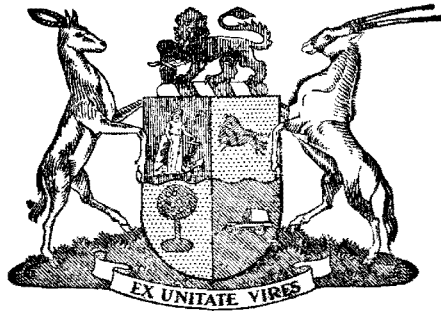


EXTRAORDINARY



BUITENGEWONE

THE UNION OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

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CAPE TOWN, 12TH JULY, 1957.
KAAPSTAD, 12 JULIE 1957.

PRYS 6d. [No. 5908.

DEPARTMENT OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 1039.] [12th July, 1957.

It is hereby notified that His Excellency the Officer Administering the Government has been pleased to assent to the following Acts, which are hereby published for general information:—

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DEPARTEMENT VAN DIE EERSTE MINISTER.

Onderstaande Goewermmentskennisgewing word ter algemene inligting gepubliseer:—

No. 1039.] [12 Julie 1957.

Hierby word bekend gemaak dat dit Sy Eksellensie die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

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No. 69, 1957.]

ACT

To consolidate and amend the law relating to the exercise of the calling of a nurse or midwife and other incidental matters.

(English text signed by the Officer Administering the Government.)
(Assented to 24th June, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "advisory board" means an advisory board established under section *sixteen*; (i)
- (ii) "advisory committee" means an advisory committee established under section *thirty-eight*; (ii)
- (iii) "approved" means approved under this Act; (ix)
- (iv) "association" means the South African Nursing Association established under section *thirty*; (xxi)
- (v) "board" means the Board of the Association referred to in section *thirty-four*; (iii)
- (vi) "coloured person" means "coloured person" as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950); (vii)
- (vii) "council" means the South African Nursing Council established under section *two*; (xvi)
- (viii) "enquiry" means an enquiry under section *twenty-two*; (xiv)
- (ix) "enrolled" means enrolled under section *twelve*; (xi)
- (x) "Minister" means the Minister of Health; (xii)
- (xi) "native" means "native" as defined in section *one* of the Population Registration Act, 1950; (xiii)
- (xii) "nurse" includes a nurse who is a male person; (xxii)
- (xiii) "nursing agency" means an agency which supplies nurses or midwives, or auxiliary nurses or midwives, to any person, organization or institution, whether or not for gain, or whether or not in conjunction with any other services rendered by such agency; (xxiii)
- (xiv) "prescribed" means prescribed by regulation; (xxiv)
- (xv) "register" means a register kept by the council under Part I; (xvii)
- (xvi) "registered" means registered under section *twelve*; (viii)
- (xvii) "registrar" means the registrar of the council; (xviii)
- (xviii) "regulation" means any regulation made under this Act; (xix)
- (xix) "roll" means a roll kept by the council under Part I; (xx)
- (xx) "the Medical Act" means the Medical Dental and Pharmacy Act, 1928 (Act No. 13 of 1928); (vi)
- (xxi) "the territory" means the territory of South-West Africa; (v)
- (xxii) "this Act" includes the regulations; (x)
- (xxiii) "training school" means a training school or other institution where student nurses or midwives, or student auxiliary nurses or midwives are trained; (xv)
- (xxiv) "white person" means "white person" as defined in section *one* of the Population Registration Act, 1950. (iv)

PART I.

SOUTH AFRICAN NURSING COUNCIL.

Establishment of nursing council.

2. (1) There shall be established a council to be known as the South African Nursing Council, which shall be a body corporate capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the performance of its functions and the exercise of its powers under this Act.

No. 69, 1957.]

WET

Tot samevatting en wysiging van die wetsbepalings met betrekking tot die beoefening van die beroep van verpleegster of vroedvrou en ander aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 24 Junie 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy dit uit die samehang anders blyk, Woordbepaling. beteken—

- (i) „adviesraad” ’n adviesraad ingevolge artikel *sestien* ingestel; (i)
- (ii) „adviserende komitee” ’n adviserende komitee ingevolge artikel *agt-en-dertig* ingestel; (ii)
- (iii) „bestuur” die Bestuur van die Vereniging in artikel *vier-en-dertig* vermeld; (v)
- (iv) „blanke”, „blanke” soos in artikel *een* van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), omskryf; (xxiv)
- (v) „die gebied” die gebied Suidwes-Afrika; (xxi)
- (vi) „die Wet op Geneeshere” die Wet op Geneeshere, Tandartse en Aptekers, 1928 (Wet No. 13 van 1928); (xx)
- (vii) „gekleurde”, „gekleurde” soos in artikel *een* van die Bevolkingsregistrasiewet, 1950, omskryf; (vi)
- (viii) „geregistreer” ingevolge artikel *twaalf* geregistreer; (xvi)
- (ix) „goedgekeurde” ingevolge hierdie Wet goedgekeurde; (iii)
- (x) „hierdie Wet” ook die regulasies; (xxii)
- (xi) „ingeskryf” ingevolge artikel *twaalf* ingeskryf; (ix)
- (xii) „Minister” die Minister van Gesondheid; (x)
- (xiii) „naturel”, „naturel” soos in artikel *een* van die Bevolkingsregistrasiewet, 1950, omskryf; (xi)
- (xiv) „ondersoek” ’n ondersoek ingevolge artikel *twee-en-twintig*; (viii)
- (xv) „opleidingskool” ’n opleidingskool of ander inrigting waar leerlingverpleegsters of -vroedvroue, of leerling-hulpverpleegsters of -hulpvroedvroue opgelei word; (xxiii)
- (xvi) „raad” die Suid-Afrikaanse Verpleegstersraad ingevolge artikel *twee* ingestel; (vii)
- (xvii) „register” ’n register deur die raad ingevolge Deel I gehou; (xv)
- (xviii) „registrateur” die registrateur van die raad; (xvii)
- (xix) „regulasie” ’n regulasie kragtens hierdie Wet uitgevaardig; (xviii)
- (xx) „rol” ’n rol deur die raad ingevolge Deel I gehou; (xix)
- (xxi) „vereniging” die Suid-Afrikaanse Verpleegstersvereniging ingevolge artikel *dertig* ingestel; (iv)
- (xxii) „verpleegster” ook ’n verpleër; (xii)
- (xxiii) „verplegingsagentskap” ’n agentskap wat verpleegsters of vroedvroue, of hulpverpleegsters of -vroedvroue, aan ’n persoon, liggaam of inrigting verskaf, hetsy vir wins, al dan nie, of hetsy tesame met ander dienste deur die agentskap gelewer, al dan nie; (xiii)
- (xxiv) „voorgeskryf” by regulasie voorgeskryf. (xiv)

DEEL I.

SUID-AFRIKAANSE VERPLEEGSTERSRAAD.

2. (1) Daar word ’n raad ingestel wat as die Suid-Afrikaanse *Instelling van Verpleegstersraad* bekend staan, met regs persoonlikheid beklee en bevoeg om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handeling te verrig wat nodig is vir of in verband staan met die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede ingevolge hierdie Wet.

(2) The South African Nursing Council established under the Nursing Act, 1944 (Act No. 45 of 1944), shall be deemed to have been established under sub-section (1).

(3) The head office of the council shall be situated at Pretoria, but may, with the consent of the Minister, be moved to any other place in the Union.

Constitution
of council.

3. (1) (a) For the period from the commencement of this Act until a date to be determined by the Governor-General by proclamation in the *Gazette*, the council shall consist of the members of the council as constituted immediately prior to such commencement.

(b) If any such member vacates his office, the council shall, until the said date, consist of the remaining members.

(2) After the date referred to in sub-section (1), the council shall consist of the following members, namely—

(a) the chief health officer for the Union or any other officer of the Department of Health, appointed by the Minister: Provided that if the person appointed is unable for any reason to attend any meeting of the council or of a committee appointed under section *eight* of which he is a member, he may designate any officer of the said Department, who is not a member of the council, to represent him at such a meeting;

(b) the commissioner for mental hygiene or the physician superintendent of a State institution for mentally disordered or defective persons, appointed by the Minister;

(c) an officer of the South African Medical Corps appointed by the Minister after consultation with the Minister of Defence;

(d) an officer of the Department of Education, Arts and Science, appointed by the Minister after consultation with the Minister of Education, Arts and Science;

(e) four persons appointed by the Minister, of whom one shall be a person registered under section *twelve*, one shall be a person registered under the Medical Act, who has special knowledge of or experience in obstetrics, and the remaining two shall be persons not registered under this Act or the Medical Act;

(f) two medical practitioners (of whom one shall have special knowledge of or experience in obstetrics) and one dentist, all of whom shall be registered under the Medical Act, and shall be appointed by the South African Medical and Dental Council established under the Medical Act: Provided that at least one of the medical practitioners and the dentist shall be members of the said Council;

(g) one person in respect of each province and one in respect of the territory, appointed by the Executive Committee of the province concerned or of the territory, as the case may be;

(h) one female registered nurse in respect of each of ten areas into which the Union together with the territory has been divided in the manner prescribed, elected by female registered nurses who are white persons resident in the area concerned;

(i) one registered midwife in respect of each of three areas into which the Union together with the territory has been divided in the manner prescribed, elected by registered midwives who are white persons resident in the area concerned;

(j) one male registered nurse elected by male registered nurses who are white persons;

(k) one person who is registered both as a nurse and as a midwife, elected by student nurses and midwives registered under section *fourteen*, who are white persons;

(l) one person who is registered both as a nurse and as a midwife, elected by the advisory board for coloured persons;

(m) one person who is registered both as a nurse and as a midwife, elected by the advisory board for natives.

(3) Whenever the persons entitled to elect any member of the council fail to elect any person to fill any vacancy in respect of

(2) Die Suid-Afrikaanse Verpleegstersraad ingevolge die Wet op Verpleegsters, 1944 (Wet No. 45 van 1944), ingestel, word geag ingevolge sub-artikel (1) ingestel te gewees het.

(3) Die hoofkantoor van die raad is te Pretoria geleë, maar kan, met goedkeuring van die Minister, na 'n ander plek in die Unie verskuif word.

