskappye sodanige voorskrifte uit en magtig hy sodanige afwykings van die regulasies uitgevaardig ingevolge die Maatskappywet, 1973, en die vorms daarkragtens voorgeskryf as wat hy onder die omstandighede nodig ag.

(6) Die bepalings van artikels 66 en 344 *(d)* van die Maatskappywet, 1973, is nie op die Maatskappy van toepassing vir so lank as wat die Staat die enigste voordeeltrekkende lid en aandeelhouer daarvan is nie.

Oordrag van Sake-onderneming aan Maatskappy

3. (1) Die Minister bepaal by kennisgewing in die *Staatskoerant* binne 12 maande na voldoening aan artikel 2 (1) 'n datum waarop die Maatskappy die opvolger van die Suid-Afrikaanse Vervoerdienste word.

(2) Op die datum wat ingevolge subartikel (1) bepaal is, word die geheel van die sake-onderneming van die Staat soos bedoel in artikel 3 (1) van die Suid-Afrikaanse Vervoerdienstewet, 1981, met inbegrip van alle bates, laste, regte en verpligtinge van watter aard ook al, uitgesonder die bates in artikel 25 (1) bedoel, oorgedra aan die Maatskappy wat dit as 'n lopende besigheid verkry.

(3) Voortspruitend uit die oordrag van die sake-onderneming ingevolge subartikel (2) en sonder om enigsins aan die algemeenheid van die voorgaande afbreuk te doen, word—

(a) die Maatskappy die eienaar van alle roerende en onroerende goed, uitgesonder die bates in artikel 25 (1) bedoel, wat onmiddellik voor die datum bedoel in subartikel (1)—
  (i) in die bateregisters van die Suid-Afrikaanse Vervoerdienste aangeteken is; of
  (ii) onder die beheer en jurisdiksie van die Suid-Afrikaanse Vervoerdienste geval het of deel uitgemaak het van die regsgebied van die Suid-Afrikaanse Vervoerdienste, soos omskryf in artikel 1 van die Suid-Afrikaanse Vervoerdienstewet, 1981; of
  (iii) deur die Suid-Afrikaanse Vervoerdienste besit, geokkupeer of gebruik was asof die Suid-Afrikaanse Vervoerdienste, die Staat, die Staatspresident of die Regering die eienaar daarvan was;

(b) alle persone wat onmiddellik voor die datum bedoel in subartikel (1) in diens van die Suid-Afrikaanse Vervoerdienste was, werknemers van die Maatskappy sonder onderbreking van hulle diens en asof hulle uit die staanspoor uit in diens van die Maatskappy was;

(c) die Suid-Afrikaanse Vervoerdienste op die datum bedoel in subartikel (1) in alle hangende regsgedinge, met inbegrip van arbitrasies, deur die Maatskappy as gedingsparty vervang asof die Maatskappy uit die staanspoor uit die gedingsparty was;

(d) die Suid-Afrikaanse Vervoerdienste op die datum bedoel in subartikel (1) in alle ooreenkomste deur die Maatskappy as kontraksparty vervang asof die Maatskappy uit die staanspoor uit die kontraksparty was;

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(e) it shall be deemed that all existing financial instruments of the South African Transport Services have been issued by the Company in terms of section 19.

(4) Subsection (3) *(a)* shall not be construed as conferring on the Company a right of ownership in movable or immovable property the right of ownership in which, immediately prior to the date referred to in subsection (1), was vested in a person other than the South African Transport Services, the State, the State President or the Government.

Issue of Shares to the State

4. (1) As consideration for the transfer of the commercial enterprise in terms of section 3 (2), fully paid-up shares in the Company shall be issued to the State.

(2) The value of the assets obtained by the Company in terms of section 3 shall be determined by the Minister in consultation with the Minister of Finance.

(3) For the purposes of the application of the Income Tax Act, 1962, or any other law falling under the administration of the Minister of Finance, it shall be deemed that expenses were actually incurred by the Company in the acquisition of the assets and that, notwithstanding any provision in any other law, the relevant expenses, including the cost of the assets, are equivalent to the value determined in terms of subsection (2).

(4) The total loan debt of the Company to the State, the permanent capital referred to in sections 27A to 27F of the Exchequer and Audit Act, 1975, and all permanent capital established in terms of any other law applicable to the South African Transport Services, shall be capitalised by the issue to the State of additional fully paid-up shares in the Company and any obligations in respect of interest associated with such loans and permanent capital shall lapse.

(5) The total value and number of—

(a) the shares issued by the Company to the State in terms of subsections (1) and (4); and

(b) the shares issued by the Corporation to the State in terms of section 25 (3),

shall be determined by the Minister in consultation with the Minister of Finance.

References in Documents

5. (1) Subject to the provisions of subsections (2) and (3) and unless it is patently inapplicable in a particular case, any reference to the South African Transport Services, its predecessors or the General Manager thereof in any law, contract, a register or record created in terms of a statute, or other document shall, with effect from the date referred to in section 3 (1), be deemed to constitute a reference to the Company or the Managing Director thereof, respectively.

(2) Subsection (1) shall not apply to a provision in any law that, in terms of this Act, is amended, repealed or interpreted in a particular manner.

(3) The words "any reference to the South African Transport Services, its predecessors" in subsection (1) shall be construed as including any reference to the State where the latter reference in context includes a reference to the South African Transport Services or its predecessors.

CHAPTER II

OPERATING PROVISIONS

Operating Provisions, Operating Powers and Offences

6. The provisions of Schedule 1 to this Act shall apply to the continuation and execution of the operations and services of the Company.

CHAPTER III

TRANSITIONAL PROVISIONS

Exemption from being bound by Statute

7. The Company shall enjoy the same exemption from being bound by statute as was or would have been enjoyed by the South African Transport Services in respect

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(e) geag dat alle bestaande finansiële instrumente van die Suid-Afrikaanse Vervoerdienste ingevolge die bepalings van artikel 19 deur die Maatskappy uitgereik is.

(4) Subartikel (3) *(a)* word nie uitgelê om aan die Maatskappy eiendomsreg te verleen in roerende en onroerende goed waarvan die eiendomsreg onmiddellik voor die datum bedoel in subartikel (1) in 'n ander persoon as die Suid-Afrikaanse Vervoerdienste, die Staat, die Staatspresident of die Regering gesetel het nie.

Uitreiking van Aandele aan die Staat

4. (1) As teenprestasie vir die oordrag van die sake-onderneming ingevolge artikel 3 (2), word volopbetaalde aandele in die Maatskappy aan die Staat uitgereik.

(2) Die waarde van die bates wat ingevolge artikel 3 deur die Maatskappy verkry word, word deur die Minister in oorleg met die Minister van Finansies vasgestel.

(3) Vir doeleindes van die toepassing van die Inkomstebelastingwet, 1962, of enige ander wet wat onder die administrasie van die Minister van Finansies val, word geag dat onkoste werklik deur die Maatskappy aangegaan is om die bates te verkry en dat, ondanks enige bepaling in enige ander wet, die betrokke onkoste, wat die koste van die bates insluit, gelyk is aan die waardevasstelling bedoel in subartikel (2).

(4) Die Maatskappy se totale leningskuld wat aan die Staat verskuldig is, die permanente kapitaal bedoel in artikels 27A tot 27F van die Skatkis- en Ouditwet, 1975, en alle permanente kapitaal wat deur enige ander wet tot stand gebring is en wat op die Suid-Afrikaanse Vervoerdienste betrekking gehad het, word deur die uitreiking van verdere volopbetaalde aandele in die Maatskappy aan die Staat gekapitaliseer en enige renteverpligting wat met sodanige lenings en permanente kapitaal gepaard gegaan het, verval.

(5) Die totale waarde en getal van—

(a) die aandele wat ingevolge subartikels (1) en (4) deur die Maatskappy aan die Staat uitgereik word; en

(b) die aandele wat ingevolge artikel 25 (3) deur die Korporasie aan die Staat uitgereik word,

word deur die Minister in oorleg met die Minister van Finansies vasgestel.

Verwysings in Dokumente

5. (1) Behoudens die bepalings van subartikels (2) en (3) en tensy dit in 'n bepaalde geval klaarblyklik onvanpas sou wees, word enige verwysing na die Suid-Afrikaanse Vervoerdienste, sy voorgangers of die Hoofbestuurder daarvan in enige wet, kontrak, 'n statutêr geskepte register of rekord, of ander dokument vanaf die datum in artikel 3 (1) bedoel, onderskeidelik as 'n verwysing na die Maatskappy of die Besturende Direkteur daarvan beskou.

(2) Subartikel (1) is nie van toepassing op 'n bepaling van 'n wet wat ingevolge hierdie Wet gewysig, herroep of op 'n besondere wyse uitgelê word nie.

(3) Die woorde "enige verwysing na die Suid-Afrikaanse Vervoerdienste, sy voorgangers" in subartikel (1) word uitgelê om enige verwysing na die Staat in te sluit indien laasgenoemde verwysing in die samehang 'n verwysing na die Suid-Afrikaanse Vervoerdienste of sy voorgangers insluit.

HOOFSTUK II

BEDRYFSBEPALINGS

Bedryfsbepalings, Bedryfsmagte en Misdrywe

6. Die bepalings van Bylae 1 by hierdie Wet is van toepassing op die voortsetting en uitvoering van die bedrywe en dienste van die Maatskappy.

HOOFSTUK III

OORGANGSBEPALINGS

Vrystelling van Wetlike Gebondenheid

7. Die Maatskappy geniet ten opsigte van enige handeling wat deur die Suid-Afrikaanse Vervoerdienste verrig is, met inbegrip van enige bouwerk, konstruk-

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of any activity undertaken by the South African Transport Services, including any building, construction or other work undertaken by the South African Transport Services or its predecessors, as well as in respect of the completion thereof.

Employees

8. For the purposes of the application of the Income Tax Act, 1962, it shall be deemed—

(a) that the Company and the South African Transport Services are the same employer;

(b) that no change of employer took place on the date referred to in section 3 (1); and

(c) that the position of employees in respect of the phasing in of benefits or advantages derived by reason of employment or the holding of any office in terms of Schedule 7 of the Income Tax Act, 1962, shall remain unchanged.

Conditions of Service Act

9. (1) Any reference in the South African Transport Services Conditions of Service Act, 1988, to the General Manager or an employee of the South African Transport Services shall be construed as a reference to the Managing Director or an employee of the Company, respectively.

(2) Notwithstanding the provisions of this Act or any other law, an employee of the Company shall be deemed, for the purposes of the Labour Relations Act, 1956, to be a person in the employ of the State.

(3) Subsection (2) shall be repealed two years after the operative date of this Act.

(4) Paragraphs *(a)* and *(b)* of section 2 (1), the provisos to section 2 (1) *(c)* and the words "subject to such limitations as the Minister may impose," in section 2 (1) *(d)* of the South African Transport Services Conditions of Service Act, 1988, are repealed.

(5) Section 15 (7) of the South African Transport Services Conditions of Service Act, 1988, is repealed and any reference to that provision in that Act shall cease to have effect.

(6) Subject to the provisions of subsections (7) and (8) as well as section 10 (1), the South African Transport Services Conditions of Service Act, 1988, shall be repealed two years after the operative date of this Act.

(7) The Company and its employees shall retain the rights and remain bound by the obligations that, immediately prior to the date on which the South African Transport Services Conditions of Service Act, 1988, is repealed, are contained, in terms of that Act, in the Consolidated Service Conditions and in decisions that are regarded as being equivalent to agreements of the Labour Council; provided that such rights and obligations shall continue in existence only until they are amended by or in accordance with a relevant statutory measure or an arbitration award, court judgment or agreement, in which event the ambit of the amendment shall be limited to the terms of such measure, award, judgment or agreement.

(8) *(a)* The assets, liabilities, rights and obligations of whatever nature of the Labour Council established in terms of the South African Transport Services Conditions of Service Act, 1988, which came into being after the operative date of that Act and which exist immediately prior to the date on which the said Act is repealed, shall be transferred to the Company on the latter date.

(b) Should the Company and four-fifths of all the Trade Union members of the Labour Council decide, before the above-mentioned Act is repealed, to establish an Industrial Council in terms of the Labour Relations Act, 1956, such transfer of assets, liabilities, rights and obligations from the Labour Council to the Company shall, however, be subject to the condition stipulated in paragraph *(c)* below.

(c) Should any such Industrial Council be established within a period of one year after the date on which the South African Transport Services

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siewerk of ander werk wat deur die Suid-Afrikaanse Vervoerdienste of sy voorgangers onderneem is, asook ten opsigte van die voltooiing daarvan, dieselfde vrystelling met betrekking tot wetlike gebondenheid as wat die Suid-Afrikaanse Vervoerdienste geniet het of sou geniet het.

Werknemers

8. Vir doeleindes van die toepassing van die Inkomstebelastingwet, 1962, word geag—

(a) dat die Maatskappy en die Suid-Afrikaanse Vervoerdienste dieselfde werkgewer is;
(b) dat daar geen verandering van werkgewer op die datum bedoel in artikel 3 (1) plaasgevind het nie; en
(c) dat die werknemers se posisie met betrekking tot die infasering van belasting op voordele of bates verkry weens diens of ampsbekleding ingevolge Bylae 7 van die Inkomstebelastingwet, 1962, onverander bly.

Wet op Diensvoorwaardes

9. (1) Enige verwysing in die Wet op Diensvoorwaardes vir die Suid-Afrikaanse Vervoerdienste, 1988, na die Hoofbestuurder of 'n werknemer van die Suid-Afrikaanse Vervoerdienste word as 'n verwysing onderskeidelik na die Besturende Direkteur of 'n werknemer van die Maatskappy uitgelê.

(2) 'n Werknemer van die Maatskappy word, ondanks die bepalings van hierdie Wet of enige ander wet, vir doeleindes van die Wet op Arbeidsverhoudinge, 1956, geag 'n persoon in diens van die Staat te wees.

(3) Subartikel (2) word twee jaar na die datum van inwerkingtreding van hierdie Wet herroep.

(4) Paragrawe *(a)* en *(b)* van artikel 2 (1), die voorbehoudsbepalings by artikel 2 (1) *(c)* en die woorde "onderworpe aan sodanige beperkings as wat die Minister mag bepaal," in artikel 2 (1) *(d)* van die Wet op Diensvoorwaardes vir die Suid-Afrikaanse Vervoerdienste, 1988, word herroep.

(5) Artikel 15 (7) van die Wet op Diensvoorwaardes vir die Suid-Afrikaanse Vervoerdienste, 1988, word herroep en enige verwysing na genoemde subartikel in genoemde Wet hou op om van krag te wees.

(6) Behoudens die bepalings van subartikels (7) en (8), asook van artikel 10 (1), word die Wet op Diensvoorwaardes vir die Suid-Afrikaanse Vervoerdienste, 1988, twee jaar na die datum van inwerkingtreding van hierdie Wet herroep.

(7) Die Maatskappy en sy werknemers behou die regte en bly gebonde aan die verpligtinge wat, onmiddellik voor die datum waarop die Wet op Diensvoorwaardes vir die Suid-Afrikaanse Vervoerdienste, 1988, herroep word, kragtens genoemde Wet in die Gekonsolideerde Diensvoorwaardes vervat is en besluite wat as gelykstaande met 'n ooreenkoms van die Arbeidsraad geag word; met dien verstande dat sodanige regte en verpligtinge voortduur slegs totdat dit deur of ingevolge 'n toepaslike statutêre maatreël of deur 'n arbitrasietoekenning, hofbeslissing of ooreenkoms gewysig word, in welke geval die omvang van die wysiging tot die bepalings van sodanige maatreël, toekenning, beslissing of ooreenkoms beperk word.

(8) *(a)* Die bates, laste, regte en verpligtinge van watter aard ook al van die Arbeidsraad ingestel kragtens die Wet op Diensvoorwaardes vir die Suid-Afrikaanse Vervoerdienste, 1988, wat na die inwerkingtreding van genoemde Wet ontstaan het en wat bestaan onmiddellik voor die datum waarop genoemde Wet herroep word, word op laasgenoemde datum aan die Maatskappy oorgedra.

(b) Indien die Maatskappy en vier vyfdes van al die Vakbondlede van die Arbeidsraad voor die herroeping van die genoemde Wet besluit om 'n Nywerheidsraad ingevolge die Wet op Arbeidsverhoudinge, 1956, in te stel, is sodanige oordrag van bates, laste, regte en verpligtinge van die Arbeidsraad aan die Maatskappy egter onderworpe aan die voorwaarde wat in paragraaf *(c)* hierna genoem word.

(c) Indien enige sodanige Nywerheidsraad ingestel word binne 'n tydperk van een jaar na die datum waarop die Wet op Diensvoorwaardes vir die

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Conditions of Service Act, 1988, is repealed, such assets, liabilities, rights and obligations shall be transferred from the Company to such Industrial Council.

Transmed

10. (1) The provisions of sections 24 and 25 of the South African Transport Services Conditions of Service Act, 1988, shall lapse on the date referred to in section 3 (1).

(2) The South African Railways and Harbours Sick Fund constituted in terms of regulations promulgated under section 32 (1) *(g)* of the Railways and Harbours Service Act, 1960, shall continue in existence as the Company's medical scheme under the name Transmed.

(3) The Company is hereby empowered to establish and manage dispensaries for the purposes of Transmed and existing dispensaries established for the purposes of the Sick Fund referred to in subsection (2) shall continue in existence as dispensaries of Transmed.

(4) The Minister of National Health and Population Development shall be consulted before any new dispensary is established in terms of subsection (3).

(5) No cession by a supplier of a service of any right to payment in respect of a service that has been or may be supplied by him to a member or beneficiary of Transmed shall be binding on the member or beneficiary concerned or Transmed.

(6) For the purpose of subsection (5) a "service" shall mean any benefit for which provision is made in the rules referred to in subsection (7).

(7) The Company may make rules not inconsistent with this Act in connection with Transmed and the management thereof.

(8) Any regulation promulgated in connection with the medical scheme and the management thereof in terms of a law repealed by this Act shall be deemed to constitute a rule made in terms of subsection (7).

(9) Transmed shall enjoy the same measure of freedom from being bound by statute as that which it enjoyed as the medical scheme of the South African Transport Services.

House Ownership Fund

11. (1) The South African Transport Services' House Ownership Fund referred to in section 72 of the South African Transport Services Act, 1981, is hereby terminated and all assets of the Fund shall, subject to the provisions of subsection (2), be transferred to the Company.

(2) Money paid by an employee of the South African Transport Services in terms of paragraph *(a)* of section 72 (3) of the South African Transport Services Act, 1981, shall be refunded to him by the Company as soon as possible together with such interest as may be payable in terms of that paragraph.

Insurance Fund

12. The South African Transport Services' insurance fund referred to in section 9 (3) of the South African Transport Services Act, 1981, shall continue in existence as an insurance fund of the Company and the Company shall be endowed in regard to insurance with the same powers as the South African Transport Services.

Property Development

13. (1) Subject to the provisions of subsection (2), the Company shall be entitled, up to a date three years after the date referred to in section 3 (1), to develop, cause to be developed, to use and to let its immovable property for any purpose, including the construction and exploitation of buildings and structures for commercial purposes, notwithstanding the fact that the immovable property concerned is either not zoned or is zoned or intended for other purposes in terms of an applicable township construction or development scheme, guide plan or statutory provision.

(2) Immovable property may be developed in terms of subsection (1) only—

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Suid-Afrikaanse Vervoerdienste, 1988, herroep word, word sodanige bates, laste, regte en verpligtinge van die Maatskappy aan sodanige Nywerheidsraad oorgedra.

Transmed

10. (1) Die bepalings van artikels 24 en 25 van die Wet op Diensvoorwaardes vir die Suid-Afrikaanse Vervoerdienste, 1988, verval op die datum in artikel 3 (1) bedoel.

(2) Die Siekefonds van die Suid-Afrikaanse Spoorweë en Hawens wat ingestel is ingevolge regulasies uitgevaardig kragtens artikel 32 (1) *(g)* van die Wet op Spoorweg- en Hawediens, 1960, bly onder die naam Transmed as mediese skema van die Maatskappy voortbestaan.

(3) Die Maatskappy word hierby gemagtig om apteke vir doeleindes van Transmed in te stel en te bestuur, en bestaande apteke wat vir die doeleindes van die Siekefonds genoem in subartikel (2) ingestel is, bly as apteke van Transmed voortbestaan.

(4) Daar word met die Minister van Nasionale Gesondheid en Bevolkingsontwikkeling oorleg gepleeg alvorens enige nuwe apteek kragtens subartikel (3) ingestel word.

(5) Geen sessie deur 'n verskaffer van 'n diens van enige reg op betaling ten opsigte van 'n diens wat deur hom aan 'n lid of voordeeltrekker van Transmed verskaf is of verskaf mag word, bind die betrokke lid, voordeeltrekker of Transmed nie.