3. (1) (a) Vir die tydperk vanaf die inwerkingtreding van hierdie Wet tot 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal, bestaan die raad uit die lede van die raad soos onmiddellik voor die inwerkingtreding saamgestel. Samestelling van raad.
- (b) Indien so 'n lid sy amp ontruim, bestaan die raad tot genoemde datum uit die oorblywende lede.
- (2) Ná die datum in sub-artikel (1) vermeld, bestaan die raad uit die volgende lede, naamlik—
- (a) die hoofgesondheidsbeampte van die Unie of 'n ander beampte van die Departement van Gesondheid, deur die Minister aangestel: Met dien verstande dat indien die persoon wat aangestel is, om een of ander rede nie in staat is om 'n vergadering van die raad of van 'n komitee kragtens artikel *agt* aangestel waarvan hy lid is, by te woon nie, hy 'n beampte van genoemde Departement, wat nie lid van die raad is nie, kan aanwys om hom op so 'n vergadering te verteenwoordig;
 - (b) die kommissaris van geesteshigiëne of die geneesheer-superintendent van 'n Staatsinrigting vir geestelik gekrenkte of gebrekkige persone, deur die Minister aangestel;
 - (c) 'n beampte van die Suid-Afrikaanse Mediese Korps, deur die Minister na oorlegpleging met die Minister van Verdediging aangestel;
 - (d) 'n beampte van die Departement van Onderwys, Kuns en Wetenskap, deur die Minister na oorlegpleging met die Minister van Onderwys, Kuns en Wetenskap aangestel;
 - (e) vier persone deur die Minister aangestel, waarvan een 'n persoon is wat ingevolge artikel *twaalf* geregistreer is, een 'n persoon is wat ingevolge die Wet op Geneeshere geregistreer is en spesiale kennis dra of ondervinding het van verloskunde, en die orige twee persone is wat nie ingevolge hierdie Wet of die Wet op Geneeshere geregistreer is nie;
 - (f) twee geneeshere (waarvan een spesiale kennis dra of ondervinding het van verloskunde) en een tandarts, wat almal ingevolge die Wet op Geneeshere geregistreer is, en aangestel word deur die Suid-Afrikaanse Geneeskundige en Tandheerkundige Raad ingevolge die Wet op Geneeshere ingestel: Met dien verstande dat minstens een van die geneeshere en die tandarts lede van genoemde Raad moet wees;
 - (g) een persoon ten opsigte van elke provinsie en een ten opsigte van die gebied, deur die Uitvoerende Komitee van die betrokke provinsie of van die gebied, na gelang van die geval, aangestel;
 - (h) een vroulike geregistreerde verpleegster ten opsigte van elkeen van tien streke waarin die Unie saam met die gebied op die voorgeskrewe wyse verdeel is, verkies deur vroulike geregistreerde verpleegsters wat blankes is in die betrokke streek woonagtig;
 - (i) een geregistreerde vroedvrou ten opsigte van elkeen van drie streke waarin die Unie saam met die gebied op die voorgeskrewe wyse verdeel is, verkies deur geregistreerde vroedvroue wat blankes is in die betrokke streek woonagtig;
 - (j) een manlike geregistreerde verpleër verkies deur manlike geregistreerde verpleërs wat blankes is;
 - (k) een persoon wat as verpleegster sowel as vroedvrou geregistreer is, verkies deur leerlingverpleegsters en -vroedvroue ingevolge artikel *veertien* geregistreer, wat blankes is;
 - (l) een persoon wat as verpleegster sowel as vroedvrou geregistreer is, verkies deur die adviesraad vir gekleurdes;
 - (m) een persoon wat as verpleegster sowel as vroedvrou geregistreer is, verkies deur die adviesraad vir naturelle.
- (3) Wanneer die persone wat geregtig is om 'n lid van die raad te verkies, in gebreke bly om 'n persoon te verkies om 'n vakature ten opsigte van die amp van so 'n lid te vul, kan die

the office of such a member, the Minister may appoint any person qualified to be elected to fill such vacancy, whereupon the person so appointed shall be deemed to have been elected.

(4) The members of the council shall be appointed or elected for five years, but shall be eligible for reappointment or re-election: Provided that a person appointed under paragraph (g) of sub-section (2), shall be appointed for such period not exceeding five years as the Executive Committee concerned may determine.

(5) The Minister shall give notice in the *Gazette* of the appointment or election of any member of the council and the date from which his membership commences.

(6) If anything required to be done under this Act in connection with the appointment, nomination or election of any member, is omitted or not done within the time or in the manner required by this Act, the Minister may order all such steps to be taken as may be necessary to rectify the omission or error or may validate anything done in an irregular manner or form, in order to give effect to the objects of this Act.

**Disqualification,
vacation of office
and filling of
vacancies.**

4. (1) No person shall be appointed or elected as a member of the council—

- (a) who is an unrehabilitated insolvent;
- (b) who has been disqualified under the Medical Act from carrying on his calling, while so disqualified; or
- (c) who is not a South African citizen and a white person permanently resident in the Union or the territory.

(2) A member of the council shall vacate his office—

- (a) if he becomes subject to any disqualification referred to in sub-section (1);
- (b) if he ceases to hold any qualification necessary for his appointment or election;
- (c) if he has been absent from more than two consecutive ordinary meetings of the council without the council's leave; or
- (d) if he resigns.

(3) Every vacancy on the council shall be filled by the appointment or election, as the case may be, of another member in the same manner and subject to the same conditions in or on which the member whose office has become vacant, had been appointed or elected: Provided that a member so appointed or elected shall hold office for the unexpired portion of the period for which the member whose office has become vacant, had been appointed or elected.

**President,
vice-president
and treasurer.**

5. (1) The members of the council as constituted at the date of commencement of this Act shall, at the first meeting after that date, and the members of every newly constituted council shall at the first meeting of such council, elect from among themselves a president, a vice-president and a treasurer who shall hold office, in the case of the first-mentioned council for the unexpired portion of the period of office of the members of such council, and in the case of a newly constituted council, for the period of office of the members thereof.

(2) The president or in his absence, the vice-president, shall preside at any meeting of the council: Provided that if both the president and the vice-president are absent from any meeting of the council, the members present shall elect from among themselves a chairman, who shall preside at such meeting.

(3) If the office of president, vice-president or treasurer becomes vacant, the members of the council shall, at the first meeting after such vacancy occurs, elect from among themselves a new president, vice-president or treasurer, as the case may be, and the member so elected shall hold office for the unexpired portion of the period for which his predecessor was elected.

**Meetings
of council.**

6. (1) The council shall hold at least two meetings each year.

(2) Special meetings may be convened by the president and shall be convened by him upon the requisition in writing of at least six members, setting out clearly the purpose for which the meeting is to be convened.

**Quorum and
procedure.**

7. (1) Eleven members of whom at least six shall be registered members shall form a quorum at any meeting of the council.

(2) A decision of the majority of the members of the council present at any meeting shall constitute a decision of the council: Provided that in the event of an equality of votes the member presiding shall have a casting vote in addition to a deliberative vote.

Minister 'n persoon wat bevoeg is om verkies te word, aanstel om die vakature te vul, en daarna word die persoon aldus aangestel, geag verkies te gewees het.

(4) Die lede van die raad word vir vyf jaar aangestel of verkies, maar kan weer aangestel of verkies word: Met dien verstande dat 'n ingevolge paragraaf (g) van sub-artikel (2) aangestelde persoon, vir die tydperk van hoogstens vyf jaar wat die betrokke Uitvoerende Komitee bepaal, aangestel word.

(5) Die Minister gee in die *Staatskoerant* kennis van die aanstelling of verkiesing van 'n lid van die raad en die datum waarop sy lidmaatskap begin.

(6) Indien enigiets wat ingevolge hierdie Wet in verband met die aanstelling, nominasie of verkiesing van 'n lid gedoen moet word, versuim word of nie binne die tydperk of op die wyse deur hierdie Wet vereis, gedoen word nie, kan die Minister gelas dat al die nodige stappe gedoen word om die versuim of fout te herstel of kan hy enigiets wat op 'n onreëlmatige wyse of in 'n onreëlmatige vorm gedoen is, geldig verklaar, ten einde aan die oogmerke van hierdie Wet gevolg te gee.

4. (1) Niemand word as lid van die raad aangestel of verkies nie— **Onbevoegdheid, ontruiming van amp en die vul van vakatures.**

- (a) wat 'n ongerehabiliteerde insolvente persoon is;
- (b) wat ingevolge die Wet op Geneeshere onbevoeg geword het om sy beroep te beoefen, terwyl hy aldus onbevoeg is; of

- (c) wat nie 'n Suid-Afrikaanse burger en 'n blanke is wat permanent in die Unie of die gebied woonagtig is nie.

(2) 'n Lid van die raad ontruim sy amp—

- (a) indien hy aan 'n onbevoegdheid in sub-artikel (1) genoem, onderhewig word;
- (b) indien hy ophou om 'n bevoegdheid te besit wat vir sy aanstelling of verkiesing nodig is;
- (c) indien hy sonder verlof van die raad van meer as twee agtereenvolgende gewone vergaderings van die raad afwesig was; of
- (d) indien hy bedank.

(3) Elke vakature in die raad word gevul deur die aanstelling of verkiesing, na gelang van die geval, van 'n ander lid op dieselfde wyse en op dieselfde voorwaardes waarop die lid wie se amp vakant geword het, aangestel of verkies was: Met dien verstande dat 'n lid aldus aangestel of verkies, sy amp beklee vir die onverstreke gedeelte van die tydperk waarvoor die lid wie se amp vakant geword het, aangestel of verkies was.

5. (1) Die lede van die raad soos op die datum van inwerking-treding van hierdie Wet saamgestel, moet, op die eerste vergadering ná daardie datum, en die lede van elke nuutsaamgestelde raad moet op die eerste vergadering van daardie raad, uit hul midde 'n president, 'n vise-president en 'n tesourier kies, wat sy amp beklee, in die geval van die eersgenoemde raad, vir die onverstreke gedeelte van die ampstermyn van die lede van daardie raad, en in die geval van 'n nuutsaamgestelde raad, vir die ampstermyn van die lede daarvan. **President, vise-president en tesourier.**

(2) Die president of in sy afwesigheid, die vise-president, sit voor op 'n vergadering van die raad: Met dien verstande dat indien die president sowel as die vise-president van 'n vergadering van die raad afwesig is, die aanwesige lede uit hul midde 'n voorsitter kies, wat op die vergadering voorsit.

(3) Indien die amp van president, vise-president of tesourier vakant word, kies die lede van die raad uit hul midde op die eerste vergadering nadat die vakature ontstaan, 'n nuwe president, vise-president of tesourier, na gelang van die geval, en die aldus verkose lid beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger verkies was.

6. (1) Die raad hou minstens twee vergaderings per jaar.

(2) Spesiale vergaderings kan deur die president belê word en moet deur hom belê word op skriftelike aansoek van minstens ses lede, waarin die doel waarvoor die vergadering belê moet word, duidelik uiteengesit word. **Vergaderings van die raad.**

7. (1) Elf lede, waarvan ten minste ses geregistreerde lede is, maak 'n kworum op 'n vergadering van die raad uit. **Kworum en prosedure.**

(2) 'n Besluit van die meerderheid van die lede van die raad wat op 'n vergadering aanwesig is, maak 'n besluit van die raad uit: Met dien verstande dat by 'n staking van stemme die voorsittende lid, benewens 'n beraadslagende stem, 'n beslissende stem kan uitbring.

- Executive and other committees.** 8. (1) Subject to the provisions of sub-section (2), the council may appoint from among its members an executive committee and such other committees as it may deem expedient and may delegate to a committee such of its powers as it may from time to time determine.
- (2) No decision by any such committee to impose any penalty referred to in paragraph (b) or (c) of section *twenty-five* shall be of any force or effect unless confirmed by the council.
- Appointment of registrar.** 9. The council shall appoint a registrar who shall be proficient in both official languages.
- Powers of council.** 10. The council may—
- (a) cause copies of the registers or rolls, or of supplementary lists showing all alterations, to be printed and published;
 - (b) issue extracts from the registers or rolls and charge such fees in respect thereof as may be prescribed;
 - (c) require any registered or enrolled person to pay to the council such annual contribution, not exceeding ten shillings, as may be prescribed;
 - (d) in such circumstances as may be prescribed, or where otherwise authorized by this Act, remove from or, upon payment of the prescribed fee, restore to, the registers or rolls any name;
 - (e) appoint examiners and moderators, conduct examinations and grant certificates, and charge such fees in respect of such examinations or certificates as may be prescribed;
 - (f) approve, on such prescribed conditions as it may deem fit, of training schools, inspect such schools from time to time, bring to the notice of the person in charge of any such school and the authority in control of such school, any matter which in the opinion of the council is detrimental to the training of student nurses or midwives, or student auxiliary nurses or midwives, or withdraw or suspend approval of any such school, if the training of student nurses or midwives, or student auxiliary nurses or midwives is not, in the opinion of the council, satisfactorily carried out thereat, or if any condition imposed has not been complied with: Provided that the council shall not, without the consent of the Minister, refuse to approve of, or withdraw or suspend approval of any such school;
 - (g) charge the prescribed fees in respect of any inspection it may deem necessary to enable it to consider any application for approval of any hospital or institution as a training school or for variation of any condition imposed in respect of an approved training school;
 - (h) acquire, hire or dispose of property, borrow money on the security of the assets of the council or accept and administer any trust or donation;
 - (i) regulate the holding of or procedure at meetings;
 - (j) appoint such officers as may be necessary and regulate their duties and conditions of service: Provided that any officer appointed shall be proficient in both official languages;
 - (k) subject to the regulations, issue or renew a licence to carry on the business of a nursing agency upon payment by an applicant of an annual prescribed fee not exceeding five pounds, inspect the records or investigate the activities of such an agency, or require any person licensed to carry on the business of a nursing agency, to submit to the council such information as the council may deem necessary;
 - (l) in such circumstances as may be prescribed, suspend or cancel any licence to carry on the business of a nursing agency;
 - (m) render financial assistance to advisory boards in order to enable such boards to perform their functions;
 - (n) consider any matter affecting the nursing or midwifery profession, and make representations or take such action in connection therewith as the council deems advisable;

8. (1) Behoudens die bepalings van sub-artikel (2), kan die raad 'n uitvoerende komitee en ander komitees wat hy dienstig ag, uit sy lede aanstel, en kan die raad van sy bevoegdhede wat hy van tyd tot tyd bepaal, aan 'n komitee delegeer.

Uitvoerende en
ander komitees.

(2) 'n Besluit van so 'n komitee om 'n straf in paragraaf (b) of (c) van artikel vyf-en-twintig genoem, op te lê, is van nul en gener waarde tensy dit deur die raad bekragtig is.

9. Die raad stel 'n registrateur aan wat in albei offisiële tale bedrewe moet wees.

Aanstelling van
registrateur.

10. Die raad kan—

- (a) afskrifte van die registers of rolle, of van supplementêre lyste wat alle veranderings aantoon, laat druk en uitgee;
- (b) uittreksels uit die registers of rolle uitreik en die voorgeskrewe bedrae geld ten opsigte daarvan vra;
- (c) 'n geregistreerde of ingeskrewe persoon verplig om die voorgeskrewe jaarlikse bydrae van hoogstens tien sjielings aan die raad te betaal;
- (d) onder die voorgeskrewe omstandighede, of waar andersins deur hierdie Wet daartoe gemagtig, 'n naam van die registers of rolle skrap, of, by betaling van die voorgeskrewe bedrag geld, dit daarop terugplaas;
- (e) eksaminatore en moderators aanstel, eksamens afneem en sertifikate toeken, en die voorgeskrewe bedrae geld ten opsigte van die eksamens of sertifikate vra;
- (f) opleidingskole op die voorgeskrewe voorwaardes wat die raad goed ag, goedkeur, genoemde skole van tyd tot tyd inspekteer, een of ander aangeleentheid wat na die mening van die raad nadelig vir die opleiding van leerlingverpleegsters of -vroedvroue, of leerling-hulpverpleegsters of -hulpvroedvroue is, onder die aandag bring van die persoon aan die hoof van so 'n skool en die owerheid onder wie se beheer die skool staan, of goedkeuring van so 'n skool terugtrek of opskort, indien die opleiding daarin van leerlingverpleegsters of -vroedvroue of leerling-hulpverpleegsters of -hulpvroedvroue, na die mening van die raad, nie op 'n bevredigende wyse geskied nie, of indien 'n opgelegde voorwaarde nie nagekom is nie: Met dien verstande dat die raad nie sonder die goedkeuring van die Minister weier om so 'n skool goed te keur of goedkeuring daarvan terugtrek of opskort nie;
- (g) die voorgeskrewe bedrae geld vra ten opsigte van 'n inspeksie wat die raad nodig ag om hom in staat te stel om 'n aansoek om goedkeuring van 'n hospitaal of inrigting as 'n opleidingskool, of om wysiging van 'n opgelegde voorwaarde ten opsigte van 'n goedgekeurde opleidingskool, te oorweeg;
- (h) eiendom verkry, huur of daaroor beskik, geld op sekuriteit van die bates van die raad leen of 'n trust of skenking aanvaar en administreer;
- (i) die hou van, of prosedure by, vergaderings reguleer;
- (j) die nodige amptenare aanstel en hulle pligte en diensvoorwaardes reguleer: Met dien verstande dat 'n beampte wat aangestel word, in albei offisiële tale bedrewe moet wees;
- (k) behoudens die regulasies, 'n lisensie om sake te doen as 'n verplegingsagentskap uitreik of hernieu by betaling deur 'n applikant van 'n jaarlikse voorgeskrewe bedrag geld van hoogstens vyf pond, die registers van so 'n agentskap nagaan of die bedrywighede daarvan ondersoek, of eis dat 'n persoon wat gelisensieer is om sake te doen as 'n verplegingsagentskap, aan die raad die inligting verstrek wat die raad nodig ag;
- (l) onder die voorgeskrewe omstandighede, 'n lisensie om sake te doen as 'n verplegingsagentskap, opskort of intrek;
- (m) geldelike hulp aan adviesrade verleen ten einde die rade in staat te stel om hul werksaamhede te verrig;
- (n) een of ander aangeleentheid oorweeg wat die verplegings- of verloskundige beroep raak, en in verband daarmee vertoë rig of stappe doen wat die raad raadsaam ag;

Bevoegdhede
van raad.

- (o) upon application of any person, recognize any qualifications held by him (whether such qualifications have been obtained in the Union or elsewhere) as being equal, either wholly or in part, to any prescribed qualifications, whereupon such person shall, to the extent to which the qualifications have so been recognized, be deemed to hold such prescribed qualifications, and

generally, do all such things as the council deems necessary or expedient to achieve the objects of Part I, II or III.

Regulations.

11. (1) The council may, with the approval of the Minister, make regulations not inconsistent with this Act in relation to—

- (a) the election of members of the council or an advisory board: Provided that the regulations made under this paragraph shall—
 - (i) provide for the elections to be conducted by secret ballot;
 - (ii) provide, in respect of the election of the members referred to in paragraph (h) or (i) of sub-section (2) of section *three*, for the division of the Union together with the territory into ten or three areas, as the case may be, in such a manner that the number of nurses or midwives, as the case may be, who are qualified to vote in each area is approximately the same;
- (b) the form of the registers or rolls kept by the council;
- (c) the conditions under which extracts from the registers or rolls may be issued;
- (d) the particulars to be furnished to the council to enable it to keep the separate registers or rolls referred to in section *twelve*, *fourteen* or *fifteen*;
- (e) the qualifications to be held, and the conditions to be complied with, entitling any person to be registered or enrolled, including the period or nature of training required, the examinations to be passed, and the payment of specified fees in respect of registration or enrolment: Provided that the council may prescribe different qualifications or conditions in respect of different classes of persons or different branches of nursing;
- (f) the qualifications to be held and the conditions to be complied with, entitling any person to be registered under section *fourteen* or enrolled under section *fifteen*, including the payment of specified fees in respect of registration or enrolment;
- (g) the circumstances, in addition to those specifically mentioned in this Act, in which any name may be removed from, or restored to, the registers or rolls;
- (h) the curricula for the training of student nurses or midwives, or student auxiliary nurses or midwives;
- (i) the conditions which the council may impose in approving of training schools;
- (j) fixing any fee or contribution which the council may, under this Act, charge or require any person to pay;
- (k) the uniforms, badges or other distinguishing devices which may or when on duty, shall be worn by persons registered or enrolled under this Act, and the prohibition of the manufacture, sale or supply of such uniforms, badges or other distinguishing devices by any person other than a person approved of by the council: Provided that different uniforms, badges or other distinguishing devices may be prescribed in respect of white persons, coloured persons and natives;
- (l) conduct on the part of any registered or enrolled person or of any person registered under section *fourteen* or enrolled under section *fifteen*, which shall constitute improper or disgraceful conduct;
- (m) the manner in which complaints or charges brought against a person registered or enrolled under this Act shall be lodged;
- (n) the method of summoning an accused person to attend an enquiry and the penalties for failure or refusal on

- (o) op aansoek van 'n persoon, kwalifikasies deur hom behaal (hetsy die kwalifikasies in die Unie of elders verkry is) erken as gelykstaande, hetsy in die geheel of gedeeltelik, met voorgeskrewe kwalifikasies, en daarna word dit geag dat daardie persoon, in die mate waarin die kwalifikasies aldus erken is, die voorgeskrewe kwalifikasies behaal het, en
- oor die algemeen, alles doen wat die raad nodig of dienstig ag om die oogmerke van Deel I, II of III te bereik.