(6) "'n Diens" beteken vir die doel van subartikel (5) enige voordeel waarvoor daar in die reëls genoem in subartikel (7) voorsiening gemaak word.

(7) Die Maatskappy kan reëls wat nie met hierdie Wet strydig is nie, met betrekking tot Transmed en die bestuur daarvan maak.

(8) Enige regulasie met betrekking tot die mediese skema en die bestuur daarvan wat uitgevaardig is kragtens 'n wet wat deur hierdie Wet herroep word, word geag 'n reël te wees wat kragtens subartikel (7) gemaak is.

(9) Transmed geniet dieselfde mate van vrystelling van wetlike gebondenheid as wat dit as die mediese skema van die Suid-Afrikaanse Vervoerdienste geniet het.

Huiseienaarfonds

11. (1) Die Suid-Afrikaanse Vervoerdienste se Huiseienaarfonds genoem in artikel 72 van die Suid-Afrikaanse Vervoerdienstewet, 1981, word hiermee beëindig en alle bates van die fonds word, behoudens die bepalings van subartikel (2), aan die Maatskappy oorgedra.

(2) Geld wat ingevolge paragraaf *(a)* van artikel 72 (3) van die Suid-Afrikaanse Vervoerdienstewet, 1981, deur 'n werknemer van die Suid-Afrikaanse Vervoerdienste betaal is, word so spoedig moontlik deur die Maatskappy aan hom terugbetaal tesame met sodanige rente as wat ingevolge sodanige paragraaf betaalbaar is.

Versekeringsfonds

12. Die Suid-Afrikaanse Vervoerdienste se versekeringsfonds genoem in artikel 9 (3) van die Suid-Afrikaanse Vervoerdienstewet, 1981, bly as 'n versekeringsfonds van die Maastskappy voortbestaan en die Maatskappy beskik met betrekking tot versekering oor dieselfde magte as die Suid-Afrikaanse Vervoerdienste.

Eiendomsontwikkeling

13. (1) Behoudens die bepalings van subartikel (2), is die Maatskappy geregtig om tot op 'n datum drie jaar na die datum bedoel in artikel 3 (1), sy onroerende goed vir enige doeleinde te ontwikkel of te laat ontwikkel, te gebruik en te verhuur, met inbegrip van die oprigting en eksploitasie van geboue en strukture vir sakebedrywighede, ondanks die feit dat die betrokke onroerende goed nie gesoneer is nie of ingevolge 'n toepaslike dorpsaanleg- of dorpsbeplanningskema, gidsplan of statutêre bepaling vir ander doeleindes gesoneer of bestem mag wees.

(2) Ontwikkeling van onroerende goed ingevolge subartikel (1) geskied slegs—

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(a) after an agreement has been reached with the local authority concerned; or
(b) should such agreement not be reached, in terms of permission granted by the Administrator of the province concerned subject to such conditions as he may consider appropriate; or
(c) should the development be in conflict with an approved guide plan, with the approval of the Administrator referred to in section 6A (12) of the Physical Planning Act, 1967.

(3) The local authority—
(a) with which an agreement is reached in terms of subsection (2) or with which an agreement was reached in terms of section 9 (26) of the South African Transport Services Act, 1981, prior to the operative date of this Act; or
(b) which exercises jurisdiction over property in respect of which permission or approval is obtained in terms of subsection (2) from the Administrator concerned,

shall record, in connection with the use of the immovable property agreed upon or in respect of which permission or approval is obtained in terms of subsection (2), a suitable zoning for such immovable property, whereafter such zoning shall be regarded as the zoning of the property for all purposes.

Catering Services

14. (1) *(a)* The Company may, notwithstanding the provisions of any other law, undertake the sale of refreshments (including liquor as defined in section 1 of the Liquor Act, 1977)—
(i) in the Parliament Buildings;
(ii) on a passenger-carrying train, aircraft or luxury coach, together with any other merchandise that the Company may consider desirable;
(iii) at any airport approved by the Minister at the request of the Company to a person who operates a passenger air service, for consumption on board an aircraft, used in such service, by passengers while in flight; and
(iv) at any station approved by the Minister at the request of the Company to a person who operates a passenger rail service, for consumption on board a train, used in such service, by passengers while travelling.

(b) The Company may, notwithstanding the provisions of any other law, and without derogating from the Company's powers to obtain any other licences and authorities, sell refreshments (including liquor as defined in section 1 of the Liquor Act, 1977) and merchandise at such places under its control at which the South African Transport Services sold refreshments and merchandise immediately before the date referred to in section 3 (1).

(c) (i) The liquor licences and authorities, particulars of which shall be published by notice in the *Gazette* by the Minister prior to or on the date referred to in section 3 (1), shall be deemed to have been issued to and to be held by the Company in terms of the Liquor Act, 1977.
(ii) The notice referred to in subparagraph (i) shall include the liquor licences and authorities in respect of the places or premises referred to in paragraphs *(a)* and *(b)*.

(d) Notwithstanding the provisions of the Liquor Act, 1977,—
(i) the liquor licences or authorities referred to shall not be suspended or withdrawn by the appropriate authority merely on the ground that the place or premises involved do not comply with requirements of the Liquor Act, 1977, before the termination of a period of three years from the operative date of this Act or before the termination of such shorter period as the Minister, at the request of the Company, may stipulate by notice in the *Gazette*; and
(ii) a concession, which includes the right to sell liquor and which was granted in terms of section 52 (1) *(c)* (i) of the South African Transport Services Act, 1981, shall continue to have effect until the concession is terminated in terms of the provisions thereof.

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(a) nadat 'n ooreenkoms met die betrokke plaaslike owerheid bereik is; of

(b) indien sodanige ooreenkoms nie bereik kan word nie, na toestemming van die Administrateur van die betrokke Provinsie op sodanige voorwaardes as wat hy goed ag; of

(c) indien die ontwikkeling teenstrydig met 'n goedgekeurde gidsplan is, na goedkeuring deur die Administrateur genoem in artikel 6A (12) van die Wet op Fisiese Beplanning, 1967.

(3) Die plaaslike owerheid—

(a) met wie enige ooreenkoms kragtens subartikel (2) hiervan of artikel 9 (26) van die Suid-Afrikaanse Vervoerdienstewet, 1981, voor die inwerkingtreding van hierdie Wet bereik is; of

(b) wat jurisdiksie uitoefen oor 'n eiendom ten opsigte waarvan toestemming of goedkeuring van die betrokke Administrateur ontvang is,

teken na aanleiding van die gebruik van die onroerende goed waartoe ooreengekom of toestemming of goedkeuring kragtens subartikel (2) ontvang is, 'n toepaslike sonering vir sodanige onroerende goed aan, waarna sodanige sonering vir alle doeleindes as die sonering van die eiendom beskou word.

Verversingsdienste

14. (1) *(a)* Die Maatskappy kan, ondanks die bepalings van enige ander wet, die verkoop onderneem van verversings (met inbegrip van drank soos omskryf in artikel 1 van die Drankwet, 1977)—

(i) in die Parlementsgeboue;

(ii) op 'n trein, lugvaartuig of 'n luukse toerbus wat passasiers vervoer, tesame met enige ander handelsware wat die Maatskappy wenslik ag;

(iii) by enige lughawe deur die Minister op versoek van die Maatskappy goedgekeur, aan 'n persoon wat 'n passasierslugdiens bedryf, vir verbruik deur passasiers aan boord van 'n lugvaartuig wat in so 'n diens gebruik word terwyl dit in vlug is; en

(iv) by enige stasie deur die Minister op versoek van die Maatskappy goedgekeur, aan 'n persoon wat 'n passasierstreindiens bedryf, vir verbruik deur passasiers terwyl hulle op reis is in 'n trein wat in so 'n diens gebruik word.

(b) Die Maatskappy kan, ondanks die bepalings van enige ander wet en sonder om afbreuk te doen aan sy bevoegdhede om enige ander lisensies en magtigings te verkry, verversings (met inbegrip van drank soos omskryf in artikel 1 van die Drankwet, 1977) en handelsware verkoop op sodanige plekke onder sy beheer as waarop die Suid-Afrikaanse Vervoerdienste onmiddellik voor die datum in artikel 3 (1) bedoel, verversings en handelsware verkoop het.

(c) (i) Daar word geag dat die dranklisensies en magtigings, waarvan besonderhede deur die Minister by kennisgewing in die *Staatskoerant* voor of op die datum bedoel in artikel 3 (1) gepubliseer word, ooreenkomstig die bepalings van die Drankwet, 1977, uitgereik is aan en deur die Maatskappy gehou word.

(ii) Die kennisgewing bedoel in subparagraaf (i), sluit dranklisensies en magtigings ten opsigte van plekke of persele waarna in paragrawe *(a)* en *(b)* verwys word in.

(d) Ondanks die bepalings van die Drankwet, 1977—

(i) word die vermelde dranklisensies en magtigings nie deur die toepaslike owerheidsliggaam opgeskort of teruggetrek bloot vanweë die feit dat die betrokke plek of perseel nie aan die vereistes van die Drankwet, 1977, voldoen nie, voor die verloop van drie jaar na inwerkingtreding van hierdie Wet of sodanige korter tydperk as wat die Minister op versoek van die Maatskappy by kennisgewing in die *Staatskoerant* mag bepaal nie; en

(ii) bly 'n konsessie wat die reg insluit om drank te verkoop en wat ingevolge artikel 52 (1) *(c)* (i) van die Suid-Afrikaanse Vervoerdienstewet, 1981, toegestaan is, van krag totdat die konsessie volgens die voorwaardes daarvan tot 'n einde kom.

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(2) *(a)* Notwithstanding the provisions of sections 23 (1) and (9) of the Liquor Act, 1977, the Company shall be deemed to be the holder of a special authority in terms of section 23 of the said Act to sell liquor to its employees.

(b) The special authority shall, with effect from the date referred in section 3 (1), be deemed to have been granted—

(i) in respect of the premises identified by the Minister by notice in the *Gazette* before or on the date referred to in section 3 (1);

(ii) subject to the conditions stipulated in section 55 of the South African Transport Services Act, 1981, as if that section had been applicable to all employees; and

(iii) for a period of two years or such shorter period as the Minister may, at the request of the Company, stipulate by notice in the *Gazette*.

(3) The Company shall pay the fee referred to in section 23 (5) *(b)* and the annual fees referred to in section 42 (1) *(b)* of the Liquor Act, 1977.

CHAPTER IV

RELATIONSHIP BETWEEN THE STATE AND THE COMPANY

Provision of Unprofitable Services at Request of State

15. (1) Should the State request the Company to construct, maintain and operate a harbour works, railway line, pipeline, building or structure, to acquire movable property or to provide a particular service that, in the opinion of the Company, is or will be unprofitable, a contract shall be concluded between the State and the Company before the commencement of such construction, maintenance, operation, acquisition or provision of such service.

(2) Notwithstanding any provision to the contrary in such contract, any other contract or any law, the provisions of subsections (3) to (5) shall apply to such contract and shall be regarded as terms of the contract.

(3) The State shall accept liability for the payment of—

(a) the costs in connection with such construction, maintenance, operation, acquisition or provision of service together with all associated expenses and disbursements; as well as

(b) such amount as may be necessary to enable the Company to earn a reasonable profit after taxation as the result of such construction, maintenance, operation, acquisition or provision of service, substantially equivalent to the profit the Company would otherwise have earned from a similar investment of capital, use of funds and utilisation of manpower.

(4) The Company shall render an account monthly to the State in respect of amounts due in terms of this section.

(5) At the end of the Company's financial year a final certificate in respect of the full financial year shall be issued by the Company's auditor and any adjustment and payment that might be necessary shall be effected.

(6) The Company may, during negotiations in connection with the contract referred to in subsection (1), require that the amount necessary for the construction of any harbour works, railway line, pipeline, building or structure shall be advanced by the State to the Company before the commencement of work, in which event such requirement shall constitute a term of the contract.

(7) Notwithstanding the provisions of any other law or agreement, the provisions of subsections (3) to (5) shall apply *mutatis mutandis* to—

(a) any service that was provided on an unprofitable basis by the South African Transport Services immediately prior to the date referred to in section 3 (1) and that is continued at the request of the State after such date; and

(b) any harbour works, railway line, pipeline, building or structure the construction of which was commenced or approved on a date prior to the date referred to in section 3 (1), which was not completed before that date and which is proceeded with at the request of the State,

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(2) *(a)* Ondanks die bepalings van artikels 23 (1) en (9) van die Drankwet, 1977, word die Maatskappy geag die houer te wees van 'n spesiale magtiging om ingevolge artikel 23 van daardie Wet drank aan sy werknemers te verkoop.

(b) Die spesiale magtiging word met ingang van die datum in artikel 3 (1) bedoel, geag verleen te gewees het—

(i) ten aansien van die persele geïdentifiseer deur die Minister by kennisgewing in die *Staatskoerant* voor of op die datum in artikel 3 (1) bedoel;

(ii) op die voorwaardes vervat in artikel 55 van die Suid-Afrikaanse Vervoerdienstewet, 1981, asof daardie artikel op alle werknemers van toepassing was; en

(iii) vir 'n tydperk van twee jaar of sodanige korter tydperk as wat die Minister op versoek van die Maatskappy by kennisgewing in die *Staatskoerant* bepaal.

(3) Die Maatskappy betaal die gelde bedoel in artikel 23 (5) *(b)* en die jaarlikse gelde bedoel in artikel 42 (1) *(b)* van die Drankwet, 1977.

HOOFSTUK IV

VERHOUDING TUSSEN DIE STAAT EN DIE MAATSKAPPY

Lewering van Nie-winsgewende Dienste op Staat se Versoek

15. (1) Indien die Staat die Maatskappy versoek om 'n hawewerk, spoorlyn, pypleiding, gebou of struktuur op te rig, in stand te hou en te bedryf, roerende bates aan te skaf of 'n bepaalde diens te lewer wat na die mening van die Maatskappy nie winsgewend is of sal wees nie, word 'n kontrak tussen die Staat en die Maatskappy voor die aanvang van sodanige oprigting, instandhouding, bedryf, aanskaffing of dienslewering aangegaan.

(2) Ondanks enige strydige bepaling in sodanige kontrak of enige ander kontrak of in 'n wet, is die bepalings van subartikels (3) tot (5) op sodanige kontrak van toepassing en word sodanige bepalings as voorwaardes van die kontrak beskou.

(3) Die Staat aanvaar aanspreeklikheid vir die betaling van—

(a) die koste verbonde aan sodanige oprigting, instandhouding, bedryf, aanskaffing of dienslewering plus alle daarmee gepaardgaande koste en uitgawes; asook

(b) sodanige bedrag as wat nodig mag wees om die Maatskappy in staat te stel om 'n billike wins na belasting as gevolg van sodanige oprigting, instandhouding, bedryf, aanskaffing of dienslewering te verdien, wesenlik gelykstaande aan die wins wat die Maatskappy andersins deur soortgelyke belegging van kapitaal, gebruik van fondse en aanwending van mannekrag sou gemaak het.

(4) Die Maatskappy lewer maandeliks 'n rekening aan die Staat ten opsigte van bedrae kragtens hierdie artikel betaalbaar.

(5) Aan die einde van die Maatskappy se boekjaar word 'n finale sertifikaat ten opsigte van die volle boekjaar deur die Maatskappy se ouditeur uitgereik en word enige aanpassing gemaak en betaling gedoen wat nodig mag wees.

(6) Die Maatskappy kan tydens die onderhandelinge oor die kontrak waarna in subartikel (1) verwys word, vereis dat die bedrag wat vir die oprigting van enige hawewerk, spoorlyn, pypleiding, gebou of struktuur nodig is deur die Staat aan die Maatskappy voorgeskiet word voordat die werk 'n aanvang neem, in welke geval sodanige vereiste 'n voorwaarde van die kontrak uitmaak.

(7) Ondanks die bepalings van enige ander wet of ooreenkoms, is die bepalings van subartikels (3) tot (5) *mutatis mutandis* van toepassing op—

(a) enige diens wat op 'n nie-winsgewende grondslag deur die Suid-Afrikaanse Vervoerdienste gelewer is onmiddellik voor die datum bedoel in artikel 3 (1) en waarmee daar op die Staat se versoek na sodanige datum voortgegaan word; en

(b) enige hawewerk, spoorlyn, pypleiding, gebou of struktuur waarvan die oprigting op 'n datum voor die datum bedoel in artikel 3(1) 'n aanvang geneem het of goedgekeur is, wat nie voor daardie datum voltooi is nie en waarmee daar op die Staat se versoek voortgegaan word,

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as if a contract to such effect had been concluded between the Company and the State.

(8) The Company shall not terminate the operation of a railway line without giving the Minister six months' notice of the contemplated termination.

(9) Any expense—

(a) incurred by the Company in connection with a contract contemplated by subsections (1) or (7); and

(b) that would normally have been allowed as a deduction from the Company's taxable income as an expense incurred in the production of revenue,

shall, for purposes of the Income Tax Act, 1962, be allowed as a deduction in the calculation of the Company's taxable income.

(10) This section shall apply to the provision of rail commuter services by the Company for the Corporation only if section 26 (4) should become applicable.

Guarantee by State

16. The State guarantees all obligations of the South African Transport Services transferred to the Company in terms of section 3 (2), including all obligations of the South African Transport Services in respect of its pension funds.

Strategic or Economic Interests of Republic

17. Without in any way derogating from the provisions of section 15, should the Company act in a manner contrary to the strategic or economic interests of the Republic of South Africa, the Minister may direct the Company, by means of a written notice or by any other means that he may deem desirable, to discontinue such activity within a reasonable period, which shall be stipulated in the notice or other means of communication employed.

Prohibition of Lock-outs and Strikes

18. (1) Should the Minister consider such action to be necessary in the public interest, he may by notice in the *Gazette* and supplementary to the provisions of the Labour Relations Act, 1956, impose a similar prohibition on lock-outs and strikes as that provided for in the introductory portion of section 65 (1) of that Act in respect of the Company or any part or activity thereof and employees in the employ of the Company or in such employ in connection with such part or activity.

(2) A notice published in terms of subsection (1) shall, for the purposes of the application of the Labour Relations Act, 1956, have the same effect as a notice published in terms of section 46 (7)*(c)* of that Act.

(3) Should a notice in terms of subsection (1) be published on a date prior to the date on which the Labour Relations Act, 1956, becomes applicable to the Company in terms of section 9 (3) of this Act, such notice shall have legal effect only from the latter date.

(4) A notice published in terms of subsection (1) may be revoked in a manner similar to that in which it was published.

Stock

19. (1) Without derogating from its capacity in terms of its memorandum of association and the provisions of the Companies Act, 1973, or from any of its powers, the Company may for so long as the State, whether directly or indirectly, on its own or together with employees of the Company, holds all the issued equity shares of the Company —

(a) with the consent of the Minister; and

(b) after consultation with the Minister of Finance in respect of the timing of the issue,

issue financial instruments of whatever nature, including stock, securities, bills, promissory notes, debentures, debenture stock, bonds, annuities and negotiable certificates of deposit.

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asof 'n kontrak te dien effekte tussen die Maatskappy en die Staat gesluit is.

(8) Die Maatskappy staak nie die bedryf van 'n spoorlyn tensy ses maande kennis van die beoogde staking aan die Minister gegee is nie.

(9) Enige koste—

(*a*) deur die Maatskappy aangegaan in verband met 'n kontrak bedoel in subartikels (1) of (7); en

(*b*) wat normaalweg as 'n aftrekking van die Maatskappy se belasbare inkomste toegelaat sou word as 'n onkoste wat in die voortbrenging van inkomste aangegaan is,

word by die vasstelling van die Maatskappy se belasbare inkomste vir doeleindes van die Inkomstebelastingwet, 1962, as 'n aftrekking toegelaat.

(10) Hierdie artikel is slegs op die lewering van spoorpendeldienste deur die Maatskappy vir die Korporasie van toepassing indien artikel 26 (4) van toepassing sou word.

Waarborg deur Staat

16. Die Staat waarborg alle verpligtinge van die Suid-Afrikaanse Vervoerdienste wat ingevolge artikel 3 (2) aan die Maatskappy oorgedra word, met inbegrip van alle verpligtinge van die Suid-Afrikaanse Vervoerdienste ten opsigte van sy pensioenfondse.

Strategiese of Ekonomiese Belange van Republiek

17. Sonder om enigsins afbreuk te doen aan die bepalings van artikel 15 kan die Minister, indien die Maatskappy teenstrydig met die strategiese of ekonomiese belange van die Republiek van Suid-Afrika optree, deur middel van 'n skriftelike kennisgewing of enige ander middel wat hy gerade ag, die Maatskappy aansê om binne 'n redelike tydperk, vermeld in die kennisgewing of ander middel wat gebruik is, sodanige optrede te staak.