11. (1) Die raad kan met goedkeuring van die Minister **Regulasies.** regulasies wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig met betrekking tot—

- (a) die verkiesing van lede van die raad of 'n adviesraad: Met dien verstande dat regulasies kragtens hierdie paragraaf uitgevaardig—
- (i) voorsiening maak vir die hou van verkiesings deur geheime stemming;
 - (ii) ten opsigte van die verkiesing van die lede in paragraaf (h) of (i) van sub-artikel (2) van artikel drie vermeld, voorsiening maak vir die verdeling van die Unie saam met die gebied in tien of drie streke, na gelang van die geval, op so 'n wyse dat die aantal stemgeregtigde verpleegsters of vroedvroue, na gelang van die geval, in elke streek ongeveer dieselfde is;
- (b) die vorm van registers of rolle wat deur die raad gehou word;
- (c) die voorwaardes waarop uittreksels uit die registers of rolle uitgereik mag word;
- (d) die besonderhede wat aan die raad verstrekk moet word om die raad in staat te stel om die afsonderlike registers of rolle in artikel twaalf, veertien of vyftien genoem, te hou;
- (e) die kwalifikasies wat behaal moet word, en die voorwaardes wat nagekom moet word, wat 'n persoon die reg gee om geregistreer of ingeskryf te word, met inbegrip van die tydperk of aard van opleiding verlang, die eksamens waarin geslaag moet word, en die betaling van bepaalde bedrae geld ten opsigte van registrasie of inskrywing: Met dien verstande dat die raad verskillende kwalifikasies of voorwaardes ten opsigte van verskillende klasse van persone of verskillende vertakkinge van verpleging kan voorskryf;
- (f) die kwalifikasies wat behaal moet word, en die voorwaardes wat nagekom moet word, wat 'n persoon die reg gee om ingevolge artikel veertien geregistreer of ingevolge artikel vyftien ingeskryf te word, met inbegrip van die betaling van bepaalde bedrae geld ten opsigte van registrasie of inskrywing;
- (g) die omstandighede, benewens die bepaalde omstandighede in hierdie Wet vermeld, waaronder 'n naam van die registers of rolle geskrap, of daarop teruggeplaas kan word;
- (h) die leerplanne vir die opleiding van leerling-verpleegsters of -vroedvroue, of leerling-hulpverpleegsters of -hulpvroedvroue;
- (i) die voorwaardes wat die raad kan oplê by die goedkeuring van opleidingskole;
- (j) die vasstelling van enige bedrag geld of bydrae wat die raad ingevolge hierdie Wet kan vra of iemand kan verplig om te betaal;
- (k) die uniforms, wapens of ander onderskeidingstekens wat deur persone ingevolge hierdie Wet geregistreer of ingeskryf, gedra kan word of, wanneer aan diens, gedra moet word, en die verbod op die vervaardiging, verkoop of voorsien van daardie uniforms, wapens of ander onderskeidingstekens deur 'n ander persoon as 'n persoon deur die raad goedgekeur: Met dien verstande dat verskillende uniforms, wapens of ander onderskeidingstekens ten opsigte van blankes, gekleurdes en naturelle voorgeskryf kan word;
- (l) gedrag deur 'n geregistreerde of ingeskrewe persoon of deur 'n ingevolge artikel veertien geregistreerde of ingevolge artikel vyftien ingeskrewe persoon, wat onbetaamlike of skandelijke gedrag uitmaak;
- (m) die wyse waarop klagtes of beskuldigings teen 'n ingevolge hierdie Wet geregistreerde of ingeskrewe persoon ingedien moet word;
- (n) die wyse waarop 'n beskuldigde gedagvaar moet word om by 'n ondersoek te verskyn en die strawwe weens

- the part of such person to attend when summoned or for obstructing or interrupting the proceedings;
- (o) the form of summons for the attendance of any witness at an enquiry or for the production of any book, record, document or thing thereat;
 - (p) the manner of holding or the procedure to be followed at an enquiry, or any other matter incidental to the holding thereof;
 - (q) the form of a licence to carry on the business of a nursing agency, the circumstances in which such a licence may be issued, suspended or cancelled, the conditions subject to which business may be carried on, including the records and accounts to be kept, the manner of advertising, and the maximum fees that may be charged for services rendered by or on behalf of such agency;
 - (r) the allowances which may be paid to members of the council (other than members appointed under subsection (2) of section *three* who are in the full-time employment of the State) when engaged on the service of the council, or to members of an advisory board attending any meeting of such a board: Provided that the allowances which may be paid to any such member who is in the full-time employment of the State, shall not exceed the allowances to which he would be entitled under the laws governing the public service: Provided further that no such member shall be required to pay into the Consolidated Revenue Fund any allowances which may be paid to him by the council in terms of any regulation made under this paragraph;
 - (s) the conditions under which registered nurses or midwives, or enrolled auxiliary nurses or midwives may carry on their calling;
 - (t) the maximum fees that may be charged by registered nurses or midwives, or enrolled auxiliary nurses or midwives for professional services rendered by them,

and generally, with regard to all matters which under Part I, II or III are required or permitted to be prescribed or which the council considers necessary or expedient to prescribe in order to enable it to carry out its powers and functions under this Act.

(2) Any regulation made under this section may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of twenty-five pounds.

(3) Whenever the council recommends a regulation which in the opinion of the Minister affects the medical or dental profession, the Minister shall not approve of such regulation unless he has consulted the South African Medical and Dental Council established under the Medical Act.

(4) Within six months after the date of commencement of regulations prescribing different badges or other distinguishing devices in respect of white persons, coloured persons and natives, any person to whom the council has issued any badge or other distinguishing device which such person, in accordance with such regulations, may not wear, may surrender such badge or distinguishing device to the council, who shall refund to such person the amount paid to it for such badge or distinguishing device.

Registration of nurses and midwives, enrolment of auxiliary nurses and midwives and offences by or in respect of registered or enrolled persons and by persons not registered or enrolled.

12. (1) The council shall register any nurse or midwife and enrol any auxiliary nurse or midwife holding the prescribed qualifications, who has complied with the prescribed conditions and has furnished the prescribed particulars, and shall for those purposes keep registers and rolls in the prescribed form, in which shall be entered the names and residential addresses of the persons to be registered or enrolled and such other particulars as may be prescribed.

(2) As from a date to be fixed by the Minister by notice in the *Gazette*, the council shall keep separate registers in respect of white persons, coloured persons and natives.

(3) Any person registered prior to the date fixed under subsection (2), who has not furnished the registrar with the prescribed particulars enabling the council to keep separate registers, shall not be entitled to vote at an election of members of the council, an advisory board, the board or an advisory committee, and any such person who has not within one year after the said date furnished the registrar with the said particulars, shall be deemed not to be registered.

- versuim of weiering deur die beskuldigde om te verskyn wanneer hy gedagvaar is, of weens belemmering of steuring van die verrigtinge;
- (o) die vorm van dagvaarding vir die verskyning van 'n getuie by 'n ondersoek of vir die oorlegging van 'n boek, register, dokument of voorwerp daarby;
 - (p) die wyse waarop 'n ondersoek ingestel moet word of die prosedure wat daarby gevolg moet word, of 'n ander aangeleentheid wat met die instel daarvan in verband staan;
 - (q) die vorm van 'n lisensie om sake te doen as 'n verplegingsagentskap, die omstandighede waaronder so 'n lisensie uitgereik, opgeskort of ingetrek kan word, die voorwaardes waarop sake gedoen mag word, met inbegrip van die registers en rekeninge wat gehou moet word, die wyse van adverteer, en die hoogste vergoeding wat gevra mag word vir dienste deur of namens die agentskap gelewer;
 - (r) die toelaes wat aan lede van die raad (behalwe kragtens sub-artikel (2) van artikel drie aangestelde lede wat in die voltydse diens van die Staat is) wanneer hulle in die diens van die raad werksaam is, of aan lede van 'n adviesraad wat 'n vergadering van 'n adviesraad bywoon, betaal mag word: Met dien verstande dat die toelaes wat aan so 'n lid wat in die voltydse diens van die Staat is, betaal mag word, nie die toelaes waarop hy ingevolge die wette op die staatsdiens geregtig sou wees, oorskry nie: Met dien verstande voorts dat so 'n lid nie verplig is om een of ander toelae wat ingevolge 'n regulasie kragtens hierdie paragraaf uitgevaardig, aan hom deur die raad betaal word, in die Gekonsolideerde Inkomstefonds te stort nie;
 - (s) die voorwaardes waaronder geregistreerde verpleegsters of ingeskrewe hulpverpleegsters of -vroedvroue hul beroep mag uitoefen;
 - (t) die hoogste vergoeding wat deur geregistreerde verpleegsters of vroedvroue, of ingeskrewe hulpverpleegsters of -vroedvroue vir professionele dienste deur hulle gelewer, gevra mag word,

en oor die algemeen met betrekking tot alle aangeleenthede wat ingevolge Deel I, II of III voorgeskryf moet of kan word of wat die raad nodig of dienstig ag om voor te skryf om hom in staat te stel om sy bevoegdhede en werksaamhede ingevolge hierdie Wet uit te oefen of te verrig.