Verbod op Uitsluitings en Stakings

18. (1) Die Minister kan, indien hy dit in die openbare belang nodig ag, aanvullend tot die bepalings van die Wet op Arbeidsverhoudinge, 1956, 'n soortgelyke verbod op uitsluitings en stakings as waarvoor die inleidende gedeelte van artikel 65 (1) van genoemde Wet voorsiening maak, by kennisgewing in die *Staatskoerant* instel ten opsigte van die Maatskappy of enige gedeelte of bedrywigheid daarvan en werknemers wat in diens van die Maatskappy is of in sodanige diens in verband met bedoelde gedeelte of bedrywigheid is.

(2) 'n Kennisgewing ingevolge subartikel (1) gepubliseer het, vir die doeleindes van die toepassing van die Wet op Arbeidsverhoudinge, 1956, dieselfde uitwerking as 'n kennisgewing wat ingevolge artikel 46 (7) (*c*) van genoemde Wet gepubliseer is.

(3) Indien 'n kennisgewing soos bedoel in subartikel (1) gepubliseer word op 'n datum voor die datum waarop die Wet op Arbeidsverhoudinge, 1956, kragtens artikel 9 (3) van hierdie Wet op die Maatskappy van toepassing word, beskik sodanige kennisgewing oor regskrag slegs met ingang van laasgenoemde datum.

(4) 'n Kennisgewing ingevolge subartikel (1) gepubliseer, kan op dergelike wyse teruggetrek word.

Effekte

19. (1) Die Maatskappy is, sonder om afbreuk te doen aan sy vermoëns ingevolge sy akte van oprigting en die bepalings van die Maatskappywet, 1973, of enige van sy magte, daarop geregtig om vir solank as wat die Staat, hetsy direk of indirek, op sy eie of saam met die werknemers van die Maatskappy, al die uitgereikte ekwiteitsaandele van die Maatskappy hou—

(*a*) met die toestemming van die Minister; en

(*b*) na oorlegpleging met die Minister van Finansies ten opsigte van die tydsberekening van die uitgifte,

finansiële instrumente van welke aard ook al, met inbegrip van effekte, sekuriteite, wissels, promesses, skuldbriewe, skuldbriefeffekte, obligasies, annuïteite en verhandelbare depositosertifikate uit te reik.

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(2) The State guarantees the obligations of the Company arising from the financial instruments—

(a) referred to in subsection (1); and

(b) issued by the South African Transport Services and referred to in section 3 (3) *(e)*.

(3) The provisions of the Companies Act, 1973, in respect of debentures shall not apply to any of the financial instruments referred to in subsection (1) or section 3 (3) *(e)*.

(4) Financial instruments referred to in subsection (1) and section 3 (3) *(e)* shall, where applicable, trade in the same markets in which similar financial instruments issued by the State or statutory bodies are being traded.

(5) Where applicable, the financial instruments referred to in subsection (1) and section 3 (3) *(e)* may be listed on a stock exchange in the same manner and subject to the same requirements and procedures as similar financial instruments issued by the State or statutory bodies.

(6) The Company shall, as far as possible, keep a register of all issues and transfers of the financial instruments referred to in subsection (1) and section 3 (3) *(e)*.

(7) The Company may engage in transactions, including repurchase agreements, in connection with its own and other financial instruments.

(8) No charge, tax, stamp duty, fees or other costs of any nature whatsoever are payable in respect of the issue or transfer of any of the financial instruments of the Company referred to in subsection (1) and section 3 (3) *(e)*.

Tabling in Parliament

20. The Company's annual financial statements shall, for as long as the State is a member of the Company, be tabled in Parliament by the Minister within fourteen days of receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Regulations

21. (1) At the request of the Company the Minister may promulgate regulations that are not in conflict with this Act in connection with the operation of the harbours of the Company.

(2) The Harbour Regulations in force in terms of the South African Transport Services Act, 1981, immediately prior to the date referred to in section 3 (1), shall continue to be in force and shall be deemed to have been promulgated in terms of subsection (1).

CHAPTER V

THE SOUTH AFRICAN RAIL COMMUTER CORPORATION LIMITED

Establishment and Name

22. (1) On the date referred to in section 3 (1), a legal person, which shall be called the South African Rail Commuter Corporation Limited, shall be established.

(2) The name of the Corporation shall be deemed to appear in the Register of company names held by the Registrar of Companies.

(3) No person may carry on business and no company may be registered in terms of the Companies Act, 1973, under a name that is the same as that of the Corporation or a shortened or translated form thereof or that accords in such degree therewith that it could be misleading.

Main Object and Powers

23. (1) The main object and the main business of the Corporation is to ensure that, in the public interest, rail commuter services are provided in the Republic of South Africa.

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(2) Die Staat waarborg die verpligtinge van die Maatskappy voortspruitend uit die finansiële instrumente—

(a) waarna daar in subartikel (1) verwys word; en

(b) wat deur die Suid-Afrikaanse Vervoerdienste uitgereik is en waarna daar in artikel 3 (3) *(e)* verwys word.

(3) Die bepalings van die Maatskappywet, 1973, met betrekking tot skuldbriewe, is nie op enige van die finansiële instrumente waarna in subartikel (1) of in artikel 3 (3) *(e)* verwys word, van toepassing nie.

(4) Handelstransaksies in finansiële instrumente, waarna daar in subartikel (1) en in artikel 3 (3) *(e)* verwys word, vind, waar van toepassing, op dieselfde markte plaas as die markte waarop handelstransaksies in soortgelyke finansiële instrumente wat deur die Staat of statutêre liggame uitgereik is, plaasvind.

(5) Waar van toepassing mag die finansiële instrumente, waarna daar in subartikel (1) en in artikel 3 (3) *(e)* verwys word, op dieselfde wyse en onderworpe aan dieselfde vereistes en prosedures op 'n effektebeurs genoteer word as soortgelyke finansiële instrumente wat deur die Staat of statutêre liggame uitgereik is.

(6) Die Maatskappy hou, vir sover dit moontlik is, 'n register van alle uitreikings en oordragte van die finansiële instrumente waarna daar in subartikel (1) en in artikel 3 (3) *(e)* verwys word.

(7) Die Maatskappy is daarop geregtig om transaksies, waaronder terugkoopooreenkomste, ten opsigte van sy eie en ander finansiële instrumente aan te gaan.

(8) Geen heffing, belasting, seëlreg, gelde of ander koste van watter aard ook al is betaalbaar ten opsigte van die uitreiking of oordrag van enige van die finansiële instrumente van die Maatskappy waarna daar in subartikel (1) en in artikel 3 (3) *(e)* verwys word nie.

Tertafellegging in die Parlement

20. Die Maatskappy se finansiële jaarstate word, vir so lank as wat die Staat 'n lid van die Maatskappy is, deur die Minister in die Parlement ter tafel gelê binne veertien dae na ontvangs daarvan indien die Parlement dan in gewone sitting is of, indien die Parlement nie dan in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting.

Regulasies

21. (1) Die Minister kan op versoek van die Maatskappy regulasies wat nie met hierdie Wet strydig is nie, betreffende die bedryf van die hawens van die Maatskappy uitvaardig.

(2) Die Haweregulasies wat ingevolge die Suid-Afrikaanse Vervoerdienstewet, 1981, van krag was onmiddellik voor die datum bedoel in artikel 3 (1), bly steeds van krag en word geag ingevolge subartikel (1) uitgevaardig te gewees het.

HOOFSTUK V

DIE SUID-AFRIKAANSE SPOORPENDELKORPORASIE BEPERK

Totstandkoming en Naam

22. (1) Op die datum in artikel 3 (1) bedoel, kom 'n regspersoon tot stand wat as die Suid-Afrikaanse Spoorpendelkorporasie Beperk bekend staan.

(2) Die naam van die Korporasie word geag in die register van maatskappyname te verskyn wat deur die Registrateur van Maatskappye gehou word.

(3) Geen persoon doen sake en geen maatskappy word kragtens die Maatskappywet, 1973, geregistreer onder 'n naam wat dieselfde is as dié van die Korporasie, of 'n vertaalde of verkorte vorm daarvan, of wat soveel daarmee ooreenkom dat dit mag mislei nie.

Hoofdoelstelling en Bevoegdhede

23. (1) Die hoofdoelstelling en die hoofbesigheid van die Korporasie is om toe te sien dat daar in die openbare belang spoorpendeldienste in die Republiek van Suid-Afrika gelewer word.

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(2) The Corporation shall have the capacity and powers of a natural person of full capacity in so far as a juristic person is capable of having such capacity or of exercising such powers.

(3) Without derogating from the generality of the provisions of subsections (1) and (2), the Company shall have power—

- *(a)* to enter into contracts and to perform other legal acts, including the conclusion of contracts with the Company for the construction, maintenance and operation of rail commuter services;
- *(b)* to acquire or alienate movable and immovable property or rights therein;
- *(c)* to acquire or alienate rights in incorporeal things or to deal therewith in any other manner;
- *(d)* to borrow, lend or invest money;
- *(e)* to make, draw, issue, execute, accept, endorse, discount, buy or sell financial instruments, including promissory notes, bills of exchange, debentures, stock, shares and any other type of negotiable or transferable document, and to acquire or alienate them in any other manner;
- *(f)* to enter into indemnities, guarantees and suretyships and to secure payment in terms thereof in any manner;
- *(g)* to make donations;
- *(h)* to grant service benefits of any nature, including pension and incentive schemes, to members of the Board of Control and employees;
- *(i)* to conclude partnership contracts and to participate in joint ventures; and
- *(j)* to form companies or acquire interests therein and to finance them, for the purpose of realizing or advancing its main object and to transfer all or any portion of its business, assets and liabilities to such companies.

Board of Control

24. (1) The affairs of the Corporation shall be managed by a Board of Control of not more than ten members including the chairman, who shall be appointed and dismissed by the Minister.

(2) At least three of the members of the Board of Control shall have expertise and experience in the management of a private sector enterprise.

(3) The Minister shall appoint the Corporation's first Board of Control with effect from the date referred to in section 3 (1).

(4) The first Board of Control shall appoint a secretariat which shall carry out, on a full-time basis, such functions as the Board may depute to it.

(5) The Board of Control may, subject to such conditions as it may stipulate, delegate any of its powers to any member of the Board, employee or other person with or without the power to delegate such power further.

(6) Any action taken by a member of the Board of Control, employee or other person on behalf of the Corporation may be ratified by the Board of Control.

Transfer of Assets

25. (1) Right of ownership in the rail commuter assets of the South African Transport Services identified by the Minister by notice in the *Gazette*, shall be transferred to the Corporation on the date referred to in section 3 (1).

(2) The notice referred to in subsection (1) shall be promulgated before or on the date referred to in section 3 (1).

(3) As consideration for the assets referred to in subsection (1), the Corporation shall issue fully paid-up shares in the Corporation to the State.

(4) The value of the assets acquired by the Corporation in terms of subsection (1) shall be determined by the Minister in consultation with the Minister of Finance.

Operational Provisions

26. (1) Items 1 to 9 and 12 of Schedule 1 shall apply *mutatis mutandis* to the operation of the Corporation and the Corporation shall possess in respect thereof the same powers as the Company.

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(2) Die Korporasie is beklee met die vermoë en bevoegdhede van 'n ten volle handelingsbevoegde natuurlike persoon vir sover 'n regspersoon oor sodanige vermoë kan beskik en sodanige bevoegdhede kan uitoefen.

(3) Sonder om afbreuk te doen aan die algemeenheid van die bepalings van subartikels (1) en (2), beskik die Korporasie oor die bevoegdheid—

(a) om kontrakte te sluit en ander regshandelinge te verrig, met inbegrip van die sluit van kontrakte met die Maatskappy vir die aanlê, instandhouding en bedryf van spoorpendeldienste;

(b) om roerende en onroerende goed of regte daarin te verkry of te vervreem;

(c) om enige immaterieelgoedereregte te verkry of te vervreem of op enige ander wyse daarmee te handel;

(d) om geld te leen, uit te leen of te belê;

(e) om finansiële instrumente, waaronder promesses, wissels, skuldbriewe, effekte, aandele en enige ander soort verhandelbare of oordraagbare dokument te maak, te trek, uit te reik, te verly, te aksepteer, te endosseer, te verdiskonteer, te koop, te verkoop en op enige ander wyse te verkry of te vervreem;

(f) om vrywarings, waarborge en borgstellings aan te gaan en betaling daarkragtens op enige wyse te sekureer;

(g) om skenkings te maak;

(h) om diensvoordele van watter aard ook al, insluitende pensioenskemas en aansporingskemas, aan die lede van die Beheerraad en werknemers toe te staan;

(i) om vennootskapskontrakte te sluit en aan gesamentlike ondernemings deel te neem; en

(j) om maatskappye op te rig of belange daarin te verkry en hulle te finansier ter bereiking of ter bevordering van sy hoofdoelstelling en om die geheel of enige gedeelte van die besigheid, bates en laste van die Korporasie aan sodanige maatskappye oor te dra.

Beheerraad

24. (1) Die sake van die Korporasie word bestuur deur 'n Beheerraad van hoogstens tien lede insluitende die voorsitter, wat deur die Minister aangestel en ontslaan word.

(2) Ten minste drie van die Beheerraadslede moet oor kundigheid en ervaring in die bestuur van 'n privaatsektoronderneming beskik.

(3) Die Minister stel met ingang van die datum in artikel 3 (1) bedoel, die eerste Beheerraad van die Korporasie aan.

(4) Die eerste Beheerraad stel 'n sekretariaat aan wat voltyds sodanige funksies verrig as wat die Beheerraad aan hulle mag opdra.

(5) Die Beheerraad kan, onderworpe aan die voorwaardes deur die Beheerraad bepaal, enigeen van sy bevoegdhede aan enige lid van die Beheerraad, werknemer of ander persoon delegeer met of sonder die bevoegdheid om sodanige bevoegdhede verder te delegeer.

(6) Enige handeling verrig deur 'n lid van die Beheerraad, werknemer of ander persoon ten behoewe van die Korporasie kan deur die Beheerraad geratifiseer word.

Oordrag van Bates

25. (1) Eiendomsreg in die spoorpendelbates van die Suid-Afrikaanse Vervoerdienste deur die Minister by kennisgewing in die *Staatskoerant* geïdentifiseer, word op die datum bedoel in artikel 3 (1) aan die Korporasie oorgedra.

(2) Die kennisgewing bedoel in subartikel (1) word voor of op die datum bedoel in artikel 3 (1) gepromulgeer.

(3) As teenprestasie vir die bates genoem in subartikel (1), reik die Korporasie volopbetaalde aandele in die Korporasie aan die Staat uit.

(4) Die waarde van die bates ingevolge subartikel (1) deur die Korporasie verkry, word deur die Minister in oorleg met die Minister van Finansies vasgestel.

Bedryfsbepalings

26. (1) Items 1 tot 9 en 12 van bylae 1 is *mutatis mutandis* op die bedryf van die Korporasie van toepassing en die Korporasie beskik in dié verband oor dieselfde magte as die Maatskappy.

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(2) The rights and obligations of the Department of Transport arising out of any operating agreement entered into between the Department of Transport and the South African Transport Services in connection with the operation of rail commuter services shall be transferred to the Corporation on the date referred to in section 3 (1).

(3) The operating agreement referred to in subsection (2) shall thereafter in so far as possible be interpreted and applied as a contract between the Corporation and the Company.

(4) Should no agreement exist between the Department of Transport and the South African Transport Services in connection with the operation of rail commuter services on the date referred to in section 3 (1), the provisions of section 15 (3) to 15 (5) shall apply *mutatis mutandis* to the continued operation by the Company of rail commuter services as if a contract to that effect had been concluded between the Company and the Corporation—

(*a*) until such time as an operating agreement has been entered into between the Company and the Corporation; or

(*b*) until the expiry of a period of written notice by the Corporation to the Company to cease the rendering of the services.

(5) The period of notice referred to in subsection (4) (*b*) shall be not less than twelve months.

Guarantee by State

27. (1) For so long as the State, whether directly or indirectly, on its own or together with employees of the Corporation, holds all the issued equity shares of the Corporation, the State guarantees all the obligations of the Corporation.

(2) Should the Corporation suffer a loss in a particular financial year, an amount equivalent to the loss, after certification by the Auditor-General, shall be paid to the Corporation by the State within three months from the date of such certification.

Accounting and Financial Statements

28. (1) The Corporation shall keep such books of account as are necessary in accordance with generally accepted accounting practice to reflect in a reasonable manner the state of the affairs and business of the Corporation and to disclose the transactions and financial condition of the Corporation.

(2) The Corporation shall draw up financial statements in respect of each financial year in a form to be stipulated by the Board of Control.

(3) The books and annual financial statements of the Corporation shall be audited annually by the Auditor-General.

(4) The Corporation's annual financial statements relating to its activities during that financial year and the report of the Auditor-General shall be tabled in Parliament by the Minister within fourteen days of receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within fourteen days of the commencement of its next ensuing ordinary session.

Liquidation

29. The Corporation shall be liquidated or placed under judicial management only on the authority of an Act of Parliament.

Regulations

30. The Minister may, by notice in the *Gazette*, promulgate regulations that are not in conflict with this Act, in connection with—

(*a*) the activities, powers, functions and duties of members of the Board of Control;

(*b*) the holding of, and procedures at, meetings of the Board of Control and any committee thereof;

(*c*) the exemption of the Corporation from the application of any law that does not apply to the State;

(*d*) the operating powers of the Corporation; and

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(2) Die regte en verpligtinge van die Departement van Vervoer voortspruitend uit enige bedryfsooreenkoms gesluit tussen die Departement van Vervoer en die Suid-Afrikaanse Vervoerdienste vir die bedryf van spoorpendeldienste, word op die datum bedoel in artikel 3 (1) aan die Korporasie oorgedra.

(3) Die bedryfsooreenkoms waarna daar in subartikel (2) verwys word, word daarna sover doenlik as 'n kontrak tussen die Korporasie en die Maatskappy uitgelê en hanteer.

(4) Indien daar op die datum bedoel in artikel 3 (1) geen ooreenkoms tussen die Departement van Vervoer en die Suid-Afrikaanse Vervoerdienste vir die bedryf van spoorpendeldienste bestaan nie, is die bepalings van artikel 15 (3) tot 15 (5) *mutatis mutandis* op die voortgesette bedryf van spoorpendeldienste deur die Maatskappy van toepassing asof 'n kontrak te dien effekte tussen die Maatskappy en die Korporasie gesluit is—

(a) tot tyd en wyl 'n bedryfsooreenkoms tussen die Maatskappy en die Korporasie gesluit is; of

(b) tot die verstryking van 'n tydperk van skriftelike kennis deur die Korporasie aan die Maatskappy gegee om die dienste te staak.

(5) Die tydperk van kennisgewing bedoel in subartikel (4) *(b)* beloop 'n tydperk van ten minste twaalf maande.

Waarborg deur Staat

27. (1) Vir solank as wat die Staat, hetsy direk of indirek, op sy eie of saam met die werknemers van die Korporasie, al die uitgereikte ekwiteitsaandele van die Korporasie hou, waarborg die Staat alle verpligtinge van die Korporasie.

(2) Indien die Korporasie in 'n bepaalde boekjaar 'n verlies ly, word 'n bedrag gelykstaande aan die verlies, na sertifisering deur die Ouditeur-generaal, binne drie maande na die datum van sodanige sertifisering deur die Staat aan die Korporasie oorbetaal.

Boekhouding en Finansiële State

28. (1) Die Korporasie hou daardie rekeningboeke wat ingevolge algemeen aanvaarde rekeningkundige praktyk nodig is om die stand van die sake en besigheid van die Korporasie redelik weer te gee en om die transaksies en finansiële stand van die besigheid van die Korporasie te verduidelik.

(2) Die Korporasie stel ten opsigte van elke boekjaar finansiële jaarstate op in die formaat deur die Beheerraad bepaal.

(3) Die boeke en finansiële jaarstate van die Korporasie word jaarliks deur die Ouditeur-generaal geoudit.

(4) Die Korporasie se finansiële jaarstate aangaande sy werksaamhede gedurende daardie boekjaar en die verslag van die Ouditeur-generaal word deur die Minister in die Parlement ter tafel gelê binne veertien dae na ontvangs daarvan indien die Parlement dan in gewone sitting is of, indien die Parlement nie dan in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting.

Likwidasie

29. Die Korporasie word slegs op gesag van 'n wet van die Parlement gelikwideer of onder geregtelike bestuur geplaas.

Regulasies

30. Die Minister kan, by kennisgewing in die *Staatskoerant*, regulasies uitvaardig wat nie met hierdie Wet strydig is nie, betreffende—

(a) die werksaamhede, bevoegdhede, funksies en pligte van die lede van die Beheerraad;

(b) die hou van en prosedures op vergaderings van die Beheerraad en 'n komitee van die Beheerraad;

(c) die vrystelling van die Korporasie van die toepassing van 'n wet wat nie op die Staat van toepassing is nie;

(d) die bedryfsmagte van die Korporasie; en

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(*e*) any matter considered desirable for the purpose of the realization of the main object of the Corporation.

Application of Laws

31. (1) The provisions of sections 18 and 19 of this Act shall apply *mutatis mutandis* to the Corporation.

(2) Subject to the provisions of subsection (3), the provisions of the Companies Act, 1973, shall not apply to the Corporation.

(3) The Minister may, at the request of the Board of Control, by notice in the *Gazette*, declare that any provision of the Companies Act, 1973, shall be made applicable to the Corporation with such amendments as he may stipulate and he may, at the request of the Board, amend or revoke such notice.

(4) The Corporation shall be exempt from the payment of any tax, transfer duty, stamp duty, levy or fee that, in terms of any law (excluding a law relating to customs and excise, sales tax or regional services levy), had it not been for this provision, would have been payable by the Corporation to the State.

(5) The exemptions for which provision is made in subsection (4) shall apply only for so long as—

(*a*) the State, whether directly or indirectly; and

(*b*) the employees of the Corporation, whether in their own name or by means of a trust,

together hold all the issued equity shares of the Corporation.

CHAPTER VI

GENERAL PROVISIONS

Transfer of Business Units

32. (1) The Company shall be entitled for the purpose of restructuring its affairs or of privatisation—

(*a*) to form companies in terms of the Companies Act, 1973;

(*b*) to divide its activities at its discretion into business units and to transfer to such companies all or some of such units, or parts thereof, including assets, liabilities, rights and obligations; and

(*c*) to acquire fully paid-up shares in those companies as consideration therefor.

(2) The provisions of sections 4 (2), (3) and (5) shall apply *mutatis mutandis* to the transfer of assets and the issue of shares in terms of subsection (1).

Powers of Registrar of Deeds

33. (1) In order—

(*a*) to record the transfer of immovable property or real rights in terms of sections 3, 9 and 25;

(*b*) to effect transfer of immovable property or real rights to a company referred to in sections 23 (3) (*j*) and 32;

(*c*) to effect transfer of right of ownership in immovable property to a person who purchased such property in terms of one of the house-ownership schemes of the South African Transport Services; or

(*d*) to register a bond in favour of the Company, the Corporation or the company in whose employ the person involved then might be, over the immovable property referred to in paragraph (*c*) as security for the payment by such person of any amount owing to the mortgagee concerned in terms of the relevant contract,

the Registrar of Deeds who exercises jurisdiction over the area in which the immovable property involved is situated, shall effect the entries, notes or endorsements that he considers necessary in or on any relevant register, title deed or other document in his office or submitted to him; provided that, should any information or document be lacking that is necessary for that purpose, it shall be provided by the Company or the mortgagee concerned in the required form.

(2) Notwithstanding the provisions of any law or regulation published under the Attorneys Act, 1979, any person in the employ of the Company who is admitted and

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(e) enige aangeleentheid wat wenslik geag word ter bereiking van die hoofdoelstelling van die Korporasie.

Toepassing van Wette

31. (1) Die bepalings van artikels 18 en 19 van hierdie Wet is *mutatis mutandis* op die Korporasie van toepassing.

(2) Behoudens die bepalings van subartikel (3), is die bepalings van die Maatskappywet, 1973, nie op die Korporasie van toepassing nie.

(3) Die Minister kan op versoek van die Beheerraad by kennisgewing in die *Staatskoerant* verklaar dat enige bepaling van die Maatskappywet, 1973, op die Korporasie van toepassing gemaak word met sodanige veranderings as wat hy mag bepaal, en die Minister kan so 'n kennisgewing op versoek van die Beheerraad wysig of intrek.

(4) Die Korporasie word vrygestel van die betaling van enige belasting, hereregte, seëlregte, heffings of gelde wat ingevolge enige wet (uitgesonder 'n wet betreffende doeane en aksyns, verkoopbelasting of streeksdiensteheffings), as dit nie vir hierdie bepaling was nie, deur die Korporasie aan die Staat betaalbaar sou gewees het.

(5) Die vrystellings vervat in subartikel (4) geld slegs vir solank as wat—

(a) die Staat, hetsy direk of indirek; en

(b) die werknemers van die Korporasie, hetsy in eie naam of deur middel van 'n trust,

saam al die uitgereikte ekwiteitsaandele van die Korporasie hou.

HOOFSTUK VI

ALGEMENE BEPALINGS

Oordrag van Besigheidseenhede

32. (1) Die Maatskappy is daarop geregtig om met die oog op die herstrukturering van sy sake of privatisering—

(a) maatskappye kragtens die Maatskappywet, 1973, op te rig;

(b) sy bedrywighede na goeddunke in besigheidseenhede in te deel en om al of sommige van sodanige eenhede of gedeeltes daarvan, met inbegrip van bates, laste, regte en verpligtinge, aan sodanige maatskappye oor te dra; en

(c) volopbetaalde aandele in daardie maatskappye as teenprestasie te ontvang.

(2) Die bepalings van artikels 4 (2), (3) en (5) is *mutatis mutandis* op die oordrag van bates en uitreiking van aandele ingevolge subartikel (1) van toepassing.

Magte van Registrateur van Aktes

33. (1) Ten einde—

(a) die oordrag van onroerende goed of saaklike regte ingevolge artikels 3, 9 en 25 te boekstaaf;

(b) oordrag te bewerkstellig van onroerende goed of saaklike regte aan 'n maatskappy bedoel in artikels 23 (3) *(j)* en 32;

(c) oordrag van eiendomsreg te bewerkstellig van onroerende goed aan 'n persoon wat sodanige goed aangekoop het ingevolge enigeen van die huiseienaarskemas van die Suid-Afrikaanse Vervoerdienste; of

(d) 'n verband ten gunste van die Maatskappy, die Korporasie of die maatskappy in wie se diens die betrokke persoon dan mag wees, te registreer oor die onroerende goed bedoel in paragraaf *(c)* as sekuriteit vir die betaling deur sodanige persoon van enige bedrag wat ingevolge die betrokke kontrak aan die betrokke verbandhouer verskuldig is,

maak die Registrateur van Aktes wat jurisdiksie uitoefen oor die gebied waar die betrokke onroerende eiendom geleë is, die inskrywings, aantekeninge of endossemente wat hy nodig ag, in of op enige tersaaklike register, titelbewys of ander stuk in sy kantoor of aan hom voorgelê; met dien verstande dat, indien enige inligting of dokument ontbreek wat vir dié doel nodig is, dit in die verlangde vorm deur die Maatskappy of die betrokke verbandhouer aan hom voorsien word.

(2) Ondanks die bepalings van enige wet of regulasie kragtens die Wet op Prokureurs, 1979, uitgevaardig, kan enige persoon in diens van die Maatskappy wat

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enrolled as a conveyancer in terms of section 18 of the said Act may carry out any act in any deeds registry in the Republic of South Africa, including the preparation, lodgment and execution of any transfer deed or document as may be required of the Company in terms of subsection (1) with regard to the registration or transfer of immovable property or real rights.

(3) Should a deed of alienation of immovable property to which the Company is a party contain a restrictive condition to the effect that such immovable property and other immovable property specified therein may not be alienated separately without the permission of the Company, the Registrar of Deeds shall record such condition in the manner that he considers to be the most practicable.

(4) A restrictive condition recorded in terms of subsection (3) shall be binding on and have legal effect in respect of all persons except a person in favour of whom a bond or restrictive condition was registered over the immovable property prior to the recording of the former restrictive condition.

Shares for Employees

34. (1) The Company or any subsidiary of the Company shall be entitled to adopt and implement any scheme providing for employees to participate in shares in the Company or the subsidiary, as the case may be, including the making of one or more offers of fully paid-up shares to employees of the Company or the subsidiary, as the case may be, with more than a prescribed number of years of service (which shall be prescribed by the Company or the subsidiary, as the case may be) with the employer concerned and its predecessors.

(2) Such offers may be made subject to such provisions, conditions or restrictions as may be decided by the employer concerned.

(3) An offer of shares in terms of subsection (1) shall for all purposes in terms of the Companies Act, 1973, be deemed to be an offer which is not made to the public.

Charges and Taxes

35. (1) No levy, tax, transfer duty, stamp duty or any other charges or fees of any nature whatsoever imposed by statute shall be paid by any one of those involved in respect of any transfer of any assets or rights in terms of or pursuant to the provisions of sections 3, 4, 9, 23 (3) *(j)*, 25, 32 and 33.

(2) The Company, the Corporation and their subsidiaries, as the case may be, shall be exempt from liability for the payment of the fees referred to in sections 63 (2) and 75 (3) of the Companies Act, 1973, and of any fees payable in terms of the Stamp Duties Act, 1968, in respect of the issue of—

(a) the shares to the State referred to in sections 2, 4 and 25;
(b) the shares to the Corporation referred to in section 23 (3) *(j)*; and
(c) the shares to the Company referred to in section 32.

(3) The exemptions for which provision is made in this section shall apply—

(a) to the Company only for as long as—
  (i) the State, directly or indirectly; and
  (ii) the employees of the Company, whether in their own name or indirectly by means of a trust,

  together hold all the issued equity shares of the Company;

(b) to the Corporation only for as long as—
  (i) the State, directly or indirectly; and
  (ii) the employees of the Corporation, whether in their own name or indirectly by means of a trust,

  together hold all the issued equity shares of the Corporation; and

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ingevolge die bepalings van artikel 18 van die genoemde Wet as transportbesorger toegelaat en ingeskryf is, enige handeling in enige akteskantoor in die Republiek van Suid-Afrika verrig, met inbegrip van die opstel, indiening en verlyding van enige transportakte of dokument, wat kragtens die bepalings van subartikel (1) vereis word ten opsigte van die registrasie of oordrag van onroerende goed of saaklike regte.

(3) Indien 'n vervreemdingsakte van onroerende goed waarby die Maatskappy 'n party is, 'n beperkende voorwaarde bevat dat daardie onroerende goed en ander onroerende goed daarin gespesifiseer nie sonder die toestemming van die Maatskappy afsonderlik vervreem mag word nie, teken die betrokke Registrateur van Aktes sodanige voorwaarde aan op die wyse wat hy as die mees uitvoerbare beskou.

(4) 'n Beperkende voorwaarde ingevolge subartikel (3) aangeteken, is bindend en het regskrag teenoor alle persone, behalwe 'n persoon ten gunste van wie 'n verband of beperkende voorwaarde teen die onroerende goed geregistreer is voordat die eersgenoemde beperkende voorwaarde aangeteken is.

Aandele aan Werknemers

34. (1) Die Maatskappy of enige filiaal van die Maatskappy is daarop geregtig om enige skema aan te neem en te implementeer wat voorsiening maak vir die deelname van werknemers in aandele van die Maatskappy of die filiaal, na gelang van die geval, met inbegrip van die maak van een of meer aanbiedinge van volopbetaalde aandele aan werknemers van die Maatskappy of die filiaal, na gelang van die geval, met meer as 'n bepaalde getal jare diens (wat deur die Maatskappy of die filiaal, na gelang van die geval, bepaal word) by die betrokke werkgewer en sy voorgangers.

(2) Sodanige aanbiedinge kan gemaak word onderworpe aan sodanige bepalings, voorwaardes of beperkings as wat die betrokke werkgewer mag bepaal.

(3) 'n Aanbod van aandele ingevolge subartikel (1) word vir alle doeleindes ingevolge die Maatskappywet, 1973, beskou as 'n aanbod wat nie aan die publiek gemaak is nie.

Koste en Belasting

35. (1) Geen heffing, belasting, hereregte, seëlreg of enige ander statutêr opgelegde koste of gelde van welke aard ook al word ten opsigte van enige oordrag van enige bates en regte kragtens of as gevolg van die bepalings van artikels 3, 4, 9, 23 (3) *(j)*, 25, 32 en 33 deur enigeen van die betrokkenes betaal nie.

(2) Die Maatskappy, die Korporasie en hulle filiale, na gelang van die geval, word ten opsigte van—

(a) die aandele aan die Staat genoem in artikels 2, 4 en 25;
(b) die aandele aan die Korporasie genoem in artikel 23 (3) *(j)*; en
(c) die aandele aan die Maatskappy genoem in artikel 32,

vrygestel van die betaling van die gelde bedoel in artikels 63 (2) en 75 (3) van die Maatskappywet, 1973, asook van enige gelde wat ingevolge die Wet op Seëlregte, 1968, ten opsigte van die uitreiking van sodanige aandele betaalbaar is.

(3) Die vrystellings in hierdie artikel vervat, geld slegs—

(a) vir die Maatskappy vir solank as wat—
  (i) die Staat, hetsy direk of indirek; en
  (ii) die werknemers van die Maatskappy, hetsy in eie naam of indirek deur middel van 'n trust,

  saam al die uitgereikte ekwiteitsaandele van die Maatskappy hou;

(b) vir die Korporasie vir solank as wat—
  (i) die Staat, hetsy direk of indirek; en
  (ii) die werknemers van die Korporasie, hetsy in eie naam of indirek deur middel van 'n trust,

  saam al die uitgereikte ekwiteitsaandele van die Korporasie hou; en

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(*c*) to a subsidiary of the Company or the Corporation, as the case may be, only for as long as—
  (i) the requirements of paragraph (*a*) or (*b*) above have been met; and
  (ii) the Company or the Corporation, as the case may be, whether on its own or together with the State or employees of the subsidiary (whether in their own name or indirectly by means of a trust), hold all the issued equity shares of the subsidiary concerned.

CHAPTER VII

AMENDMENT, REPEAL AND INTERPRETATION OF LAWS

Interpretation of Laws in Part 1 of Schedule 2

36. (1) The references to—
(*a*) the "South African Transport Services";
(*b*) the "South African Railways and Harbours Administration"; and
(*c*) the organisation referred to in paragraphs (*a*) and (*b*) regardless of the words used to refer thereto,

in the laws referred to in Part 1 of Schedule 2, shall be construed as references to the Company and the Corporation.

Interpretation of Laws in Part 2 of Schedule 2

(2) The references to—
(*a*) the "State";
(*b*) a "Department of State";
(*c*) the "South African Transport Services";
(*d*) the "South African Railways and Harbours Administration"; and
(*e*) the organisation referred to in paragraphs (*c*) and (*d*) regardless of the words used to refer thereto,

in the laws referred to in Part 2 of Schedule 2 shall be construed as including the Company and the Corporation.

Interpretation of Laws in Part 3 of Schedule 2

(3) The references to the "General Manager of the South African Transport Services", the "General Manager", or the "General Manager of the Railway Administration" in the laws referred to in Part 3 of Schedule 2 shall be construed as references to the Managing Director of the Company.

Interpretation of Laws in Part 4 of Schedule 2

(4) The references to the "Railways and Harbours Fund" in the laws referred to in Part 4 of Schedule 2 shall be construed as references to the Company and the Corporation.

Interpretation of Laws in Part 5 of Schedule 2

(5) The references to "harbour" in the laws referred to in Part 5 of Schedule 2 shall be construed as references to the harbours of which the Company has become the owner in terms of sections 3 (2) and 3 (3) (*a*) of this Act.

Repeal of Laws in Part 6 of Schedule 2

(6) The laws referred to in Part 6 of Schedule 2 are repealed to the extent indicated in the third column thereof.

Amendment, repeal or interpretation of Laws in Part 7 of Schedule 2

(7) The laws referred to in Part 7 of Schedule 2 are amended, repealed or interpreted, as the case may be, to the extent or in the manner indicated therein.

Repeal of Provisions of this Act

(8) The State President may repeal, in whole or in part, by proclamation in the *Gazette*, sections 10, 12, 14, 17 and 18 of this Act.

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(c) vir 'n filiaal van die Maatskappy of die Korporasie, na gelang van die geval, vir so lank as wat—
 (i) daar aan die vereistes van paragraaf *(a)* of *(b)* hierbo voldoen is; en
 (ii) die Maatskappy of die Korporasie, na gelang van die geval, hetsy op sy eie of saam met die Staat of werknemers van die filiaal (hetsy in eie naam of indirek deur middel van 'n trust) al die uitgereikte ekwiteitsaandele van die betrokke filiaal hou.

HOOFSTUK VII

WYSIGING, HERROEPING EN UITLEG VAN WETTE

Uitleg van Wette in Deel 1 van Bylae 2

36. (1) Die verwysings na—
(a) die "Suid-Afrikaanse Vervoerdienste";
(b) die "Suid-Afrikaanse Spoorweë- en Hawensadministrasie"; en
(c) die organisasie genoem in paragrawe *(a)* en *(b)*, afgesien van die woorde wat gebruik word om daarna te verwys,

in die wette vermeld in Deel 1 van Bylae 2, word as verwysings na die Maatskappy en die Korporasie uitgelê.

Uitleg van Wette in Deel 2 van Bylae 2

(2) Die verwysings na—
(a) die "Staat";
(b) 'n "Staatsdepartement";
(c) die "Suid-Afrikaanse Vervoerdienste";
(d) die "Suid-Afrikaanse Spoorweë- en Hawensadministrasie"; en
(e) die organisasie genoem in paragrawe *(c)* en *(d)*, afgesien van die woorde wat gebruik word om daarna te verwys,

in die wette vermeld in Deel 2 van Bylae 2, word uitgelê om die Maatskappy en die Korporasie in te sluit.

Uitleg van Wette in Deel 3 van Bylae 2

(3) Die verwysings na die "Hoofbestuurder van die Suid-Afrikaanse Vervoerdienste", die "Hoofbestuurder" of die "Hoofbestuurder van die Spoorwegadministrasie" in die wette vermeld in Deel 3 van Bylae 2 word as verwysings na die Besturende Direkteur van die Maatskappy uitgelê.

Uitleg van Wette in Deel 4 van Bylae 2

(4) Die verwysings na die "Spoorweg- en Hawefonds" in die wette vermeld in Deel 4 van Bylae 2 word as verwysings na die Maatskappy en die Korporasie uitgelê.

Wysiging van Wette in Deel 5 van Bylae 2

(5) Die verwysings na "hawe" in die wette vermeld in Deel 5 van Bylae 2 word as verwysings uitgelê na die hawens waarvan die Maatskappy kragtens die bepalings van artikels 3 (2) en 3 (3) *(a)* van hierdie Wet die eienaar geword het.

Herroeping van Wette in Deel 6 van Bylae 2

(6) Die wette genoem in Deel 6 van Bylae 2 word herroep vir sover in die derde kolom daarvan aangedui word.

Wysiging, herroeping of uitleg van Wette in Deel 7 van Bylae 2

(7) Die wette genoem in Deel 7 van Bylae 2 word gewysig, herroep of uitgelê, na gelang van die geval, in die mate of op die wyse daarin vermeld.

Herroeping van Bepalings van hierdie Wet

(8) Die Staatspresident kan artikels 10, 12, 14, 17 en 18 van hierdie Wet, in die geheel of gedeeltelik, by proklamasie in die *Staatskoerant* herroep.

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CHAPTER VIII

SHORT TITLE AND COMMENCEMENT

Short Title and Commencement

37. (1) This Act shall be called the Legal Succession to the South African Transport Services Act, 1989, and shall, subject to the provisions of subsection (2), come into operation on a date to be stipulated by the State President by proclamation in the *Gazette*.

(2) The provisions of Chapters II, III, IV, V, VI and VII of this Act shall come into operation on the date referred to in section 3 (1).

Schedule 1

OPERATING PROVISIONS, OPERATING POWERS AND OFFENCES

Compensation for Livestock killed or injured by Trains

1. (1) The Company shall pay compensation to the owner of any livestock killed or injured by a train; provided that no compensation shall be payable in respect of any livestock killed or injured where the killing or injury is due to the negligence of the owner or his employee.

(2) No person shall be entitled to compensation under this provision for the death or injury of any livestock unless he, within seventy-two hours after the death or injury of the livestock, gives notice to the officer in charge of the nearest station or employee in charge of a section, of the death or injury and of the number and kind of livestock killed or injured in respect of which compensation is claimed; provided that if an employee of the Company was aware of the death or injury, it shall be sufficient compliance with this provision if such notice be given within a reasonable time after such death or injury.

(3) The carcasses or remains of all livestock killed and all injured livestock in respect of which any compensation is claimed under this provision shall be diligently and to the best of his ability kept and preserved by the owner making the claim for a period of not less than three full days from the time when the death or injury occurred or until such time as the carcasses or remains have been inspected by a person appointed to ascertain the value of the livestock killed or injured; provided that if any livestock is seriously injured or maimed, and the owner, his employee or an employee of the Company considers it advisable, he may kill such livestock without in any way affecting the question of the liability or otherwise of the Company for the value of such livestock.