(2) 'n Regulasie ingevolge hierdie artikel uitgevaardig, kan vir 'n oortreding daarvan of versuim om dit na te kom, strawwe van 'n boete van hoogstens vyf-en-twintig pond voorskryf.

(3) Wanneer die raad 'n regulasie aanbeveel wat na die mening van die Minister die geneeskundige of tandheelkundige beroep raak, keur die Minister die regulasie nie goed nie, tensy hy die Suid-Afrikaanse Geneeskundige en Tandheelkundige Raad ingevolge die Wet op Geneeshere ingestel, geraadpleeg het.

(4) Binne ses maande na die datum van inwerkingtreding van regulasies wat verskillende wapens of ander onderskeidings tekens ten opsigte van blankes, gekleurdes en natuurlike voorskryf, kan 'n persoon aan wie die raad 'n wapen of ander onderskeidingsteken uitgereik het, wat daardie persoon, ooreenkomstig genoemde regulasies, nie mag dra nie, die wapen of onderskeidingsteken oorhandig aan die raad, wat die bedrag aan hom vir daardie wapen of onderskeidingsteken betaal, aan daardie persoon moet terugbetaal.

12. (1) Die raad moet 'n verpleegster of vroedvrou registreer en 'n hulpverpleegster of -vroedvrou inskrywe wat die voorgeskrewe kwalifikasies behaal het, die voorgeskrewe voorwaardes nagekom het en die voorgeskrewe besonderhede verstrek het, en moet vir daardie doeleindes registers en rolle in die voorgeskrewe vorm hou, waarin die name en woon-adresse van die persone wat registreer of ingeskryf moet word en die ander voorgeskrewe besonderhede opgeteken word.

(2) Vanaf 'n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal, moet die raad afsonderlike registers ten opsigte van blankes, gekleurdes en natuurlike hou.

(3) 'n Persoon registreer voor die datum ingevolge sub-artikel (2) bepaal, wat nie aan die registrateur die voorgeskrewe besonderhede verstrek het om die raad in staat te stel om afsonderlike registers te hou nie, is nie stemgeregtig by 'n verkiesing van lede van die raad, 'n adviesraad, die bestuur of 'n adviserende komitee nie, en so 'n persoon wat nie binne 'n jaar na genoemde datum aan die registrateur genoemde besonderhede verstrek het nie, word geag nie registreer te wees nie.

Registrasie van verpleegsters en vroedvroue, inskrywing van hulpverpleegsters en -vroedvroue en misdrywe deur of ten opsigte van geregistreerde of ingeskrewe persone en deur persone wat nie registreer of ingeskryf is nie.

(4) The council shall keep separate rolls in respect of white persons, coloured persons and natives.

(5) Any person who is registered or enrolled may use the title "Registered Nurse", "Registered Midwife", "Enrolled Auxiliary Nurse", or "Enrolled Auxiliary Midwife", as the case may be.

(6) Any person who is not registered or enrolled in a particular capacity—

- (a) who makes use of the title which a person who is registered or enrolled in that capacity may use, whether he makes use of such title alone or in combination with any word or letter; or
- (b) who holds himself out or permits himself to be held out, directly or indirectly, as being registered or enrolled in that capacity; or
- (c) who wears any uniform, badge or other distinguishing device (or any colourable imitation thereof) prescribed in respect of a person registered or enrolled in that capacity,

shall be guilty of an offence.

(7) Subject to the provisions of sub-section (11) any person—

- (a) who is not registered as a nurse or enrolled as an auxiliary nurse, and who practises for gain as a nurse within any area declared a prescribed area under paragraph (a) of sub-section (1) of section *forty-five*; or
- (b) who is not registered as a midwife or enrolled as an auxiliary midwife, and who practises for gain as a midwife, within any area declared a prescribed area under paragraph (b) of sub-section (1) of section *forty-five*; or
- (c) who is not registered as a nurse or midwife, or enrolled as an auxiliary nurse or midwife, and who, while acting as a nurse or midwife, makes any internal examination of the genitals of any woman in relation to any condition arising out of or in connection with pregnancy,

shall be guilty of an offence.

(8) Any person who, knowing that any other person is not registered or enrolled in a particular capacity—

- (a) describes such other person as the holder of the title which a person who is registered or enrolled in that capacity may use, whether he describes such other person by making use of such title alone or in combination with any word or letter; or
- (b) holds such other person out, directly or indirectly, as being registered or enrolled in that capacity,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds.

(9) Any person who practises for gain as a nurse or midwife—

- (a) if he is qualified to be registered or enrolled but is not registered or enrolled; or
- (b) if he is deemed by this Act not to be registered or enrolled or registered under section *fourteen* or enrolled under section *fifteen*,

shall be guilty of an offence.

(10) (a) As from a date to be notified by the Minister in the *Gazette*, any person not registered as a nurse or midwife who acts as matron or nurse or midwife in charge of any hospital or any home or other institution for the reception and treatment of patients in respect of any condition arising out of or in connection with pregnancy, or of medical, surgical, fever, psychiatric or mentally defective or disordered patients, shall be guilty of an offence.

(b) The Minister may by notice in the *Gazette* exclude from the operation of the provisions of paragraph (a) any area specified in the notice or any area other than an area so specified, and may in like manner amend or repeal any such notice.

(11) The provisions of paragraphs (a) and (b) of sub-section (7) shall not apply—

- (a) to a member of the "Suid-Afrikaanse Noodhulp Liga", the South African Red Cross Society or the St. John

(4) Die raad moet afsonderlike rolle ten opsigte van blankes, gekleurdes en natuurlike hou.

(5) 'n Persoon wat geregistreer of ingeskryf is, mag die titel „Geregistreeerde Verpleegster”, „Geregistreeerde Verpleër”, „Geregistreeerde Vroedvrou”, „Ingeskrewre Hulpverpleegster”, „Ingeskrewre Hulpverpleër” of „Ingeskrewre Hulpvroedvrou”, na gelang van die geval, gebruik.

(6) 'n Persoon wat nie in 'n bepaalde hoedanigheid geregistreer of ingeskryf is nie—

(a) wat gebruik maak van 'n titel wat 'n in daardie hoedanigheid geregistreeerde of ingeskrewre persoon mag gebruik, hetsy hy van die titel alleen of in verbinding met 'n woord of letter gebruik maak; of

(b) wat regstreeks of onregstreeks hom voordoet of toelaat dat hy voorgelê word as iemand wat in daardie hoedanigheid geregistreer of ingeskryf is; of

(c) wat 'n uniform, wapen of ander onderskeidingssteken (of 'n misleidende namaaksel daarvan) dra wat voorgeskryf is ten opsigte van 'n persoon wat in daardie hoedanigheid geregistreer of ingeskryf is,

is aan 'n misdryf skuldig.

(7) Behoudens die bepalings van sub-artikel (11), is 'n persoon—

(a) wat nie as 'n verpleegster geregistreer of as 'n hulpverpleegster ingeskryf is nie, en wat binne 'n gebied wat ingevolge paragraaf (a) van sub-artikel (1) van artikel vyf-en-veertig 'n voorgeskrewe gebied verklaar is, vir wins as 'n verpleegster praktiseer; of

(b) wat nie as 'n vroedvrou geregistreer of as 'n hulpvroedvrou ingeskryf is nie, en wat binne 'n gebied wat ingevolge paragraaf (b) van sub-artikel (1) van artikel vyf-en-veertig 'n voorgeskrewe gebied verklaar is, vir wins as vroedvrou praktiseer; of

(c) wat nie as 'n verpleegster of vroedvrou geregistreer of as 'n hulpverpleegster of vroedvrou ingeskryf is nie, en wat, terwyl werksaam as 'n verpleegster of vroedvrou, die geslagsorgane van 'n vrou met betrekking tot een of ander toestand wat uit of in verband met swangerskap ontstaan, inwendig ondersoek,

aan 'n misdryf skuldig.

(8) 'n Persoon wat, terwyl hy weet dat 'n ander persoon nie in 'n bepaalde hoedanigheid geregistreer of ingeskryf is nie—

(a) daardie ander persoon beskryf as die besitter van 'n titel wat 'n in daardie hoedanigheid geregistreeerde of ingeskrewre persoon mag gebruik, hetsy hy die ander persoon beskryf deur gebruik te maak van die titel alleen of in verbinding met 'n woord of letter; of

(b) dié ander persoon regstreeks of onregstreeks voorhou as iemand wat in daardie hoedanigheid geregistreer of ingeskryf is,

is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete van hoogstens honderd pond strafbaar.

(9) 'n Persoon wat vir wins as 'n verpleegster of vroedvrou praktiseer—

(a) indien hy gekwalifiseer is om geregistreer of ingeskryf te word maar nie geregistreer of ingeskryf is nie; of

(b) indien hy ingevolge hierdie Wet geag word nie geregistreer of ingeskryf of ingevolge artikel veertien geregistreer of ingevolge artikel vyftien ingeskryf te wees nie,

is aan 'n misdryf skuldig.

(10) (a) Vanaf 'n datum deur die Minister in die *Staatskoerant* bekend gemaak, is 'n persoon wat nie as 'n verpleegster of vroedvrou geregistreer is nie en wat optree as matrone of verpleegster of vroedvrou aan die hoof van 'n hospitaal of 'n tehuis of ander inrigting vir die opname en behandeling van pasiënte ten opsigte van een of ander toestand wat uit of in verband met swangerskap ontstaan, of van geneeskundige, chirurgiese, koors-, psigiatrisiese of geestelike gebrekkige of gekrenkte pasiënte, aan 'n misdryf skuldig.

(b) Die Minister kan by kennisgewing in die *Staatskoerant*, enige in die kennisgewing vermelde gebied of enige ander gebied as 'n aldus vermelde gebied van die toepassing van die bepalings van paragraaf (a) uitsluit, en kan so 'n kennisgewing insgelyks wysig of herroep.

(11) Die bepalings van paragrafe (a) en (b) van sub-artikel (7) is nie van toepassing nie—

(a) op 'n lid van die Suid-Afrikaanse Noodhulppliga, die Suid-Afrikaanse Rooikruisvereniging of die „St. John

Ambulance Association, while acting within the scope of the objects of and under the direct control of the organization concerned;

- (b) to student nurses or midwives registered under section *fourteen*, or student auxiliary nurses or midwives, enrolled under section *fifteen* while acting in the course of their training; or
- (c) to any person rendering assistance in case of emergency.

Registration of additional qualifications.

13. (1) Any person who desires to register a degree, diploma or certificate, other than the degree, diploma or certificate in respect of which he has in the first instance been registered, shall, upon payment of the prescribed fee and subject to the provisions of sub-section (2), be entitled to have such other degree, diploma or certificate entered after his name in the relevant register referred to in section *twelve*, as an additional qualification.

(2) Only such degrees, diplomas or certificates as may be prescribed shall be entered under this section.

(3) No registered person shall take, use or publish any name, title, description or symbol indicating, or calculated to lead persons to infer, that he possesses any such additional qualification which is not shown in the register after his name.

(4) The council may erase from the register any degree, diploma or certificate entered in terms of sub-section (1), if in respect of such degree, diploma or certificate the name of the holder thereof has been removed from the roll, register or record of the university, hospital, college, society or other body from which that person received such degree, diploma or certificate.

Registration of student nurses or midwives.

14. (1) The council shall register any student nurse or midwife undergoing training at an approved training school, who holds the prescribed qualifications, has complied with the prescribed conditions and has furnished the prescribed particulars, and shall for that purpose keep registers in which shall be entered the names and addresses of the persons to be registered and such other particulars as may be prescribed.

(2) As from a date to be fixed by the Minister by notice in the *Gazette*, the council shall keep separate registers in respect of white persons, coloured persons and natives.

(3) Any person registered as a student nurse or midwife prior to the date fixed under sub-section (2), who has not furnished the registrar with the prescribed particulars enabling the council to keep separate registers, shall not be entitled to vote at an election of members of the council, an advisory board, the board or an advisory committee.

(4) Every person on commencing training as a student nurse or midwife at an approved training school, shall apply for registration with the council.

(5) The person in charge of an approved training school shall forthwith notify the council of the termination of the training of any student nurse or midwife, whether by reason of abandonment or completion of training, or of a transfer or for any other reason.

Enrolment of student auxiliary nurses or midwives.

15. (1) The council shall, as from a date to be notified by the Minister in the *Gazette* after consultation with the council, enrol any student auxiliary nurse or midwife undergoing training at an approved training school, who holds the prescribed qualifications, has complied with the prescribed conditions and has furnished the prescribed particulars, and shall for that purpose keep rolls in which shall be entered the names and addresses of the persons to be enrolled and such other particulars as may be prescribed.

(2) Separate rolls shall be kept in respect of white persons, coloured persons and natives.

(3) Every person on commencing training as a student auxiliary nurse or midwife at an approved training school, shall apply for enrolment with the council.

(4) The person in charge of an approved training school shall forthwith notify the council of the termination of the training of any student auxiliary nurse or midwife, whether by reason of abandonment or completion of training, or of a transfer or for any other reason.

PART II

ADVISORY BOARDS FOR COLOURED PERSONS AND NATIVES.

Establishment of advisory boards for coloured persons and natives.

16. As from a date to be fixed by the Minister by notice in the *Gazette*, there shall be established an advisory board for coloured persons and an advisory board for natives, to advise the council on such matters relating to nurses or midwives who are coloured

Ambulance Association", terwyl werksaam binne die bestek van die oogmerke van en onder die regstreekse beheer van die betrokke organisasie;

- (b) op leerlingverpleegsters of -vroedvroue ingevolge artikel *veertien* geregistreer, of leerling-hulpverpleegsters of -hulpvroedvroue ingevolge artikel *vyftien* ingeskryf, terwyl werksaam in die loop van hul opleiding; of
- (c) op 'n persoon wat in 'n noodgeval hulp verleen.

13. (1) Iemand wat 'n ander graad, diploma of sertifikaat as die graad, diploma of sertifikaat ten opsigte waarvan hy in die eerste plek geregistreer is, wil registreer, het die reg om by betaling van die voorgeskrewe bedrag en behoudens die bepalings van sub-artikel (2), die ander graad, diploma of sertifikaat ná sy naam in die betrokke register in artikel *twaalf* genoem, as 'n addisionele kwalifikasie te laat inskryf.

Registrasie van addisionele kwalifikasies.

(2) Slegs die voorgeskrewe grade, diplomas of sertifikate word ingevolge hierdie artikel ingeskryf.

(3) Geen geregistreerde persoon mag 'n naam, titel, beskrywing of teken aanneem, gebruik of bekend maak, wat aandui of persone sou kan laat aflei dat hy so 'n addisionele kwalifikasie besit wat nie ná sy naam in die register voorkom nie.

(4) Die raad kan 'n graad, diploma of sertifikaat ingevolge sub-artikel (1) ingeskryf, van die register skrap, indien die naam van die besitter daarvan ten opsigte van daardie graad, diploma of sertifikaat geskrap is van die rol, register of stukke van die universiteit, hospitaal, kollege, genootskap of ander liggaam waarvan daardie persoon daardie graad, diploma of sertifikaat ontvang het.

14. (1) Die raad moet 'n leerlingverpleegster of -vroedvrou registreer wat opleiding aan 'n goedgekeurde opleidingskool ontvang, en wat die voorgeskrewe kwalifikasies behaal het, die voorgeskrewe voorwaardes nagekom het en die voorgeskrewe besonderhede verstrek het, en moet vir daardie doel registers hou waarin die name en adresse van die persone wat geregistreer moet word en die ander voorgeskrewe besonderhede opgeteken word.

Registrasie van leerlingverpleegsters of -vroedvroue.

(2) Vanaf 'n datum wat die Minister by kennisgewing in die *Staatskoerant* bepaal, moet die raad afsonderlike registers ten opsigte van blankes, gekleurdes en naturelle hou.

(3) 'n Persoon wat voor die datum ingevolge sub-artikel (2) bepaal, as 'n leerlingverpleegster of -vroedvrou geregistreer is en nie aan die registrateur die voorgeskrewe besonderhede verstrek het om die raad in staat te stel om afsonderlike registers te hou nie, is nie stemgeregtig by 'n verkiesing van lede van die raad, 'n adviesraad, die bestuur of 'n adviserende komitee nie.

(4) Elke persoon moet aan die begin van sy opleiding as 'n leerlingverpleegster of -vroedvrou aan 'n goedgekeurde opleidingskool, aansoek doen om registrasie by die raad.

(5) Die persoon aan die hoof van 'n goedgekeurde opleidingskool moet onverwyld die raad in kennis stel van die beëindiging van die opleiding van 'n leerlingverpleegster of -vroedvrou, hetsy weens staking of voltooiing van opleiding, of weens 'n oorplasing of om 'n ander rede.

15. (1) Die raad moet, vanaf 'n datum deur die Minister in die *Staatskoerant* bekend gemaak na oorlegpleging met die raad, 'n leerling-hulpverpleegster of -hulpvroedvrou inskrywe wat opleiding aan 'n goedgekeurde opleidingskool ontvang, en wat die voorgeskrewe kwalifikasies behaal het, die voorgeskrewe voorwaardes nagekom het en die voorgeskrewe besonderhede verstrek het, en moet vir daardie doel rolle hou waarin die name en adresse van die persone wat ingeskryf moet word, en die ander voorgeskrewe besonderhede, opgeteken word.

Inskrywing van leerling-hulpverpleegsters of -hulpvroedvroue.

(2) Afsonderlike rolle moet ten opsigte van blankes, gekleurdes en naturelle gehou word.

(3) Elke persoon moet aan die begin van sy opleiding as 'n leerling-hulpverpleegster of -hulpvroedvrou aan 'n goedgekeurde opleidingskool, aansoek doen om inskrywing by die raad.

(4) Die persoon aan die hoof van 'n goedgekeurde opleidingskool moet onverwyld die raad in kennis stel van die beëindiging van die opleiding van 'n leerling-hulpverpleegster of -hulpvroedvrou, hetsy weens staking of voltooiing van opleiding, of weens 'n oorplasing of om 'n ander rede.

DEEL II.

ADVIESRADE VIR GEKLEURDES EN NATURELLE.

16. Vanaf 'n datum deur die Minister by kennisgewing in die *Staatskoerant* bepaal, word daar 'n adviesraad vir gekleurdes en 'n adviesraad vir naturelle ingestel, om die raad van advies te

Instelling van adviesrade vir gekleurdes en naturelle.

persons or natives, as may be referred to such a board by the council, or upon which any such board may wish to report to the council.

**Constitution of
advisory boards.**

- 17.** (1) The advisory board for coloured persons shall consist of five members who are coloured persons, of whom—
- (a) three shall be registered nurses elected by registered nurses who are coloured persons;
 - (b) one shall be a registered midwife elected by registered midwives who are coloured persons; and
 - (c) one shall be a person registered both as a nurse and as a midwife, elected by student nurses and midwives registered under section *fourteen*, who are coloured persons.
- (2) The advisory board for natives shall consist of five members who are natives, of whom—
- (a) three shall be registered nurses elected by registered nurses who are natives;
 - (b) one shall be a registered midwife elected by registered midwives who are natives; and
 - (c) one shall be a person registered both as a nurse and as a midwife, elected by student nurses and midwives registered under section *fourteen*, who are natives.
- (3) The provisions of sub-sections (3), (4) and (6) of section *three* and sub-section (3) of section *four* shall apply *mutatis mutandis* in respect of the election, nomination or tenure of office, as the case may be, of members of an advisory board.
- (4) The council shall take the necessary steps to hold an election whenever any member of an advisory board has to be elected.
- (5) The first election of members of any advisory board may be held before the date fixed under section *sixteen*.