(4) A person who fails diligently and to the best of his ability to keep and preserve the carcasses and remains of livestock killed or injured as aforesaid shall not be entitled to any of the benefits of this provision.

Payment of Compensation for certain Fire Damage

2. (1) When any property has been destroyed or damaged by a fire caused by a burning object coming from a locomotive or train operated by the Company (the onus of proof of which shall be upon the claimant), the Company shall, subject to the provisions of paragraph (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 Company or its employees; provided that the Company is notified within three days of such destruction or damage.

(2) The amount of such compensation for loss of or damage to property caused by fire referred to in paragraph (1), shall be—

(a) in the case of property which at the time of the said fire was protected by a firebreak defined in paragraph (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 paragraph (3), fifty per cent of such common law damages.

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

(a) in the case of property directly adjoining a railway line, excluding property mentioned in subparagraph *(b)*, a belt of ground at least eight metres in width that was, immediately before and at the time of the fire referred to in paragraph (1), completely devoid of any inflammable material, that is situated at least forty-five metres but not more than sixty metres from the centre-line of the railway line and that extends parallel to the railway line for the full distance that 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, that was, immediately before and at the time of the fire referred to in paragraph (1), completely devoid of any inflammable material and that extends parallel to the railway line for the full distance that 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 that was, immediately before and at the time of the fire referred to in paragraph (1), completely devoid of any inflammable material and that was made along the borders of the said property;

provided that the Company may, on the written request of the owner or occupier of property, at 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 different provisions.

(4) When any property has been destroyed or damaged by fire caused by an employee of the Company acting in the course of his duty on property of the Company, the provisions of this item shall *mutatis mutandis* apply to such destruction or damage.

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HOOFSTUK VIII

KORT TITEL EN INWERKINGTREDING

Kort Titel en Inwerkingtreding

37. (1) Hierdie Wet heet die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989, en tree, behoudens die bepalings van subartikel (2), in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Die bepalings van Hoofstukke II, III, IV, V, VI en VII van hierdie Wet tree in werking op die datum bedoel in artikel 3 (1).

Bylae 1

BEDRYFSBEPALINGS, BEDRYFSMAGTE EN MISDRYWE

Vergoeding Weens Dood of Besering van Lewende Hawe deur Treine

1. (1) Die Maatskappy betaal skadevergoeding aan die eienaar van lewende hawe wat deur 'n trein gedood of beseer word; met dien verstande dat geen vergoeding ten opsigte van gedode of beseerde lewende hawe betaalbaar is nie indien die dood of besering te wyte is aan die nalatigheid van die eienaar of sy werknemer.

(2) Niemand is geregtig op skadevergoeding ingevolge hierdie bepaling op grond van die dood of besering van lewende hawe nie tensy hy binne twee-en-sewentig uur nadat die lewende hawe gedood of beseer is die werknemer in beheer van die naaste stasie of werknemer in beheer van 'n baanvak in kennis stel van die dood of besering en van die getal en soort van die gedode of beseerde lewende hawe waarvoor skadevergoeding geëis word; met dien verstande dat as 'n werknemer van die Maatskappy kennis gedra het van die dood of besering, hierdie bepaling voldoende nagekom word indien sodanige kennisgewing binne 'n redelike tyd na sodanige dood of besering geskied.

(3) Die karkasse of oorblyfsels van alle gedode lewende hawe en alle beseerde lewende hawe ten opsigte waarvan skadevergoeding ingevolge hierdie bepaling geëis word, moet deur die eienaar wat die eis instel sorgvuldig en so goed hy kan, behou en bewaar word vir minstens drie volle dae vanaf die tyd waarop die lewende hawe gedood of beseer is of tot tyd en wyl die karkasse of oorblyfsels besigtig is deur 'n persoon wat aangestel is om die waarde van die gedode of beseerde lewende hawe vas te stel; met dien verstande dat as lewende hawe ernstig beseer of vermink is en die eienaar, sy werknemer of 'n werknemer van die Maatskappy dit raadsaam ag, hy sodanige lewende hawe vankant kan maak sonder dat die aanspreeklikheid of andersins van die Maatskappy vir die waarde van sodanige lewende hawe op enigerlei wyse daardeur geraak word.

(4) Iemand wat versuim om soos voormeld die karkasse en oorblyfsels van lewende hawe wat gedood of beseer is sorgvuldig en so goed hy kan te behou en te bewaar, is nie op die voordele van hierdie bepaling geregtig nie.

Betaling van Vergoeding vir Sekere Brandskade

2. (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 Maatskappy bedryf word (waarvan die bewyslas op die eiser rus), is die Maatskappy, behoudens die bepalings van paragraaf (2), aanspreeklik vir die betaling van skadevergoeding ten opsigte van sodanige vernietiging of beskadiging en is die eiser nie verplig om te bewys dat die brand deur nalatigheid van die Maatskappy of sy werknemers veroorsaak is nie; met dien verstande dat die Maatskappy binne drie dae van sodanige vernietiging of beskadiging in kennis gestel word.

(2) Die omvang van sodanige skadevergoeding vir verlies van of skade aan eiendom veroorsaak deur 'n brand bedoel in paragraaf (1) is—

(a) in die geval van eiendom wat ten tyde van bedoelde brand deur 'n in paragraaf (3) omskrewe voorbrand beskerm was, 'n bedrag gelyk aan gemeenregtelike skadevergoeding; of

(b) in die geval van eiendom wat ten tyde van bedoelde brand nie deur 'n in paragraaf (3) omskrewe voorbrand beskerm was nie, vyftig persent van sodanige gemeenregtelike skadevergoeding.

(3) Vir die doeleindes van paragraaf (2) beteken 'n voorbrand—

(a) in die geval van eiendom wat direk aan 'n spoorlyn grens, uitgesonder eiendom bedoel in subparagraaf *(b)*, 'n strook grond minstens agt meter breed wat onmiddellik voor en ten tyde van die brand in paragraaf (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 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 enige aard, soort, klas of kategorie hoegenaamd, met inbegrip van 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 die spoorlyn wat onmiddellik voor en ten tyde van die brand in paragraaf (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 eindom loop;

(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 paragraaf (1) bedoel geheel en al vry van enige brandbare materiaal was en al langs die grense van bedoelde eiendom gemaak is;

met dien verstande dat die Maatskappy op skriftelike versoek van die eienaar of okkupeerder van eiendom na goeddunke en indien dit onder die 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 deur andersluidende voorskrifte kan vervang.

(4) Wanneer eiendom vernietig of beskadig word deur 'n brand wat veroorsaak is deur 'n werknemer van die Maatskappy handelende in die uitvoering van sy pligte op die Maatskappy se eiendom, is die bepalings van hierdie item *mutatis mutandis* op sodanige vernietiging of skade van toepassing.

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Warning

3. (1) The use of a whistle, siren or hooter of a train for at least three seconds as a warning while approaching a level crossing discharges the Company and its employees of the legal obligation to give users of the crossing audible warning of the train.

(2) The use of a whistle, siren or hooter of a train shall be obligatory only during the hours of 05h00 to 23h00 and no legal obligation shall rest on the Company to give users of a crossing audible warning of the approach of a train between 23h01 and 04h59.

(3) The use of a whistle, siren or hooter by the Company at any time in the exercising of any of its functions in terms of this Act shall be deemed not to constitute a nuisance in law.

Access

4. (1) The Company shall be entitled—

(a) in the event of damage to a railway line or pipeline as the result of a washaway, derailment, or similar accident, to enter, without previous permission, land adjoining the railway reserve, to take therefrom such reasonable quantity or earth, rock or other material as may be necessary for the purpose of effecting the necessary repairs and to construct and use thereon such temporary deviations of the railway line or pipeline as the Company may deem necessary; and

(b) should a tree, bush, growth, fence, embankment or other obstruction on land adjoining the railway reserve, in the opinion of the Company, constitute a potential danger or hindrance to the safe and proper exploitation of the railway line or pipeline or the telegraph or telephone services established in connection therewith to remove, after reasonable notice to the owner or occupier of such land, as much of such tree, bush, growth, fence, embankment or other obstruction as, in the opinion of the Company, could endanger or hinder such safe and proper exploitation; provided that should such obstruction, in the opinion of the Company, actually endanger or hinder such safe and proper exploitation, the Company may undertake the work that is immediately necessary to eliminate the danger or hindrance without such notice.

(2) The Company shall pay compensation to any person in respect of damage to property sustained by him arising out of the exercising of its powers referred to in paragraph (1).

Lost Property

5. (1) When property is found on premises under the control of the Company or in any area within the boundaries of an airport which has evidently been lost, forgotten or left behind (hereinafter referred to as "lost property") by the owner or other person who may be entitled to such property (hereinafter referred to as the "rightful owner"), the person finding such property shall immediately hand it over to the Company by handing it in at the nearest office of the Company.

(2) Notwithstanding anything to the contrary contained in the Aviation Act, 1962, and the regulations promulgated under the said Act, lost property found in that part of an airport falling under the jurisdiction of the Department of Transport and handed over to the Company in terms of paragraph (1) shall be dealt with in the same manner as laid down in paragraph (3); provided that the Department of Transport and the Company mutually agree to the basis on which the proceeds of such lost property shall be divided.

(3) Lost property handed over to the Company in terms of these provisions shall, in the case of property other than negotiable instruments, coins and banknotes, be stored in a warehouse for the account of the rightful owner and shall, in the case of negotiable instruments, coins and banknotes, be paid into an appropriate suspense account for the account of the rightful owner; provided that the Company shall not be liable for any loss of or damage to lost property thus stored in a warehouse, irrespective of how such loss or damage may have been caused.

(4) If lost property handed over to the Company in terms of these provisions is not claimed by the rightful owner within three months of the date on which it was handed over to the Company, the rightful owner shall be deemed to have relinquished ownership of the lost property and such property shall be sold at a public auction, provided that—

(a) negotiable instruments, coins and banknotes, after expiry of the period of three months referred to, shall be deemed to be the property of the Company;

(b) perishable lost property may be sold at any time and in any manner after being handed over;

(c) worthless lost property may be destroyed at any time after being handed over; and

(d) lost property to which the Department of Finance has a right in terms of the Customs and Excise Act, 1964, be handed over to the Department of Finance after expiry of the period of three months referred to.

Disposal of Unclaimed Goods

6. (1) When any goods other than lost goods referred to in item 5 have come into the possession of the Company for transport or otherwise and are not claimed by the owner or other person appearing to the Company to be entitled thereto or when a declaration in a consignment note in connection with the nature and mass of the goods is false in any material way or when the ownership of the goods is uncertain in consequence of the incorrect or incomplete address of the consignee, the Company shall, if the owner or other person be known, cause a notice to be served upon him requiring him to remove the goods.

(2) If the owner or other person be not known or the notice cannot be served on him, or if he does not comply with the notice, the Company may sell the goods by public auction, rendering the surplus (if any) of the proceeds of the sale to any person entitled thereto, and in the meantime the Company may place the goods in a warehouse and thus free itself from any further liability.

(3) Notwithstanding anything to the contrary in this item, if, on arrival at their destination, perishable goods accepted by the Company for transport be in such a condition that in the opinion of the Company they will become worthless, the Company may, if the owner or person entitled to the goods has not claimed them, proceed at once to carry out the sale thereof in any manner or, if the goods have in fact become worthless, proceed to destroy them.

(4) A sale of goods in terms of these conditions shall create for the purchaser a right of ownership in the goods, which shall be regarded for all purposes as a valid legal title against all other claimants.

Expropriation

7. (1) The Company shall be entitled, with due regard to the relevant provisions of the Expropriation Act, 1975, to expropriate movable and immovable property.

(2) For the purpose of the exercising of this power—

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Waarskuwing

3. (1) Die gebruik van 'n fluit, sirene of toeter van 'n trein vir minstens drie sekondes as 'n waarskuwing terwyl die trein 'n spoorwegoorgang nader, onthef die Maatskappy en sy werknemers van die regsverpligting om aan die gebruikers van die oorgang hoorbare waarskuwing van die aankoms van die trein te gee.

(2) Die gebruik van 'n fluit, sirene of toeter van 'n trein is slegs verpligtend gedurende die ure 05h00 tot 23h00 en geen regsverpligting rus op die Maatskappy om van 23h01 tot 04h59 aan gebruikers van 'n oorgang hoorbare waarskuwing van die aankoms van 'n trein te gee nie.

(3) Die gebruik deur die Maatskappy van 'n fluit, sirene of toeter te eniger tyd in die uitoefening van enige van sy funksies kragtens hierdie Wet word nie regtens geag 'n oorlas te wees nie.

Betreding

4. (1) Die Maatskappy is daarop geregtig om—

(a) in geval van beskadiging van 'n spoorlyn of pypleiding vanweë 'n verspoeling, ontsporing of 'n soortgelyke ongeval, sonder voorafgaande verlof grond aangrensend tot die spoorwegreserwe te betree en daarvan so 'n redelike hoeveelheid grond, rots of ander materiaal te neem as wat nodig mag wees om die nodige herstellings aan te bring en daarop sulke tydelike verleggings van die lyn of pypleiding aan te bring en te gebruik as wat die Maatskappy nodig ag; en

(b) soveel van 'n boom, bos, gewas, heining, wal of ander versperring op grond aangrensend tot 'n spoorwegreserwe of pypleiding wat volgens die oordeel van die Maatskappy die veilige en behoorlike eksploitasie van daardie lyn of pypleiding of die telegraaf- of telefoonlyn in verband daarmee ingerig, moontlik in gevaar kan stel of belemmer, na redelike kennisgewing aan die eienaar of okkupeerder van sodanige grond, te verwyder as wat volgens die oordeel van die Maatskappy moontlik bedoelde behoorlike eksploitasie in gevaar stel of belemmer; met dien verstande dat indien sodanige veilige en behoorlike eksploitasie volgens die oordeel van die Maatskappy werklik deur sodanige versperring belemmer of in gevaar gestel word, die Maatskappy die werk wat onmiddellik nodig is om die belemmering of gevaar te verwyder sonder sodanige kennisgewing kan onderneem.

(2) Die Maatskappy betaal aan enige persoon die vermoënskade wat hy gely het as gevolg van die Maatskappy se uitoefening van die magte in paragraaf (1) bedoel.

Verlore Goedere

5. (1) Wanneer goedere op eiendom onder beheer van die Maatskappy of in enige gebied binne die grense van 'n lughawe gevind word wat oënskynlik deur die eienaar of ander persoon wat daarop geregtig mag wees (hierna "die reghebbende" genoem), verloor, vergeet of agtergelaat is (hierna "verlore goedere" genoem), word dit onverwyld deur die persoon wat die goedere vind aan die Maatskappy oorhandig deur dit by die naaste kantoor van die Maatskappy in te lewer.

(2) Ondanks andersluidende bepalings in die Lugvaartwet, 1962, en die regulasies daarkragtens uitgevaardig, word daar met verlore goedere wat in daardie deel van 'n lughawe gevind word wat onder die jurisdiksie van die Departement van Vervoer ressorteer en wat ingevolge die bepalings van paragraaf (1) aan die Maatskappy oorhandig word, op dieselfde wyse gehandel soos bepaal in paragraaf (3); met dien verstande dat die Departement van Vervoer en die Maatskappy onderling ooreenkom oor die grondslag waarop die opbrengs van sodanige verlore goedere verdeel word.

(3) Verlore goedere wat ingevolge hierdie bepalings aan die Maatskappy oorhandig word, word in die geval van ander goedere as verhandelbare stukke, muntstukke en banknote in 'n pakhuis opgeslaan vir rekening van die reghebbende en in die geval van verhandelbare stukke, muntstukke en banknote op 'n toepaslike afwagrekening vir rekening van die reghebbende inbetaal; met dien verstande dat die Maatskappy nie aanspreeklik is vir enige verlies van of skade aan verlore goedere, hoe ook al veroorsaak, wat aldus in 'n pakhuis opgeslaan word nie.

(4) Indien verlore goedere wat ingevolge hierdie bepalings aan die Maatskappy oorhandig is nie binne drie maande vanaf die datum waarop dit aan die Maatskappy oorhandig is deur die reghebbende opgeëis word nie, word daar beskou dat die reghebbende afstand gedoen het van die verlore goedere en word dit by openbare veiling verkoop; met dien verstande dat—

(a) verhandelbare stukke, muntstukke en banknote na verloop van bedoelde tydperk van drie maande geag word die eiendom van die Maatskappy te wees;

(b) bederfbare verlore goedere te eniger tyd na oorhandiging en op enige wyse verkoop mag word;

(c) waardelose verlore goedere te eniger tyd na oorhandiging vernietig mag word; en

(d) verlore goedere wat ingevolge die Doeane- en Aksynswet, 1964, die Departement van Finansies toekom, na verloop van bedoelde tydperk van drie maande aan die Departement van Finansies oorhandig word.

Beskikking oor Onopgevraagde Goedere

6. (1) Wanneer goedere anders as verlore goedere bedoel in item 5, hetsy vir vervoer of andersins in die besit van die Maatskappy gekom het en nie opgeëis word deur die eienaar of ander persoon wat vir die Maatskappy daarop geregtig blyk te wees nie of wanneer 'n verklaring oor die aard en massa van goedere wat op 'n vragbrief gemaak is in 'n belangrike besonderheid vals is of wanneer dit ten gevolge van 'n onjuiste of onvoldoende adres van die geadresseerde onseker is wie die eienaar van goedere is, moet die Maatskappy, indien die eienaar of ander persoon bekend is, 'n kennisgewing op hom laat bestel waarin van hom verlang word om die goedere weg te haal.

(2) Indien die eienaar of ander persoon nie bekend is nie of die kennisgewing nie op hom bestel kan word nie of indien hy nie aan die kennisgewing voldoen nie, kan die Maatskappy die goedere by openbare veiling verkoop en die oorskot (indien daar is) van die opbrengs van die verkoping uitkeer aan wie ook al daarop geregtig is; intussen kan die Maatskappy die goedere in 'n pakhuis plaas en hom aldus van verdere aanspreeklikheid bevry.

(3) Ondanks andersluidende bepalings van hierdie item, indien bederfbare goedere wat deur die Maatskappy vir vervoer aangeneem is by aankoms by die bestemming in so 'n toestand is dat dit volgens die oordeel van die Maatskappy waardeloos sal word, kan die Maatskappy, indien die eienaar of die persoon wat op die goedere geregtig is dit nie opgeëis het nie, onverwyld tot die verkoop daarvan op enige wyse oorgaan of, indien die goedere werklik waardeloos geword het, dit laat vernietig.

(4) 'n Verkoping van goedere ingevolge hierdie voorwaardes verleen aan die koper eiendomsreg op die goedere wat vir alle doeleindes as 'n regsgeldige titel teenoor ander aanspraakmakers beskou word.

Onteiening

7. (1) Die Maatskappy is daarop geregtig om, met inagneming van die toepaslike bepalings van die Onteieningswet, 1975, roerende en onroerende goed te onteien.

(2) Vir die doel van die uitoefening van hierdie bevoegdheid word—

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(a) the references in section 4 of the Expropriation Act, 1975, to the South African Transport Services shall be construed as references to the Company;
(b) the reference therein to the South African Transport Services Act, 1981, shall be construed as a reference to paragraph (1) hereof;
(c) the reference therein to the Minister shall be construed as a reference to the Chairman of the Company;
(d) the reference therein to the General Manager and a Deputy General Manager shall be construed as a reference to the Managing Director and any other Director of the Company; and
(e) section 4 (4) of the Expropriation Act, 1975, is repealed.

(3) The Company shall be entitled, in contemplation of an expropriation in terms of paragraph (1) hereof, to enter upon any land with the necessary workmen, equipment and vehicles to survey and take levels of the land, to dig or bore into the soil, to construct and maintain a measuring weir in any river or stream, to demarcate the boundaries of any land and to perform any other act that is reasonably necessary in order to ascertain whether any land or rights which may be required by the Company for the construction or deviation of any railway, or for any other of its activities, is or are suitable for the purposes contemplated; provided that the Company may specially authorize any person to exercise the said powers and provided that no such person shall, without the consent of the owner or occupier, enter any dwelling or enter upon any enclosed yard or garden attached to a dwelling unless he has given the owner or occupier at least twenty-four hours' notice of his intention to do so.

Construction Work

8. (1) The Company shall be exempted from the application of the provisions of any by-law or the requirements of any local authority which relates to construction work on property under the control of the Company, including the construction, maintenance, alteration and repair of any tunnel, bridge, culvert, viaduct, retaining wall, railway line, platform, road embankment, cutting, passage, crossing, pipeline, drainage work, fence, harbour work or supporting structure for the purpose of a railway, pipeline or harbour.

(2) Subsection (1) shall not be applicable to buildings to which the public has access or which are intended for use by employees of the Company or other persons as offices or workshops.

Telecommunication and Electricity Supply Networks

9. (1) Subject to the provisions of paragraph (2), the Company shall be entitled, for the purpose of any activity in which it may legally engage, to construct and maintain telecommunication and electricity supply networks on any premises or at any place that it occupies for the purpose of any such activity or between such premises or place and any other premises or place that it likewise occupies.

(2) In the exercising of its powers in terms of paragraph (1), the Company shall be entitled to enter upon any land or public road and to carry out any excavations there that are necessary for the erection of poles and the laying of lines or underground connections and to erect or lay the necessary poles, cables or wires; provided that—
(a) no excavations for the erection of poles or the laying of cables or wires shall be carried out without the prior written authority of the local authority under whose control such road falls;
(b) all surface telecommunication cables or wires shall be at least three metres (or three comma six five metres in the immediate vicinity of a town) above the surface unless carried over a street, road or pathway over which vehicular traffic may be expected, in which event they shall be at least four comma two five metres (or five comma five metres in the immediate vicinity of a town) above the surface;
(c) all electricity supply networks shall comply with the requirements of all applicable laws; and
(d) all cables, wires or connections shall be constructed in such manner as not to obstruct or hinder the free use or enjoyment of such street, road or pathway to a greater degree than is absolutely necessary for the proper construction, placing in service or maintenance of the system.

(3) The Company shall pay compensation to any person in respect of damage to property sustained by him arising out of the exercising of its powers for which provision is made in this item.

Harbours

10. (1) The harbours of the Company are compulsory pilotage harbours with the result that every ship entering, leaving or moving in such a harbour shall be navigated by a pilot who is an employee of the Company, with the exception of ships that are exempt by statute or regulation.

(2) It shall be the pilot's function to navigate a ship in the harbour, to direct its movements and to determine and control the movements of the tugs assisting the ship under pilotage.

(3) The pilot shall determine the number of tugs required for pilotage in consultation with the Port Captain, whose decision shall be final.

(4) A master shall at all times remain in command of his ship and neither he nor any person under his command may, while the ship is under pilotage, in any way interfere with the navigation or movement of the ship or prevent the pilot from carrying out his duties except in the case of an emergency, where the master may intervene to preserve the safety of his ship, cargo or crew and take whatever action he deems necessary to avert the danger.

(5) Where a master intervenes, he shall immediately inform the pilot thereof and, after having restored the situation, he shall permit the pilot to proceed with the execution of his duties.

(6) The master shall ensure that the officers and crew are at their posts, that a proper look-out is kept and that the pilot is given every assistance in the execution of his duties.

(7) The Company and the pilot shall be exempt from liability for loss or damage caused by a negligent act or omission on the part of the pilot.

(8) For the purpose of this item, "pilot" shall mean any person duly licensed by the Company to act as a pilot at a particular harbour.

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(a) die verwysings in artikel 4 van die Onteieningswet, 1975, na die Suid-Afrikaanse Vervoerdienste as verwysings na die Maatskappy uitgelê;
(b) die verwysing daarin na die Suid-Afrikaanse Vervoerdienstewet, 1981, as 'n verwysing na paragraaf (1) hiervan uitgelê;
(c) die verwysing daarin na die Minister as 'n verwysing na die Voorsitter van die Maatskappy uitgelê;
(d) die verwysing daarin na die Hoofbestuurder en 'n Adjunk-hoofbestuurder as 'n verwysing na die besturende direkteur en enige ander direkteur van die Maatskappy uitgelê; en
(e) artikel 4 (4) van die Onteieningswet, 1975, herroep.

(3) Die Maatskappy is daarop geregtig om met die oog op 'n onteiening ingevolge paragraaf (1) hiervan enige grond te betree met die nodige werksmense, toerusting en voertuie om enige grond op te meet en die hoogtes daarvan te bepaal, om op of in enige grond te grawe of te boor, om 'n meetdam in enige rivier of stroom te bou en in stand te hou, om die grense van enige grond af te baken en om enige ander handeling te verrig wat redelik nodig is ten einde vas te stel of enige grond of regte wat deur die Maatskappy vir die aanleg of verlegging van 'n spoorweg of vir een van sy ander bedrywighede benodig word vir die voorgenome doel geskik is; met dien verstande dat die Maatskappy enigiemand bepaald kan magtig om genoemde magte uit te oefen en met dien verstande dat so iemand nie sonder toestemming van die eienaar of bewoner 'n woning mag binnegaan of 'n afgekampte werf of tuin wat aan 'n woning verbonde is, mag betree nie tensy hy die eienaar of bewoner minstens vier-en-twintig uur kennis gegee het van sy voorneme om dit te doen.

Konstruksiewerk

8. (1) Die Maatskappy word vrygestel van die toepassing van die bepalings van enige bywet of die voorskrifte van enige plaaslike owerheid met betrekking tot enige konstruksiewerk op eiendom onder die Maatskappy se beheer insluitende die bou, instandhou, verander en herstel van enige tonnel, brug, duiker, viaduk, keermuur, spoorlyn, perron, pad, opvulling, deurgrawing, deurgang, oorgang, pyplyn, dreineringswerk, omheining, hawewerk of enige ondersteuningstruktuur ten opsigte van voorgaande vir doeleindes van 'n spoorweg, pypleiding of hawe.

(2) Subartikel (1) het nie betrekking op geboue waartoe die publiek toegang het of wat bestem is vir gebruik as kantore of werkswinkels deur werknemers van die Maatskappy of ander persone nie.

Telekommunikasie en Elektrisiteitvoorsieningverbindings

9. (1) Die Maatskappy is, onderworpe aan die bepalings van paragraaf (2), daarop geregtig om vir die doeleindes van enige bedrywigheid wat hy wettiglik mag onderneem telekommuniskasieverbindings en elektrisiteitvoorsieningverbindings aan te lê en in stand te hou in of op enige perseel of plek wat hy vir die doeleindes van enige sodanige bedrywigheid okkupeer, of tussen so 'n perseel of plek en enige ander perseel of plek wat hy aldus okkupeer.

(2) Die Maatskappy is by die uitoefening van sy magte ingevolge paragraaf (1), daarop geregtig om enige grond of openbare pad te betree en daarin alle uitgrawings te doen wat nodig is vir die oprig van pale en die aanlê van lyne en ondergrondse verbindings en om die nodige pale, kabels of drade op te rig of te lê; met dien verstande dat—
(a) geen uitgrawings vir die oprig van pale of die lê van kabels of drade in enige openbare pad gemaak word sonder die voorafverkreë skriftelike toestemming van die plaaslike owerheidsliggaam onder wie se beheer sodanige pad val nie;
(b) alle bogrondse telekommunikasiekabels of -drade minstens drie meter (of, in die onmiddellike omgewing van 'n dorp, drie komma ses vyf meter) bo grondoppervlak moet wees behalwe indien dit gespan word oor 'n straat of pad of 'n paadjie waarop voertuigverkeer verwag kan word, in welke geval dit minstens vier komma twee vyf meter (of, in die onmiddellike omgewing van 'n dorp, vyf komma vyf meter) bo die grondoppervlak moet wees;
(c) alle elektrisiteitvoorsieningnetwerke voldoen aan die bepalings van alle toepaslike wette; en
(d) kabels, drade of verbindings op so 'n wyse aangebring moet word dat die vrye gebruik of genot van sodanige straat, pad of paadjie nie in 'n groter mate verhinder of belemmer word as wat volstrek nodig is vir die behoorlike aanlê, indiensstelling en instandhouding van so 'n verbinding nie.

(3) Die Maatskappy betaal aan enige persoon die vermoënskade wat hy gely het as gevolg van die Maatskappy se uitoefening van die magte waarvoor in hierdie item voorsiening gemaak word.

Hawens

10. (1) Die hawens van die Maatskappy is verpligte loodshawens, wat tot gevolg het dat elke skip wat enige sodanige hawe binnekom, verlaat of daarin beweeg deur 'n loods, wat 'n werknemer van die Maatskappy is, genavigeer word, behalwe skepe wat by wet of regulasie vrygestel is.

(2) Dit is die loods se funksie om 'n skip in die hawe te navigeer en sy bewegings te rig en om die bewegings van die sleepbote te bepaal en te beheer wat bystand verleen aan die skip wat onder loodsdiens is.

(3) Die loods bepaal die aantal sleepbote wat vir loodswerk nodig is in oorleg met die Hawekaptein, wie se beslissing finaal is.

(4) 'n Gesagvoerder bly te alle tye in bevel van sy skip en nòg hy nòg enige persoon onder sy beheer mag op enige wyse inmeng met die navigasie of beweging van die skip of verhoed dat die loods sy pligte uitvoer terwyl die skip geloods word, behalwe dat die gesagvoerder in 'n geval van nood ten einde die veiligheid van sy skip, vrag of bemanning te verseker, kan ingryp en sodanige stappe mag doen as wat hy nodig ag om die gevaar af te weer.

(5) Indien 'n gesagvoerder inmeng, lig hy die loods onmiddellik daaroor in en laat hy die loods na regstelling van die situasie toe om met die uitvoering van sy pligte voort te gaan.

(6) Die gesagvoerder verseker dat die offisiere en bemanningslede op hul poste is, dat daar deeglik wag gehou word en dat aan die loods al die nodige bystand in die uitvoering van sy pligte verleen word.

(7) Die Maatskappy en die loods word onthef van aanspreeklikheid vir verlies of skade wat veroorsaak word deur die nalatige optrede of versuim van die loods.

(8) Vir die doeleindes van hierdie item beteken "loods" enige persoon wat behoorlik deur die Maatskappy gelisensieer is om as loods by 'n besondere hawe op te tree.

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11. The Company shall be entitled—
(a) to order that a ship, which has been arrested or attached by order of court or otherwise, be moved to another place within the harbour and, if necessary, to move such ship to that place;
(b) to erect, maintain and operate lighthouses, beacons, port lights and signal stations;
(c) to remove any light which may confuse a ship if the owner of the property on which the light is used or the person having charge of such light fails to extinguish or effectively screen it within seven days of notice to do so having been served on him and to recover the expenses of such removal from the said owner or person;
(d) to raise, remove or destroy any sunken, stranded or abandoned ship or wreck within the area owned by the Company, to recover from the person liable in terms of this paragraph all costs incurred in such raising, removal or destruction and in lighting, buoying, marking or detaining the ship or wreck and, on non-payment after written demand of such costs or any part thereof, to sell such ship or wreck and out of the proceeds of the sale defray such unpaid costs, rendering the surplus, if any, to the person entitled thereto and recovering any unpaid balance from the owner of such ship or wreck or from the person who was the owner of the ship at the time it was sunk, stranded or abandoned; and
(e) to give notice to the owner or other person legally responsible for the upkeep of any ship within the area of the Company, calling upon him to remove or otherwise dispose of such ship which in the opinion of the Company is not seaworthy or which is likely to become an obstruction, wreck or derelict, and to do whatever may be necessary for the removal or disposal of such ship and to recover all costs incurred from the said owner or person should the said owner or person fail to comply with such notice within the time specified therein.

Offences

12. (1) A person who—
(a) smokes in any place or in any vehicle under the control of the Company where a notice forbidding smoking in that place is displayed;
(b) enters or leaves any train while it is in motion or at a place other than at the side of a coach or other vehicle adjoining the platform, or at another place appointed by the Company for passengers to enter or leave the coach or other vehicle, or opens any outer door of any coach or other vehicle while it is in motion;
(c) travels or attempts to travel on or in any part of a train not intended for the use of passengers;
(d) knowingly acts in such a manner as to inconvenience in an unreasonable manner a passenger in any vehicle of the Company;
(e) occupies a seat in a vehicle, enters a part of a vehicle, or is present at a place in a vehicle that he is not entitled to occupy, enter or be present in;
(f) disobeys a reasonable instruction from an employee of the Company, the purpose of which is to maintain order on any premises or vehicle under the control of the Company or to control any emergency which may prevail on such premises or vehicle;
(g) performs any act on premises or a vehicle under the control of the Company that could cause the injury or death of a person or damage to property;
(h) crosses a railway line without the authority of the Company at a place where a level crossing or pedestrian crossing has not been constructed;
(i) performs any act that hinders the proper exploitation of a service of the Company or that endangers or might endanger the lives of persons travelling on a vehicle;
(j) without lawful authority moves any part of the rolling stock on a railway line or places or leaves it on any part of a railway line;
(k) without lawful authority moves any signals, indicators, points, rods, wires, sleepers, rails, stop blocks or any other track equipment or machinery or interferes with the operation thereof or displays any signal which could probably be misleading;
(l) without the prior permission of the Company or without sound and adequate reason makes use of or interferes with a means of communication provided by the Company between passengers and an employee or between employees of the Company;
(m) without the permission of the Company offers any article for sale, sells any article or distributes any article free of charge on premises or a vehicle under the control of the Company;
(n) without the prior permission of the Company brings a firearm onto premises or a vehicle under the control of the Company;
(o) enters a vehicle of the Company or travels therein knowing that he is suffering from an infectious or contagious disease;
(p) fails to immediately hand over to the Company, in accordance with item 5 of this Schedule, lost property found on property under the control of the Company or within the boundaries of an airport or removes an article, which he has no right to remove, from such place;
(q) wilfully obstructs or hinders an employee of the Company in the execution of his duties;
(r) drives an animal onto a railway line or within the area of a railway reserve or wilfully permits it to stray thereon or therein for a purpose other than that of lawfully crossing the railway line, whether he be the owner of the animal or only in charge thereof;
(s) is present in a vehicle under the control of the Company and refuses, upon being requested to do so by an authorized official of the Company, to hand over a valid ticket, letter of authority or the applicable cash amount for the actual journey being undertaken; or
(t) without the permission of the Company places himself in such a position that any part of his body or any object in contact with his body is closer than one metre from the live overhead track equipment forming part of the Company's electrification network,

shall be guilty of an offence and on conviction any competent court may impose, in its discretion, a fine or imprisonment, or a fine and imprisonment, or any other suitable punishment within its jurisdiction.

(2) For the purposes of paragraph (1), "vehicle" means a train, a passenger coach or other form of rolling stock, an aircraft, a motor vehicle, a ship or other marine craft.

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11. Die Maatskappy is daarop geregtig—

(a) om opdrag te gee dat 'n skip wat gearresteer of waarop beslag gelê is uit hoofde van 'n hofbevel of andersins, na enige plek in die hawe verskuif moet word en indien nodig, om sodanige skip na daardie plek in die hawe te verskuif;

(b) om vuurtorings, bakens, haweligte en seinstasies op te rig, in stand te hou en te bedryf;

(c) om enige lig wat 'n skeepsvaartuig kan verwar, te verwyder indien die eienaar van die eiendom waarop die lig gebruik word of die persoon wat oor sodanige lig toesig het in gebreke bly om dit te doof of doeltreffend te maskeer binne sewe dae nadat kennisgewing daartoe aan hom bestel is en om die onkoste van sodanige verwydering op bedoelde eienaar of persoon te verhaal;

(d) om enige gesinkte, gestrande of verlate skip of wrak binne die eiendomsgebied van die Maatskappy te lig, te verwyder of te vernietig; om alle koste verbonde aan sodanige ligting, verwydering of vernietiging en die voorsiening van ligte of boeie aan die skip of wrak of die merk of aanhouding daarvan op die ooreenkomstig hierdie paragraaf aanspreeklike persoon te verhaal, en om by wanbetaling van sodanige koste of 'n gedeelte daarvan, na skriftelike aanmaning, die skip of wrak te verkoop en die onbetaalde koste uit die opbrengs van die verkoop te vereffen en die oorskot (as daar is) aan die daarop geregtigde persoon oor te betaal of enige nog uitstaande saldo te verhaal op die eienaar van die skip of wrak of op die persoon wat die eienaar van die skip was toe dit gesink of gestrand het of verlaat is; en

(e) om die eienaar of ander persoon wat regtens verantwoordelik is vir die instandhouding van 'n skip binne die eiendomsgebied van die Maatskappy by kennisgewing aan te sê om sodanige skip wat volgens die oordeel van die Maatskappy nie in 'n seewaardige toestand verkeer nie of wat moontlik 'n versperring, wrak of verlate skip kan word, te verwyder of andersins daaroor te beskik en indien so 'n eienaar of persoon versuim om binne die daarin bepaalde tyd aan die kennisgewing te voldoen, alle handelinge te verrig wat nodig mag wees om sodanige skip te verwyder of daaroor te beskik en om alle koste op bedoelde eienaar of persoon te verhaal.

Misdrywe

12. (1) Iemand wat—

(a) rook op enige plek of in enige voertuig onder die beheer van die Maatskappy waarin 'n kennisgewing aangebring is dat daar nie aldaar gerook mag word nie;

(b) op of uit 'n bewegende trein klim of op 'n ander plek as aan die kant van 'n passasierswa of ander voertuig langs die perron of ander plek deur die Maatskappy aangewys vir die in- of uitstap van passasiers of 'n buitedeur van 'n bewegende passasierswa of ander voertuig oopmaak;

(c) op of in 'n deel van 'n trein wat nie vir die gebruik van passasiers bestem is nie reis of probeer reis;

(d) opsetlik 'n handeling verrig wat onredelikerwys 'n passasier op enige voertuig van die Maatskappy verontrief;

(e) 'n sitplek op 'n voertuig okkupeer of 'n gedeelte van 'n voertuig binnegaan of aanwesig is op 'n plek op die voertuig wat hy nie geregtig is om te okkupeer, binne te gaan of te wees nie;

(f) 'n redelike opdrag van 'n werknemer van die Maatskappy verontagsaam wat daarop gerig is om orde te handhaaf op enige perseel of voertuig onder beheer van die Maatskappy of enige noodsituasie wat mag ontstaan op sodanige perseel of voertuig te beheer;

(g) 'n handeling verrig op 'n perseel of voertuig onder beheer van die Maatskappy wat besering of dood van 'n persoon of skade aan eiendom kan verrig;

(h) sonder magtiging van die Maatskappy 'n spoorlyn kruis op 'n plek waar daar nie 'n spoorwegoorgang of voetgangersoorgang is nie;

(i) 'n handeling verrig wat die behoorlike eksploitasie van 'n diens van die Maatskappy belemmer of die lewens van persone wat op 'n voertuig reis in gevaar stel of in gevaar kan stel;

(j) sonder wettige magtiging 'n deel van die rollende materiaal op 'n spoorlyn beweeg of dit op 'n gedeelte van 'n spoorlyn plaas of dit daar laat;

(k) sonder wettige magtiging sinjale, aanwysers, wissels, stange, drade, dwarslêers, spoorstawe, stopblokke of enige ander spoorbaantoerusting of -masjinerie beweeg of die werking daarvan beïnvloed of 'n sein vertoon wat waarskynlik kan mislei;

(l) sonder die voorafverkreë toestemming van die Maatskappy of sonder gegronde en voldoende rede gebruik maak van of hom bemoei met 'n middel wat deur die Maatskappy daargestel is vir kommunikasie tussen passasiers en 'n werknemer of tussen werknemers van die Maatskappy;

(m) sonder toestemming van die Maatskappy op 'n perseel of voertuig onder beheer van die Maatskappy enige artikel te koop aanbied, verkoop of kosteloos versprei;

(n) sonder die voorafverkreë toestemming van die Maatskappy 'n vuurwapen op 'n perseel of voertuig onder beheer van die Maatskappy bring;

(o) wetend dat hy aan 'n besmetlike of aansteeklike siekte ly 'n voertuig van die Maatskappy betree of daarop reis;

(p) versuim om verlore goedere ingevolge die bepalings van item 5 op eiendom onder die beheer van die Maatskappy of binne die grense van 'n lughawe gevind word onverwyld aan die Maatskappy te oorhandig of 'n artikel van so 'n gebied verwyder wat hy nie die reg het om te verwyder nie;

(q) opsetlik 'n werknemer van die Maatskappy in die uitvoering van sy dienspligte belemmer of hinder;

(r) 'n dier op 'n spoorlyn of binne die gebied van 'n spoorwegreserwe aanjaag of opsetlik daarop laat loop vir 'n ander doel as om die spoorlyn wettig oor te gaan, hetsy hy die eienaar van die dier is of slegs toesig daaroor het;

(s) hom in 'n voertuig onder beheer van die Maatskappy bevind en op versoek van 'n gemagtigde werknemer versuim om 'n geldige reiskaartjie, magtigingsbrief of die toepaslike kontantbedrag vir die bepaalde reis wat onderneem word, te oorhandig; of

(t) sonder die toestemming van die Maatskappy hom in so 'n posisie plaas dat enige gedeelte van sy liggaam of enige voorwerp wat met sy liggaam in aanraking is, nader as een meter vanaf die lewendige bobaantoerusting wat deel uitmaak van die elektrifikasienetwerk van die Maatskappy is,

is skuldig aan 'n misdryf en by skuldigbevinding kan enige bevoegde hof na goeddunke 'n boete of gevangenisstraf of 'n boete en gevangenisstraf of enige ander gepaste straf wat binne die hof se jurisdiksie val, oplê.