**Disqualification
and vacation
of office.**

- 18.** (1) No person shall be elected as a member of an advisory board—
- (a) who is an unrehabilitated insolvent; or
 - (b) who is not a South African Citizen permanently resident in the Union or the territory.
- (2) A member of an advisory board shall vacate his office—
- (a) if he becomes subject to any disqualification referred to in sub-section (1);
 - (b) if he ceases to hold any qualification necessary for his election;
 - (c) if he has been absent from more than two consecutive meetings of the advisory board without its leave; or
 - (d) if he resigns.

**Chairman and
vice-chairman.**

- 19.** (1) The members of every newly constituted advisory board shall, at the first meeting of such advisory board, elect from among themselves a chairman and a vice-chairman who shall hold office for the period of office of the members of the advisory board.
- (2) The chairman or in his absence, the vice-chairman, shall preside at any meeting of an advisory board: Provided that if both the chairman and the vice-chairman are absent from any meeting of an advisory board, the members present shall elect from among themselves an acting chairman, who shall preside at such meeting.
- (3) If the office of chairman or vice-chairman becomes vacant, the members of an advisory board, shall, at the first meeting after such vacancy occurs, elect from among themselves a new chairman or vice-chairman, as the case may be, who shall hold office for the unexpired portion of the period for which his predecessor was elected.

**Meetings of
advisory boards
and quorum.**

- 20.** (1) An advisory board shall hold at least one meeting each year at such place and at such time as the council may determine.
- (2) The president and the vice-president of the council and any other member thereof designated by the council, and the registrar or any officer of the council designated by him may attend any meeting of an advisory board as an observer and adviser but shall have no vote.
- (3) Three members shall form a quorum at any meeting of an advisory board.

**Remuneration of
members of an
advisory board.**

- 21.** The members of an advisory board shall receive no remuneration in respect of their services on such a board, but may be paid out of the funds of the council such allowances to cover reasonable expenses incurred by them in respect of their attendance of meetings of such a board, as the council may prescribe.

dien ten opsigte van die aangeleenthede wat in verband staan met verpleegsters of vroedvroue wat gekleurdes of naturelle is, wat deur die raad na so 'n adviesraad verwys word, of wat so 'n adviesraad onder die aandag van die raad wil bring.

17. (1) Die adviesraad vir gekleurdes bestaan uit vyf lede wat gekleurdes is, van wie— Samestelling
van adviesrade.

- (a) drie geregistreerde verpleegsters is, verkies deur geregistreerde verpleegsters wat gekleurdes is;
- (b) een 'n geregistreerde vroedvrou is, verkies deur geregistreerde vroedvroue wat gekleurdes is; en
- (c) een 'n persoon is wat as verpleegster sowel as vroedvrou geregistreer is, verkies deur leerlingverpleegsters en -vroedvroue ingevolge artikel *veertien* geregistreer, wat gekleurdes is.

(2) Die adviesraad vir naturelle bestaan uit vyf lede wat naturelle is, van wie—

- (a) drie geregistreerde verpleegsters is, verkies deur geregistreerde verpleegsters wat naturelle is;
- (b) een 'n geregistreerde vroedvrou is, verkies deur geregistreerde vroedvroue wat naturelle is; en
- (c) een 'n persoon is wat as verpleegster sowel as vroedvrou geregistreer is, verkies deur leerlingverpleegsters en -vroedvroue ingevolge artikel *veertien* geregistreer, wat naturelle is.

(3) Die bepalings van sub-artikels (3), (4) en (6) van artikel *drie* en sub-artikel (3) van artikel *vier* is *mutatis mutandis* ten opsigte van die verkiesing, nominasie of ampstermyn, na gelang van die geval, van lede van 'n adviesraad van toepassing.

(4) Die raad moet die nodige stappe doen om 'n verkiesing te hou wanneer 'n lid van 'n adviesraad verkies moet word.

(5) Die eerste verkiesing van lede van 'n adviesraad kan plaasvind voor die datum ingevolge artikel *sestien* bepaal.

18. (1) Niemand word as lid van 'n adviesraad verkies nie— Onbevoegdheid
en ontruiming
van amp.

- (a) wat 'n ongerehabiliteerde insolvente persoon is; of
 - (b) wat nie 'n Suid-Afrikaanse burger is wat permanent in die Unie of die gebied woonagtig is nie.
- (2) 'n Lid van 'n adviesraad ontruim sy amp—
- (a) indien hy aan 'n onbevoegdheid in sub-artikel (1) genoem, onderhewig word;
 - (b) indien hy ophou om 'n bevoegdheid te besit wat vir sy verkiesing nodig is;
 - (c) indien hy sonder verlof van die adviesraad van meer as twee agtereenvolgende vergaderings van die adviesraad afwesig is; of
 - (d) indien hy bedank.

19. (1) Die lede van elke nuutsaamgestelde adviesraad moet op die eerste vergadering van so 'n adviesraad, uit hul midde 'n voorsitter en 'n vise-voorsitter kies, wat sy amp bekleed vir die ampstermyn van die lede van die adviesraad. Voorsitter en
vise-voorsitter.

(2) Die voorsitter of in sy afwesigheid, die vise-voorsitter, sit voor op 'n vergadering van 'n adviesraad: Met dien verstande dat indien die voorsitter sowel as die vise-voorsitter van 'n vergadering van 'n adviesraad afwesig is, die aanwesige lede uit hul midde 'n waarnemende voorsitter kies, wat op die vergadering voorsit.

(3) Indien die amp van voorsitter of vise-voorsitter vakant word, kies die lede van 'n adviesraad uit hul midde op die eerste vergadering nadat die vakature ontstaan, 'n nuwe voorsitter of vise-voorsitter, na gelang van die geval, wat sy amp bekleed vir die onverstreke gedeelte van die tydperk waarvoor sy voorganger verkies was.

20. (1) 'n Adviesraad hou minstens een vergadering per jaar op die plek en op die tyd wat die raad bepaal. Vergaderings
van adviesrade
en kworum.

(2) Die president en die vise-president van die raad en 'n ander lid daarvan deur die raad aangewys en die registrateur of 'n amptenaar van die raad deur hom aangewys, kan 'n vergadering van 'n adviesraad as 'n waarnemer en raadgewer bywoon, maar is nie stemgeregtig nie.

(3) Drie lede maak 'n kworum uit op 'n vergadering van 'n adviesraad.

21. Die lede van 'n adviesraad ontvang geen besoldiging ten opsigte van hul dienste in so 'n raad nie, maar daar kan aan hulle uit die fondse van die raad die toelaes betaal word wat die raad voorskryf, tot dekking van die uitgawes redelikerwys deur hulle aangegaan ten opsigte van hul bywoning van die vergaderings van 'n adviesraad. Besoldiging
van lede van
'n adviesraad.

PART III.

DISCIPLINARY POWERS OF THE COUNCIL.

Enquiry by council
into charges of
misconduct.

22. The council may, in the manner prescribed, enquire into any complaint, charge or allegation against any registered or enrolled person, or any person registered under section *fourteen* or enrolled under section *fifteen*, of improper or disgraceful conduct, whether or not in regard to such person's profession or calling, or whether or not prescribed as constituting improper or disgraceful conduct, and may on conviction impose the penalties prescribed by section *twenty-five*.

Procedure in
respect of and
offences relating
to enquiries.

23. (1) Any person in respect of whose conduct an enquiry is held, shall be afforded an opportunity, by himself or his counsel or attorney, of answering the charge and of being heard in his defence.

(2) (a) For the purposes of an enquiry the council may take evidence and may, under the hand of the president or the registrar summon witnesses and require the production of any book, record, document or thing, and may through the member presiding administer an oath to any witness or require him to make an affirmation, and may examine any book, record, document or thing, which any witness has been required to produce.

(b) A summons for the attendance of a witness before the council or for the production to it of any book, record, document, or thing, shall be in the prescribed form, and shall be served by post or in the same manner as it would be served if it were a subpoena issued by a magistrate's court.

(c) Any person who fails, without sufficient cause, to attend and give evidence relevant to the enquiry, at the time and place specified in the summons, or who refuses to be sworn or to make an affirmation, or to produce any book, record, document or thing, which he has been required by summons to produce, or to answer fully and satisfactorily, to the best of his knowledge and belief, any question lawfully put to him, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds: Provided that any person so summoned shall be entitled to all the privileges to which a witness giving evidence before a superior court is entitled.

(3) Any person who after having been sworn or having made affirmation, gives false evidence at an enquiry, knowing such evidence to be false or not believing it to be true, shall be guilty of an offence and liable on conviction to the penalties which may be imposed for the crime of perjury.

(4) In the case of any charge the evidence in support whereof is documentary, or in such other cases as the council may think fit, the registrar acting as *pro forma* complainant may institute proceedings under this Part.

(5) The council may appoint a legal assessor to be present at any enquiry to advise it on matters of law, procedure and evidence.

Conviction of
certain offences
to be *prima facie*
evidence of
improper or
disgraceful
conduct.

24. The conviction whether before or after registration or enrolment, of any registered or enrolled person by a court of law of an offence the commission whereof, in the opinion of the council, constitutes improper or disgraceful conduct, shall for the purposes of an enquiry, be *prima facie* proof of improper or disgraceful conduct by such person.

Penalties.

25. Any person who has been convicted at an enquiry shall be liable to one or other of the following penalties, namely—

- (a) a caution or a reprimand or a reprimand and a caution; or
- (b) suspension for a specified period from practising in the Union and the territory in any capacity in which he is registered or enrolled; or
- (c) cancellation of his registration or enrolment under this Act, and the removal of his name from any register or roll.

Appeal to Minister
against decision
of council.

26. Any person aggrieved by the finding of the council or the penalty imposed by it at an enquiry, may within thirty days after the date of the decision of the council, appeal to the Minister.

DEEL III.

BEVOEGDHEDE VAN DIE RAAD OM TUG UIT TE OEFEN.

22. Die raad kan, op die voorgeskrewe wyse, ondersoek instel na 'n klagte, beskuldiging of bewering van onbetaamlike of skandelijke gedrag teen 'n geregistreerde of ingeskrewe persoon, of 'n ingevolge artikel *veertien* geregistreerde of ingevolge artikel *vyftien* ingeskrewe persoon, hetsy met betrekking tot die persoon se professie of beroep, al dan nie, of hetsy voorgeskryf as gedrag wat onbetaamlike of skandelijke gedrag uitmaak, al dan nie, en kan by skuldigbevinding die by artikel *vyf-en-twintig* voorgeskrewe strawwe oplê.