(2) Vir doeleindes van paragraaf (1), beteken "voertuig" 'n trein, passasierswa of ander rollende materiaal, vliegtuig, 'n motorvoertuig, 'n skip of ander skeepsvaartuig.

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Schedule 2

AMENDMENT, REPEAL AND INTERPRETATION OF LAWS
SCHEDULE 2 PART 1

No. and year of Act	Short title	No. of section (or description of provision where otherwise indicated)
24 of 1921	Durban Waterworks Consolidation (Private) Act, 1921	7 and 20
9 of 1927	Land Survey Act, 1927	46 (1) *(b)*
12 of 1927	Durban Borough (Extension of Area) Act, 1927	Wherever it appears in Act
21 of 1935	Sea-shore Act, 1935	13 *(b)*
21 of 1940	Advertising on Roads and Ribbon Development Act, 1940	9 (1) *(b)*, 9A (1) (ii) and 11 (4A)
44 of 1948	Transport (Co-ordination) Act, 1948	3 (6)
40 of 1949	Transfer Duty Act, 1949	9 (9)
17 of 1950	Rand Water Board Statutes (Private) Act, 1950	143 and 144B (4)
26 of 1950	Cape Town Foreshore Act, 1950	10 (1) *(g)*
54 of 1956	Water Act, 1956	5 (3), 11 (2), 14, 23 (1) *(a)*, 56 (3), 69 (1) *(a)*, 82 (2), 89 (1) *(j)*, 94 (1), 108 (2), 110 (1) *(a)* and (i), 113 (1) *(b)*, 152 and 175
44 of 1957	Defence Act, 1957	99 (2) and 144
44 of 1958	Post Office Act, 1958	1 (in the definition of "railway") and 79
41 of 1960	Level Crossings Act, 1960	Wherever it appears in Act
61 of 1961	Indemnity Act, 1961	1 (1) *(d)*
91 of 1964	Customs and Excise Act, 1964	38 (3) *(b)* and 43 (3)
45 of 1965	Atmospheric Pollution Prevention Act, 1965	47 (4)
88 of 1967	Physical Planning Act, 1967	6B (1)
59 of 1968	Marketing Act, 1968	96
76 of 1969	Soil Conservation Act, 1969	17 (1)
89 of 1970	National Supplies Procurement Act, 1970	18 (2) *(b)* (iii)
54 of 1971	National Roads Act, 1971	4 (3) *(a)*, 12 (1) and 13 (2) *(a)*
78 of 1977	Urban Transport Act, 1977	13 (1) *(c)*
53 of 1979	Attorneys Act, 1979	83 (12) *(c)*
73 of 1980	Dumping at Sea Control Act, 1980	1 (2)
84 of 1982	Protection of Information Act, 1982	1 (1) (in the definition of "Government")
9 of 1983	Perishable Products Export Control Act, 1983	10 *(g)*
35 of 1984	Animal Diseases Act, 1984	26 (1) and (3)
79 of 1984	Rating of State Property Act, 1984	3 (3) *(b)*
122 of 1984	Forest Act, 1984	24 (3) *(b)*
40 of 1987	Eskom Act, 1987	1 (in the definition of "undertaking") and 5 (1) *(e)*

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Bylae 2

WYSIGING, HERROEPING EN UITLEG VAN WETTE
BYLAE 2 DEEL 1

No. en jaar van Wet	Kort titel	No. van artikel (of beskrywing van bepaling waar anders aangedui)
24 van 1921	Durban Waterwerken Konsolodatie (Private) Wet, 1921	7 en 20
9 van 1927	Opmetingswet, 1927	46 (1) *(b)*
12 van 1927	Wet tot Uitbreiding van die Stadsgebied van Durban, 1927	Oral waar dit in Wet voorkom
21 van 1935	Strandwet, 1935	13 *(b)*
21 van 1940	Wet op Adverteer Langs en Toebou van Paaie, 1940	9 (1) *(b)*, 9A (1) (ii) en 11 (4A)
44 van 1948	Wet op die Koördinering van Vervoer, 1948	3 (6)
40 van 1949	Wet op Hereregte, 1949	9 (9)
17 van 1950	Private Wet op die Randwaterraadstatute, 1950	143 en 144B (4)
26 van 1950	Wet op die Strandgebied, Kaapstad, 1950	10 (1) *(g)*
54 van 1956	Waterwet, 1956	5 (3), 11 (2), 14, 23 (1) *(a)*, 56 (3), 69 (1) *(a)*, 82 (2), 89 (1) *(j)*, 94 (1), 108 (2), 110 (1) *(a)* en (i), 113 (1) *(b)*, 152 en 175
44 van 1957	Verdedigingswet, 1957	99 (2) en 144
44 van 1958	Poswet, 1958	1 (in die omskrywing van "spoorweg") en 79
41 van 1960	Wet op Spooroorgange, 1960	Oral waar dit in Wet voorkom
61 van 1961	Wet op Vrywaring, 1961	1 (1) *(d)*
91 van 1964	Doeane- en Aksynswet, 1964	38 (3) *(b)* en 43 (3)
45 van 1965	Wet op Voorkoming van Lugbesoedeling, 1965	47 (4)
88 van 1967	Wet op Fisiese Beplanning, 1967	6B (1)
59 van 1968	Bemarkingswet, 1968	96
76 van 1969	Grondbewaringswet, 1969	17 (1)
89 van 1970	Wet op die Verkryging van Landsvoorrade, 1970	18 (2) *(b)* (iii)
54 van 1971	Wet op Nasionale Paaie, 1971	4 (3) *(a)*, 12 (1) en 13 (2) *(a)*
78 van 1977	Wet op Stedelike Vervoer, 1977	13 (1) *(c)*
53 van 1979	Wet op Prokureurs, 1979	83 (12) *(c)*
73 van 1980	Wet op Beheer van Storting ter See, 1980	1 (2)
84 van 1982	Wet op die Beveiliging van Inligting, 1982	1 (1) (in die omskrywing van "Regering")
9 van 1983	Wet op Reëling van die Uitvoer van Bederfbare Produkte, 1983	10 *(g)*
35 van 1984	Wet op Dieresiektes, 1984	26 (1) en (3)
79 van 1984	Wet op Belasting op Staatsgoed, 1984	3 (3) *(b)*
122 van 1984	Boswet, 1984	24 (3) *(b)*
40 van 1987	Eskomwet, 1987	1 (in die omskrywing van "onderneming") en 5 (1) *(e)*

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No. and year of Act	Short title	No. of section (or description of provision where otherwise indicated)
41 of 1987	Electricity Act, 1987	1 (in the definition of "undertaking") and 17
58 of 1987	Transport Advisory Council Act, 1987	3 (1) *(a)* and *(i)* and 9

Schedule 2 Part 2

No. and year of Act	Short title	No. of section (or description of provision where otherwise indicated)
16 of 1937	Uitenhage (Groendal) Water (Private) Act, 1937	6 (in the third place in which the reference appears)
58 of 1962	Income Tax Act, 1962	9 (1) *(e)*, 10 (1) *(h)*, 10 (1) *(p)*, 10 (1) *(r)*, 11 *sex* and in paragraph 20 (1) *(a)* *(i)* of the First Schedule
70 of 1970	Subdivision of Agricultural Land Act, 1970	Item *(c)* in the definition of "agricultural land" in 1, and 2 *(a)*
89 of 1970	National Supplies Procurement Act, 1970	2A
103 of 1977	National Building Regulations and Building Standards Act, 1977	2 (3) and (4) but this provision shall lapse two years after the date referred to in section 3 (1) of this Act
41 of 1987	Electricity Act, 1987	6 (1) *(a)*

Schedule 2 Part 3

No. and year of Act	Short title	No. of section (or description of provision where otherwise indicated)
44 of 1948	Transport (Co-ordination) Act, 1948	3 (5) *(a)* (ii)
41 of 1960	Level Crossings Act, 1960	Wherever it appears in Act
99 of 1987	Fire Brigade Services Act, 1987	2 (2) (i)

Schedule 2 Part 4

No. and year of Act	Short title	No. of section
26 of 1950	Cape Town Foreshore Act, 1950	14 (1)
94 of 1969	Members of Statutory Bodies Pension Act, 1969	2 (3) *(c)*

Schedule 2 Part 5

No. and year of Act	Short title	Description of provision
57 of 1951	Merchant Shipping Act, 1951	Paragraph *(b)* of the definition of "port" in section 2 (1) in the first place where it occurs in that paragraph
2 of 1981	Marine Traffic Act, 1981	The definition of "harbour" in section 1

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No. en jaar van Wet	Kort titel	No. van artikel (of beskrywing van bepaling waar anders aangedui)
41 van 1987	Elektrisiteitwet, 1987	1 (in die omskrywing van "onderneming") en 17
58 van 1987	Wet op die Vervoeradviesraad, 1987	3 (1) *(a)* en *(i)* en 9

Bylae 2 Deel 2

No. en jaar van Wet	Kort titel	No. van artikel (of beskrywing van bepaling waar anders aangedui)
16 van 1937	Uitenhage (Groendal) Water (Private) Wet, 1937	6 (in die derde plek waar die verwysing verskyn)
58 van 1962	Inkomstebelastingwet, 1962	9 (1) *(e)*, 10 (1) *(h)*, 10 (1) *(p)*, 10 (1) *(r)*, 11 *sex* en in paragraaf 20 (1) *(a)* *(i)* van die Eerste Bylae
39 van 1970	Wet op die Verkryging van Landsvoorrade, 1970	2A
70 van 1970	Wet op die Onderverdeling van Landbougrond, 1970	item *(c)* in die omskrywing van "landbougrond" in 1, en 2 *(a)*
103 van 1977	Wet op Nasionale Bouregulasies en Boustandaarde, 1977	2 (3) en (4) maar hierdie bepaling verval twee jaar na die datum in artikel 3 (1) van hierdie Wet bedoel
41 van 1987	Elektrisiteitswet, 1987	6 (1) *(a)*

Bylae 2 Deel 3

No. en jaar van Wet	Kort titel	No. van artikel (of beskrywing van bepaling waar anders aangedui)
44 van 1948	Wet op die Koördinering van Vervoer, 1948	3 (5) *(a)* (ii)
41 van 1960	Wet op Spooroorgange, 1960	Oral waar dit in Wet voorkom
99 van 1987	Wet op Brandweerdienste, 1987	2 (2) (i)

Bylae 2 Deel 4

No. en jaar van Wet	Kort titel	No. van artikel
26 van 1950	Wet op die Strandgebied, Kaapstad, 1950	14 (1)
94 van 1969	Pensioenwet vir Lede van Statutêre Liggame, 1969	2 (3) *(c)*

Bylae 2 Deel 5

No. en jaar van Wet	Kort titel	Beskrywing van bepaling
57 van 1951	Handelskeepvaartwet, 1951	Paragraaf *(b)* van die omskrywing van "hawe" in artikel 2 (1) in die tweede plek in daardie paragraaf waarin die woord "hawe" voorkom
2 van 1981	Wet op Seeverkeer, 1981	Die omskrywing van "hawe" in artikel 1

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Act No. 9, 1989 LEGAL SUCCESSION TO THE SOUTH AFRICAN TRANSPORT SERVICES ACT, 1989

Schedule 2 Part 6

No. and year of Act	Short title	To what extent repealed
24 of 1921	Durban Waterworks Consolidation (Private) Act, 1921	The definition of "Railway Administration" in section 2 (6) and the second proviso to section 8
9 of 1927	Land Survey Act, 1927	The words "or by the State in its Administration of Railways and harbours" in section 45
12 of 1927	Durban Borough (Extension of Area) Act, 1927	The words "out of moneys to be voted by Parliament," in section 5 (2)
13 of 1932	Mafeking Waterworks (Private) Act, 1932	Section 6 (1) *(b)*
38 of 1934	Vaal River Development Scheme Act, 1934	The words "including the South African Railways and Harbours Administration" in section 6 (1)
21 of 1935	Sea-shore Act, 1935	The definition of "Administration" in section 1
23 of 1945	Saldanha Bay Water Supply Act, 1945	The words "the Railway Administration," in section 2 *(b)*
54 of 1947	South African Tourist Corporation Act, 1947	The words "and the Railway and Harbour Fund, in the proportions determined by the Minister in consultation with the Minister of Finance and the Minister of Transport," in section 12 (1)
40 of 1949	Transfer Duty Act, 1949	The words "including the South African Transport Services," in section 9 (1) *(a)*
51 of 1949	Air Services Act, 1949	The definition of "person" in section 1, the proviso to section 4 (1) *(b)*, the words "in respect of any air services provided by the Railway Administration, and shall also apply" in section 24, and the words "binds railway administration and" in the heading of section 24
2 of 1953	Lichtenburg Waterworks (Private) Act, 1953	Section 4 (1) *(b)*
24 of 1956	Pension Funds Act, 1956	The words "including the South African Railways and Harbours Administration," in section 2 (3) *(a)* (i)

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Bylae 2 Deel 6

No. en jaar van Wet	Kort titel	In hoeverre herroep
24 van 1921	Durban Waterwerken Konsolidatie (Private) Wet, 1921	Die omskrywing van "Spoorweg Administratie" in artikel 2 (6) en die tweede voorbehoudsbepaling by artikel 8
9 van 1927	Opmetingswet, 1927	Die woorde "of van die Staat in sy Administrasie van Spoorweë en Hawens" in artikel 45
12 van 1927	Wet tot Uitbreiding van die Stadsgebied van Durban, 1927	Die woorde "uit die geld daarvoor deur die Parlement gestem," in artikel 5 (2)
13 van 1932	Mafeking Waterwerke (Private) Wet, 1932	Artikel 6 (1) *(b)*
38 van 1934	Vaalrivier Uitbreidingskema Wet, 1934	Die woorde "ook aan die Suid-Afrikaanse Spoorweë en Hawensadministrasie" in artikel 6 (1)
21 van 1935	Strandwet, 1935	Die omskrywing van "Administrasie" in artikel 1
23 van 1945	Saldanhabaai-watervoorsieningswet, 1945	Die woorde "die Spoorwegadministrasie" in artikel 2 *(b)*
54 van 1947	Wet op Suid-Afrikaanse Toeristekorporasie, 1947	Die woorde "en die Spoorweg- en Hawefonds, in die verhoudings deur die Minister in oorleg met die Minister van Finansies en die Minister van Vervoer bepaal" in artikel 12 (1)
40 van 1949	Wet op Hereregte, 1949	Die woorde "met inbegrip van die Suid-Afrikaanse Vervoerdienste," in artikel 9 (1) *(a)*
51 van 1949	Wet op Lugdienste, 1949	Die omskrywing van "persoon" in artikel 1, die voorbehoudsbepaling by artikel 4 (1) *(b)*, die woorde "van toepassing ten opsigte van lugdienste wat deur die Spoorwegadministrasie in stand gehou word, en is ook" in artikel 24 en die woorde "bind die Spoorwegadministrasie en" in die opskrif van artikel 24
2 van 1953	Private Wet op die Lichtenburgse Waterwerke, 1953	Artikel 4 (1) *(b)*
24 van 1956	Wet op Pensioenfondse, 1956	Die woorde "met inbegrip van die Suid-Afrikaanse Spoorweg- en Hawensadministrasie," in artikel 2 (3) *(a)* (i)

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No. and year of Act	Short title	To what extent repealed
25 of 1956	Friendly Societies Act, 1956	The words "including the South African Railways and Harbours Administration," in section 3 (2) *(c)*
54 of 1956	Water Act, 1956	The word "Government" in section 175
20 of 1957	State Liability Act, 1957	The words "or the Railways and Harbours Fund, as the circumstances may require." in section 3
36 of 1960	Durban Waterworks (Private) Act, 1960	The second provisio to section 4 (1)
48 of 1961	State Land Disposal Act, 1961	The words "but in relation to any land which in terms of any law falls under the control and management of the South African Transport Services referred to in section 2 of the South African Transport Services Act, 1981 (Act No. 65 of 1981), 'Minister' means the Minister of Transport Affairs" in the definition of "Minister" in section 1
6 of 1962	Archives Act, 1962	The words "the South African Railways and Harbours Administration and" in the definition of "government office" in section 1
58 of 1962	Income Tax Act, 1962	The words "including the Railway Administration and" in section 9 (1) *(g)*, the words "including the South African Transport Services," in section 10 (1) *(a)* and the words "the South African Transport Services and" in section 10 (1) *(cA)*
45 of 1965	Atmospheric Pollution Prevention Act, 1965	Section 6 (2) *(c)* (iii), and the words "excluding the Railway Administration, but" in section 47 (3)
30 of 1966	Unemployment Insurance Act, 1966	Section 2 (2) *(o)*
39 of 1968	South West Africa Constitution Act, 1968	Section 35
77 of 1968	Stamp Duties Act, 1968	The words "the South African Transport Services" in the definition of "public revenue" in section 1, in section 4 (1) *(a)* and in item 20 *(d)* and *(f)* of Schedule 1

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No. en jaar van Wet	Kort titel	In hoeverre herroep
25 van 1956	Wet op Onderlinge Hulpverenigings, 1956	Die woorde "met inbegrip van die Suid-Afrikaanse Spoorweg- en Hawens-administrasie," in artikel 3 (2) *(c)*
54 van 1956	Waterwet, 1956	Die woord "Staats-" in artikel 175
20 van 1957	Wet op Staatsaanspreeklikheid, 1957	Die woorde "na gelang van die omstandighede" en "of die Spoorweg- en Hawefonds" in artikel 3
36 van 1960	Private Wet op die Durbanse Waterwerke, 1960	Die tweede voorbehoudsbepaling by artikel 4 (1)
48 van 1961	Wet op die Beskikking oor Staatsgrond, 1961	Die woorde "maar met betrekking tot grond wat ingevolge 'n wet onder die beheer en bestuur van die Suid-Afrikaanse Vervoerdienste in artikel 2 van die Suid-Afrikaanse Vervoerdienstewet, 1981 (Wet No. 65 van 1981), bedoel, die Minister van Vervoerwese" in die omskrywing van "Minister" in artikel 1
6 van 1962	Argiefwet, 1962	Die woorde "die Suid-Afrikaanse Spoorweg- en Hawensadministrasie en" in die omskrywing van "Staatskantoor" in artikel 1
58 van 1962	Inkomstebelastingwet, 1962	Die woorde "met inbegrip van die Spoorwegadministrasie en" in artikel 9 (1) *(g)*, asook die woorde "met inbegrip van die Suid-Afrikaanse Vervoerdienste," in artikel 10 (1) *(a)* en die woorde "die Suid-Afrikaanse Vervoerdienste en" in artikel 10 (1) *(cA)*
45 van 1965	Wet op Voorkoming van Lugbesoedeling, 1965	Artikel 6 (2) *(c)* (iii), en die woorde "uitgesonderd die Spoorwegadministrasie maar" in artikel 47(3)
30 van 1966	Werkloosheidversekeringswet, 1966	Artikel 2 (2) *(o)*
39 van 1968	Wet op die Konstitusie van Suidwes-Afrika, 1968	Artikel 35
77 van 1968	Wet op Seëlregte, 1968	Die woorde "die Suid-Afrikaanse Vervoerdienste" in die omskrywing van "Staatsinkomste" in artikel 1, die woorde "die Suid-Afrikaanse Vervoerdienste" in artikel 4 (1) *(a)* en in item 20 *(d)* en *(f)* van Bylae 1

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No. and year of Act	Short title	To what extent repealed
94 of 1969	Members of Statutory Bodies Pension Act, 1969	The definition of "Railway and Harbour Fund" in section 1
89 of 1970	National Supplies Procurement Act, 1970	The words "or the South African Transport Services Board" in section 18 (2) *(b)* (iii)
66 of 1975	Exchequer and Audit Act, 1975	The words "the South African Transport Services and" in the definition of "revenue" in section 1, the words "the South African Railways and Harbours Administration," in section 35 (1), the words "the South African Railways and Harbours Administration or" in section 35 (2) *(a)*, and section 42 (2)
63 of 1977	Health Act, 1977	The words "The Railways and Harbours Fund," and "Railways and Harbours Administration," in section 54 (6)
74 of 1977	Road Transportation Act, 1977	The words "any member of the South African Railways Police Force in respect of any place whether within or beyond the limits of the railways as defined in section 1 of the South African Transport Services Act, 1981 (Act No. 65 of 1981), or of the harbours as defined in the said section," in the definition of "authorised officer" in section 1 (1), and sections 1 (2) *(p)*, *(q)* and *(r)*, 5 (1) *(c)* and 45
87 of 1977	Liquor Act, 1977	The words "or the Railways Administration" in the definition of "Government" in section 1, section 209 (2) *(b)*, section 210 (1) *(c)* (i), and the words "including the Railways Administration," in section 210 (1) *(c)*
65 of 1981	South African Transport Services Act, 1981	The whole but the regulations promulgated in terms of section 4 (7) thereof shall remain in force, such regulations may be amended or repealed by the Minister, and section 16 of this Act shall apply to all obligations of the South African Transport Services or the Company in terms of such regulations

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No. en jaar van Wet	Kort titel	In hoeverre herroep
94 van 1969	Pensioenwet vir Lede van Statutêre Liggame, 1969	Die omskrywing van "Spoorweg- en Hawefonds" in artikel 1
89 van 1970	Wet op die Verkryging van Landsvoorrade, 1970	Die woorde "of die Raad van Suid-Afrikaanse Vervoerdienste" in artikel 18 (2) *(b)* (iii)
66 van 1975	Skatkis- en Ouditwet, 1975	Die woorde "die Suid-Afrikaanse Vervoerdienste en" in die omskrywing van "inkomste" in artikel 1 (1), die woorde "die Suid-Afrikaanse Spoorweg- en Hawe-administrasie," in artikel 35 (1), die woorde "die Suid-Afrikaanse Spoorweg- en Hawe-administrasie of" in artikel 35 (2) *(a)*, en artikel 42 (2)
63 van 1977	Wet op Gesondheid, 1977	Die woorde "Die Spoorweg- en Hawefonds," en "Spoorweg- en Hawe-administrasie," in artikel 54 (6)
74 van 1977	Wet op Padvervoer, 1977	Die woorde "'n lid van die Suid-Afrikaanse Spoorwegpolisiemag ten opsigte van enige plek hetsy binne of buite die grense van die spoorweë soos omskryf in artikel 1 van die Suid-Afrikaanse Vervoerdienstewet, 1981 (Wet No. 65 van 1981), of van die hawens soos in genoemde artikel omskryf," in die omskrywing van "gemagtigde amptenaar" in artikel 1 (1) en artikels 1 (2) *(p)*, *(q)* en *(r)*, 5 (1) *(c)* en 45
87 van 1977	Drankwet, 1977	Die woorde "of die Spoorwegadministrasie" in die omskrywing van "Regering" in artikel 1, artikel 209 (2) *(b)*, artikel 210 (1) *(c)* (i), en die woorde "met inbegrip van die Spoorwegadministrasie," in artikel 210 (1) *(c)*.
65 van 1981	Die Suid-Afrikaanse Vervoerdienstewet, 1981	Die geheel maar die regulasies kragtens die bepalings van artikel 4 (7) daarvan uitgevaardig, bly van krag, sodanige regulasies kan deur die Minister gewysig of herroep word en artikel 16 van hierdie Wet is op alle verpligtinge van die Suid-Afrikaanse Vervoerdienste of die Maatskappy ingevolge sodanige regulasies van toepassing

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No. and year of Act	Short title	To what extent repealed
6 of 1983	Machinery and Occupational Safety Act, 1983	Section 40 from a date two years after the date determined in terms of section 3 (1) of this Act
17 of 1983	The South African Transport Services Finances and Accounts Act, 1983	The whole
45 of 1984	Public Investment Commissioners Act, 1984	The words "the South African Transport Services," in paragraph *(a)* (i) of the definition of "deposit" in section 1, and section 6 (1) *(e)* (ii)
46 of 1984	Corporation for Public Deposits Act, 1984	The words "the South African Transport Services," in paragraph *(a)* (i) of the definitions of "public deposit" in section 1, and section 3 (1) *(a)* (vi) *(aa)*
79 of 1984	Rating of State Property Act, 1984	Subparagraph *(b)* of the definition of "State" in section 1 (1)
111 of 1984	Public Service Act, 1984	The words "the South African Transport Services," in section 14 (1)

Schedule 2 Part 7

Application of Rating of State Property Act, 1984 (Act No. 79 of 1984)

(1) *(a)* Notwithstanding the provisions of this Act or of Act No. 79 of 1984, no rates shall be imposed by a local authority, as defined in section 1 (1) of Act No. 79 of 1984, on the property of the Company or the Corporation which has been transferred from the South African Transport Services in terms of this Act and which is referred to in section 3 (3) *(b)* of Act No. 79 of 1984.

(b) The reference to "State property" in section 3 (3) of Act No. 79 of 1984 shall be construed so as to include the property of the Company or the Corporation.

Amendment to the Liquor Act, 1977 (Act No. 87 of 1977)

(2) Section 209 of Act No. 87 of 1977 is amended by the substitution for paragraph *(a)* of subsection (2) thereof of the following paragraph:

"*(a)* The provisions of this Act shall not affect the operation of any provision of the Trade Metrology Act, 1973 (Act No. 77 of 1973), or **[any provision of Chapter V of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957)]** <u>section 14 of the Legal Succession to the South African Transport Services Act, 1989</u>."

Application of Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948)

(3) The words "a servant as contemplated in the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957)" in section 3 (5) *(b)* of Act No. 44 of 1948 shall be construed as a reference to an employee of the Company.

Amendment to and Application of Finance and Financial Adjustments Acts Consolidation Act, 1977 (Act No. 11 of 1977)

(4) *(a)* Section 24 of Act No. 11 of 1977 is amended by the substitution in subsection (3) for the words "Railways and Harbours Service Act, 1960 (Act No. 22 of 1960)" of the words "South African Transport Services Conditions of Service Act, 1988 (Act No. 41 of 1988)".

(b) The various references in section 24 of Act No. 11 of 1977 to "Railway servants", "General Manager", "servants of the Administration", "servant", "servant of the Administration" and "officers of the Administration" shall be construed as references to employees of the Company or the Managing Director thereof, as the case may be.

Application of the Air Services Act, 1949 (Act No. 51 of 1949)

(5) The protection granted to the "Railway Administration" by section 20 (1), (2) and (3) of Act No. 51 of 1949 shall be extended *mutatis mutandis* to the Company as if the Company, and not the Railway Administration, provided, during the relevant periods, "a scheduled air transport service" as contemplated by that section.

Amendment to Motor Vehicle Accidents Act, 1986 (Act No. 84 of 1986)

(6) Section 10 of Act No. 84 of 1986 is amended by the substitution for paragraph *(c)* thereof of the following paragraph:

"*(c)* suffered as a result of bodily injury to or the death of a member of the South African Police **[,]** <u>or</u> the South African Defence Force **[or the South African Railways Police Force]**, caused by or arising from the driving of a motor vehicle in which the member was conveyed in the course of his

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No. en jaar van Wet	Kort titel	In hoeverre herroep
6 van 1983	Wet op Masjinerie en Beroepsveiligheid, 1983	Artikel 40 vanaf 'n datum twee jaar na die datum bepaal ingevolge artikel 3 (1) van hierdie Wet
17 van 1983	Wet op Finansies en Rekenings van die Suid-Afrikaanse Vervoerdienste, 1983	Die geheel
45 van 1984	Wet op die Openbare Beleggingskommissarisse, 1984	Die woorde "die Suid-Afrikaanse Vervoerdienste," in paragraaf *(a)* (i) van die omskrywing van "deposito" in artikel 1, en artikel 6 (1) *(e)* (ii)
46 van 1984	Wet op die Korporasie vir Openbare Deposito's, 1984	Die woorde "die Suid-Afrikaanse Vervoerdienste," in paragraaf *(a)* (i) van die omskrywing van "openbare deposito" in artikel 1, en artikel 3 (1) *(a)* (vi) *(aa)*
79 van 1984	Wet op Belasting op Staatsgoed, 1984	Subparagraaf *(b)* van die omskrywing van "Staat" in artikel 1 (1)
111 van 1984	Staatsdienswet, 1984	Die woorde "die Suid-Afrikaanse Vervoerdienste," in artikel 14 (1)

Bylae 2 Deel 7

Toepassing van Wet op Belasting op Staatsgoed, 1984 (Wet No. 79 van 1984)

(1) *(a)* Ondanks die bepalings van hierdie Wet of van Wet No. 79 van 1984, word geen belasting deur 'n plaaslike bestuur, soos omskryf in artikel 1 (1) van Wet No. 79 van 1984, op die eiendom van die Maatskappy of die Korporasie gehef wat van die Suid-Afrikaanse Vervoerdienste kragtens hierdie Wet oorgeneem is en wat in artikel 3 (3) *(b)* van Wet No. 79 van 1984 genoem word nie.

(b) Die verwysing na "Staatsgoed" in artikel 3 (3) van Wet No. 79 van 1984 word uitgelê om die eiendom van die Maatskappy of die Korporasie in te sluit.

Wysiging van die Drankwet, 1977 (Wet No. 87 van 1977)

(2) Artikel 209 van Wet No. 87 van 1977 word gewysig deur paragraaf *(a)* van subartikel (2) daarvan deur die volgende paragraaf te vervang:

"*(a)* Die bepalings van hierdie Wet maak nie inbreuk op die uitwerking van die bepalings van die Wet op Handelsmetrologie, 1973 (Wet No. 77 van 1973), of **['n bepaling van Hoofstuk V van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957)]** <u>artikel 14 van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989,</u> nie."

Toepassing van Wet op die Koördinering van Vervoer, 1948 (Wet No. 44 van 1948)

(3) Die woorde "'n dienaar is soos bedoel in die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957)," in artikel 3 (5) *(b)* van Wet No. 44 van 1948 word as 'n verwysing na 'n werknemer van die Maatskappy uitgelê.

Wysiging en Toepassing van Konsolidasiewet op Finansie- en Finansiële Reëlingswette, 1977 (Wet No. 11 van 1977)

(4) *(a)* Artikel 24 van Wet No. 11 van 1977 word gewysig deur in subartikel (3) die woorde "Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960)" deur die woorde "Wet op Diensvoorwaardes vir die Suid-Afrikaanse Vervoerdienste, 1988 (Wet No. 41 van 1988)" te vervang.

(b) Die verskillende verwysings in artikel 24 van Wet No. 11 van 1977 na "Spoorwegdienare", "Hoofbestuurder", "dienare van die Administrasie", "dienaar", "dienaar van die Administrasie" en "amptenare van die Administrasie" word as verwysings na werknemers van die Maatskappy of die besturende direkteur daarvan, na gelang van die geval, uitgelê.

Toepassing van Wet op Lugdienste, 1949 (Wet No. 51 van 1949)

(5) Die beskerming verleen aan die "Spoorwegadministrasie" deur artikel 20 (1), (2) en (3) van Wet No. 51 van 1949 word *mutatis mutandis* aan die Maatskappy verleen asof die Maatskappy, en nie die Spoorwegadministrasie nie, gedurende die betrokke tydperke "'n vasgestelde lugvervoerdiens" soos deur genoemde artikel beoog, verskaf het.

Wysiging van Motorvoertuigongelukkewet, 1986 (Wet No. 84 van 1986)

(6) Artikel 10 van Wet No. 84 van 1986 word gewysig deur paragraaf (c) daarvan deur die volgende paragraaf te vervang:

"*(c)* wat gely is as gevolg van die liggaamlike besering of die dood van 'n lid van die Suid-Afrikaanse Polisie **[,]** <u>of</u> die Suid-Afrikaanse Weermag **[of die Suid-Afrikaanse Spoorwegpolisiemag]** wat veroorsaak <u>is</u> deur of voortspruit uit die bestuur van 'n motorvoertuig waarin die lid in die loop

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employment and owned by the South African Police **[,]** or the South African Defence Force **[the South African Transport Services]**; or".

Amendment to National Monuments Act, 1969 (Act No. 28 of 1969)

(7) Section 10A of Act No. 28 of 1969 is amended by the substitution in subsection (2) for the words "paragraph (26) of section 2 of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957)", of the words "item 11 of Annexure 1 to the Legal Succession to the South African Transport Services Act, 1989".

Amendment to Friendly Societies Act, 1956 (Act No. 25 of 1956)

(8) Section 20 (2) of Act No. 25 of 1956 is amended by the insertion after paragraph *(e)*, of the following paragraph:

"*(e*A) financial instruments of whatever nature issued in accordance with the provisions of section 19 of the Legal Succession to the South African Transport Services Act, 1989;".

Amendment to Pension Funds Act, 1956 (Act No. 24 of 1956)

(9) Section 19 of Act No. 24 of 1956 is amended by the insertion after paragraph *(i)* of subsection 1 of the following paragraph:

"*(j)* financial instruments of whatever nature issued in accordance with the provisions of section 19 of the Legal Succession to the South African Transport Services Act, 1989."

Amendment to and Application of Pension Legislation relating to Employees of Company

(10) *(a)* Any reference in the Railways and Harbours Pensions Amendment Act, 1941 (Act No. 26 of 1941), the Railways and Harbours Pensions Act, 1971 (Act No. 35 of 1971) and the Railways and Harbours Pensions for Non-Whites Act, 1974 (Act No. 43 of 1974), or in the regulations promulgated in terms thereof, to the Administration, the Railways and Harbours Administration, the General Manager or the employees of the Administration shall be construed as references to the Company, the Managing Director or the employees of the Company, as the case may be.

(b) Any reference in the acts or regulations referred to in paragraph *(a)* to a period of service with the Company which is required to be completed to create entitlement to benefits, shall be construed so as to include previous unbroken service with the South African Transport Services or its predecessors.

(c) The references in section 7 to Act No. 26 of 1941, section 4 (1), (3) and (6) of Act No. 35 of 1971 and section 3 (1) and (2) of Act No. 43 of 1974 to the "Railway Board" shall be construed as references to the Board of Directors of the Company.

(d) Section 4 of Act No. 35 of 1971 is amended by the insertion in subsection (1), as paragraph *(j)* thereof, of the following paragraph:

"*(j)* the administration and investment of money, which is not immediately required, and interest thereon;".

(e) Sections 10 and 19 of Act No. 35 of 1971 are repealed.

(f) Section 3 of Act No. 43 of 1974 is amended by the insertion in subsection (1), as paragraph *(n)* thereof, of the following paragraph:

"*(n)* the administration and investment of money, which is not immediately required, and interest thereon.".

(g) Section 9 of Act No. 43 of 1974 is repealed.

Amendment to Rand Water Board Statutes (Private) Act, 1950 (Act No. 17 of 1950)

(11) Section 143 of Act No. 17 of 1950 is amended by the substitution for the words "the Railway Expropriation of Land Ordinance, 1903 (Ordinance No. 20 of 1903 (Transvaal)), or under the Railway Expropriation of Land Ordinance, 1903 (Ordinance No. 46 of 1903 (Orange Free State))" of the words "item 7 of Annexure 1 to the Legal Succession to the South African Transport Services Act, 1989".

Amendment to Durban Borough (Extension of Area) Act, 1927 (Act No. 12 of 1927)

(12) Section 4 of Act No. 12 of 1927 is amended by the substitution for the words "Railways and Harbours Regulation, Control and Management Act, 1916" of the words "Legal Succession to the South African Transport Services Act, 1989".

Amendment to National Supplies Procurement Act, 1970 (Act No. 89 of 1970)

(13) Section 18 of Act No. 89 of 1970 is amended by the substitution in subsection (2) *(b)* (iii) thereof for the words "South African Transport Services Act, 1981" of the words "Legal Succession to the South African Transport Services Act, 1989".

Amendment to Insurance Act, 1943 (Act No. 27 of 1943)

(14) Part 1 of the Third Schedule to Act No. 27 of 1943 is amended by the insertion after item 5 of the following item 5A:

"5A. Financial instruments of whatever nature issued in terms of section 19 of the Legal Succession to the South African Transport Services Act, 1989."

Application of Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965)

(15) The references to the "Minister of Transport Affairs" in section 47 (4) and (5) of Act No. 45 of 1965 shall be construed as references to the Chairman of the Company.

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van sy diens vervoer is en wat die eiendom van die Suid-Afrikaanse Polisie **[,]** of die Suid-Afrikaanse Weermag **[of die Suid-Afrikaanse Vervoerdienste]** is; of".

Wysiging van Wet op Nasionale Gedenkwaardighede, 1969 (Wet No. 28 van 1969)

(7) Artikel 10A van Wet No. 28 van 1969 word gewysig deur in subartikel (2) daarvan die woorde "paragraaf (26) van artikel 2 van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957)" deur die woorde "item 11 van Bylae 1 by die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989" te vervang.

Wysiging van Wet op Onderlinge Hulpverenigings, 1956 (Wet No. 25 van 1956)

(8) Artikel 20 (2) van Wet No. 25 van 1956 word gewysig deur na paragraaf *(e)* die volgende paragraaf in te voeg:

"*(e*A) finansiële instrumente van welke aard ook al uitgereik ingevolge die bepalings van artikel 19 van die Wet op Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989;"

Wysiging van Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956)

(9) Artikel 19 van Wet No. 24 van 1956 word gewysig deur na paragraaf *(i)* van subartikel (1) die volgende paragraaf in te voeg:

"*(j)* finansiële instrumente van welke aard ook al uitgereik ingevolge die bepalings van artikel 19 van die Wet op Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989."

Wysiging en Toepassing van Pensioenwetgewing rakende Werknemers van Maatskappy

(10) *(a)* Enige verwysing in die Wysigingswet op Spoorweg- en Hawepensioene, 1941 (Wet No. 26 van 1941), die Spoorweg- en Hawepensioenwet, 1971 (Wet No. 35 van 1971), en die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974 (Wet No. 43 van 1974), of in die regulasies daarkragtens uitgevaardig, na die Administrasie, die Administrasie van Spoorweë en Hawens, die Hoofbestuurder of die werknemers van die Administrasie, word as 'n verwysing na die Maatskappy, die besturende direkteur of die werknemers van die Maatskappy uitgelê, na gelang van die geval.

(b) Enige verwysing in die wette of regulasies genoem in paragraaf *(a)* na 'n tydperk van diens by die Maatskappy wat voltooi moet word om voordele te verdien, word uitgelê om vorige aaneenlopende diens by die Suid-Afrikaanse Vervoerdienste of sy voorgangers in te sluit.

(c) Die verwysings in artikel 7 van Wet No. 26 van 1941, artikel 4 (1), (3) en (6) van Wet No. 35 van 1971 en artikel 3 (1) en (2) van Wet No. 43 van 1974 na die "Spoorwegraad" word as verwysings na die direksie van die Maatskappy uitgelê.

(d) Artikel 4 van Wet No. 35 van 1971 word gewysig deur die invoeging in subartikel (1), as paragraaf *(j)* daarvan, van die volgende paragraaf:

(j) "die administrasie en belegging van gelde, wat nie onmiddellik benodig word nie, en rente daarop;".

(e) Artikels 10 en 19 van Wet No. 35 van 1971 word herroep.

(f) Artikel 3 van Wet No. 43 van 1974 word gewysig deur die invoeging in subartikel (1), as paragraaf *(n)* daarvan, van die volgende paragraaf:

(n) "die administrasie en belegging van geld, wat nie onmiddellik benodig word nie, en rente daarop.".

(g) Artikel 9 van Wet No. 43 van 1974 word herroep.

Wysiging van Private Wet op die Randwaterraadstatute, 1950 (Wet No. 17 van 1950)

(11) Artikel 143 van Wet No. 17 van 1950 word gewysig deur die woorde "die 'Railway Expropriation of Land Ordinance, 1903' (Ordonnansie No. 20 van 1903 (Transvaal)), of kragtens die 'Railway Expropriation of Land Ordinance, 1903' (Ordonnansie No. 46 van 1903 (Oranje-Vrystaat))" deur die woorde "item 7 van Bylae 1 by die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989" te vervang.

Wysiging van Wet tot Uitbreiding van die Stadsgebied van Durban, 1927 (Wet No. 12 van 1927)

(12) Artikel 4 van Wet No. 12 van 1927 word gewysig deur die woorde "Spoorwegen en Havens Reglement, Bestuur en Beheer Wet, 1916" deur die woorde "Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989" te vervang.

Wysiging van Wet op die Verkryging van Landsvoorrade, 1970 (Wet No. 89 van 1970)

(13) Artikel 18 van Wet No. 89 van 1970 word gewysig deur in subartikel (2) *(b)* (iii) daarvan die woorde "Suid-Afrikaanse Vervoerdienstewet, 1981" deur die woorde "Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989" te vervang.

Wysiging van Versekeringswet, 1943 (Wet No. 27 van 1943)

(14) Deel 1 van die Derde Bylae by Wet 27 van 1943 word gewysig deur na item 5 die volgende item 5A in te voeg:

"5A. Finansiële instrumente van welke aard ook al uitgereik ingevolge die bepalings van artikel 19 van die Wet op Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989."

Toepassing van Wet op Voorkoming van Lugbesoedeling, 1965 (Wet No. 45 van 1965)

(15) Die verwysings na die "Minister van Vervoerwese" in artikel 47 (4) en (5) van Wet No. 45 van 1965 word as verwysings na die voorsitter van die Maatskappy uitgelê.