Ondersoek deur raad van beskuldigings van wangedrag.

23. (1) Aan 'n persoon ten opsigte van wie se gedrag 'n ondersoek ingestel word, moet 'n geleentheid verleen word om self of deur sy advokaat of prokureur op die beskuldiging te antwoord en om sy verdediging voor te dra.

Prosedure ten opsigte van 'n misdrywe met betrekking tot ondersoek.

(2) (a) Vir die doeleindes van 'n ondersoek kan die raad getuienis afneem en onder handtekening van die president of die registrateur getuies dagvaar en die oorlegging van een of ander boek, register, dokument of voorwerp gelas en deur die lid wat voorsit die eed van 'n getuie afneem of eis dat hy 'n plegtige verklaring aflê, en 'n boek, register, dokument of voorwerp wat 'n getuie gelas is om oor te lê, ondersoek.

(b) 'n Dagvaarding aan 'n getuie om voor die raad te verskyn of om aan die raad 'n boek, register, dokument of voorwerp oor te lê, moet in die voorgeskrewe vorm geskied, en moet bestel word per pos of op dieselfde wyse waarop dit bestel sou word as dit 'n getuiedagvaarding was wat deur 'n magistraatshof uitgereik is.

(c) 'n Persoon wat sonder voldoende rede in gebreke bly om op die tyd en plek vermeld in die dagvaarding te verskyn en getuienis af te lê wat op die ondersoek betrekking het, of wat weier om die eed of 'n plegtige verklaring af te lê, of om 'n boek, register, dokument of voorwerp oor te lê wat hy deur 'n dagvaarding gelas is om oor te lê, of om 'n vraag wat regmatiglik aan hom gestel is ten volle en bevredigend volgens sy eerlike oortuiging te beantwoord, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf-en-twintig pond: Met dien verstande dat 'n aldus gedagvaarde persoon op al die voorregte geregtig is waarop 'n getuie wat voor 'n hooggeregshof getuienis aflê, geregtig is.

(3) 'n Persoon wat, nadat hy die eed of 'n plegtige verklaring afgelê het, valse getuienis by 'n ondersoek aflê met die wete dat daardie getuienis vals is, of terwyl hy nie glo dat dit juis is nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat vir die misdaad van meened opgelê kan word.

(4) In die geval van 'n beskuldiging waar die getuienis ter stawing daarvan dokumentêr is, of in daardie ander gevalle wat die raad goed ag, kan die registrateur *pro forma* as klaer optree en 'n saak ingevolge hierdie Deel aanhangig maak.

(5) Die raad kan 'n regskundige assessor aanstel om 'n ondersoek by te woon ten einde die raad met betrekking tot regsvraagstukke, prosedure en bewyslewering van advies te dien.

24. Die skuldigbevinding, hetsy vóór of ná registrasie of inskrywing, van 'n geregistreerde of ingeskrewe persoon deur 'n geregshof weens 'n misdryf, waarvan die pleeg, na die mening van die raad, onbetaamlike of skandelijke gedrag uitmaak, is vir die doeleindes van 'n ondersoek *prima facie*-bewys van onbetaamlike of skandelijke gedrag deur daardie persoon.

Skuldigbevinding weens sekere misdrywe is *prima facie*-bewys van onbetaamlike of skandelijke gedrag.

25. 'n Persoon wat by 'n ondersoek skuldig bevind is, is met een of ander van die volgende strawwe strafbaar, naamlik—

- (a) 'n waarskuwing of 'n berisping of 'n berisping en 'n waarskuwing; of
- (b) skorsing binne die Unie en die gebied vir 'n vasgestelde tydperk in enige hoedanigheid waarin hy geregistreer of ingeskryf is; of
- (c) intrekking van sy registrasie of inskrywing ingevolge hierdie Wet en die skraping van sy naam van enige register of rol.

Strawwe.

26. 'n Persoon wat hom veronreg voel deur die bevinding van die raad of die straf deur die raad by 'n ondersoek opgelê, kan binne dertig dae ná die datum van die beslissing van die raad, na die Minister appelleer.

Appel na Minister teen bevinding van raad.

Review of
decision of
Minister.

27. (1) Any person aggrieved by the decision of the Minister under section *twenty-six*, may, after notice to the council and within two months after the date of such decision, make an application for review to the provincial or local division of the Supreme Court of South Africa or to the High Court of South-West Africa, as the case may be, having jurisdiction in the area wherein the applicant normally practises in the capacity in which he is registered or enrolled.

(2) The court hearing such application may dismiss the application, or if it is of opinion that the council has not acted in accordance with the provisions of this Act, set aside the decision of the Minister, or remit the matter to the Minister or the council for further consideration, or make such order (including an order as to costs) as may to it seem just: Provided that no decision shall be set aside by reason only of an irregularity which did not embarrass or prejudice the applicant in answering the charge or in the conduct of his defence.

Termination of
suspension and
restoration of
name to register
or roll.

28. The council may, if it thinks fit, terminate any suspension under section *twenty-five* before the expiry of the specified period, or restore to a register or roll any name which has been removed therefrom.

Privileges
of council.

29. Save as is provided in this Act, no legal proceedings, whether criminal or civil, shall lie against the council or any member or officer thereof in respect of any act or duty performed in accordance with this Part or section *forty-seven*.

PART IV.

THE SOUTH AFRICAN NURSING ASSOCIATION.

Establishment
of nursing
association.

30. (1) There shall be established an association to be known as the South African Nursing Association, which shall be a body corporate capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the performance of its functions and the exercise of its powers under this Act.

(2) The South African Nursing Association established under the Nursing Act, 1944, shall be deemed to have been established under sub-section (1).

Objects of the
association.

31. The objects of the association are—

- (a) to provide an efficient and adequate nursing and midwifery service for the Union and the territory;
- (b) to raise the status, maintain the integrity and promote the interests of the nursing and midwifery professions; and
- (c) to consider and, subject to the provisions of this Act, deal with any matter affecting nurses or midwives, or student nurses or midwives.

Constitution of
association.

32. The association shall consist of the following members namely—

- (a) all practising registered nurses and midwives;
- (b) all non-practising nurses or midwives who are registered or qualified to be registered and who in terms of the regulations have been admitted as members;
- (c) all student nurses and midwives registered under section *fourteen*, who shall be called "junior members";
- (d) all persons of any other class, who in terms of the regulations have been admitted as members.

Meetings of the
association.

33. (1) Separate meetings shall be held at least once every three years at such place and on such date as the board may determine, by each of the following classes of members of the association, namely, white persons, coloured persons and natives.

(2) Special meetings of any of the said classes of members may be convened by the board, and special meetings of members who are white persons shall be convened by the board upon the requisition in writing of at least fifty members who are white persons, setting out clearly the purpose for which the meeting is to be convened.

27. (1) 'n Persoon wat hom veronreg voel deur die beslissing van die Minister kragtens artikel *ses-en-twintig*, kan, na kennisgewing aan die raad en binne twee maande na die datum van daardie beslissing, aansoek om hersiening doen by die provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika of by die Hoë Hof van Suidwes-Afrika, na gelang van die geval, wat regsbevoegdheid uitoefen in die gebied waarin die applikant gewoonlik in die hoedanigheid waarin hy geregistreer of ingeskryf is, praktiseer.

Hersiening van
beslissing
van Minister.

(2) Die hof wat die aansoek aanhoor kan die aansoek van die hand wys, of, indien die raad na die mening van die hof nie ooreenkomstig die bepalings van hierdie Wet gehandel het nie, die beslissing van die Minister tersyde stel, of die saak na die Minister of die raad terugverwys vir verdere oorweging, of kan 'n bevel (met inbegrip van 'n bevel met betrekking tot koste) gee wat vir die hof regverdig blyk: Met dien verstande dat geen beslissing tersyde gestel word nie slegs vanweë 'n onreëlmatigheid wat die applikant by die beantwoording van die beskuldiging of by sy verdediging nie belemmer of benadeel het nie.

28. Die raad kan na goeddunke 'n skorsing kragtens artikel *vyf-en-twintig* vóór die verstryking van die vasgestelde tydperk beëindig, of 'n naam wat van 'n register of rol geskrap is, daarop terugplaas.

Beëindiging van
skorsing en
terugplasing
van naam op
register of rol.

29. Behoudens die bepalings van hierdie Wet, kan geen regsgeding, hetsy straf- of privaatregtelik, teen die raad of 'n lid of beampte daarvan ten opsigte van 'n handeling of plig ooreenkomstig hierdie Deel of artikel *sewe-en-veertig* verrig, ingestel word nie.

Privilege van raad.

DEEL IV.

DIE SUID-AFRIKAANSE VERPLEEGSTERSVERENIGING.

30. (1) Daar word 'n vereniging ingestel wat as die Suid-Afrikaanse Verpleegstersvereniging bekend staan, met regs-persoonlikheid beklee en bevoeg om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om alle handeling te verrig wat nodig is vir of in verband staan met die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede ingevolge hierdie Wet.

Instelling van
verpleegsters-
vereniging.

(2) Die Suid-Afrikaanse Verpleegstersvereniging ingevolge die Wet op Verpleegsters, 1944, ingestel, word geag ingevolge sub-artikel (1) ingestel te gewees het.

31. Die oogmerke van die vereniging is—

Oogmerke van
die vereniging.

- (a) om 'n doeltreffende en toereikende verplegings- en verloskundige diens vir die Unie en die gebied daar te stel;
- (b) om die status van die verplegings- en verloskundige beroepe te verhoog, die integriteit daarvan te handhaaf en die belange daarvan te bevorder; en
- (c) om enige aangeleentheid wat verpleegsters of vroedvroue, of leerlingverpleegsters of -vroedvroue raak, te oorweeg en, behoudens die bepalings van hierdie Wet, in verband daarmee op te tree.

32. Die vereniging bestaan uit die volgende lede, naamlik—

Samestelling
van vereniging.

- (a) alle praktiserende geregistreerde verpleegsters en vroedvroue;
- (b) alle verpleegsters of vroedvroue wat nie praktiseer nie en geregistreer is of bevoeg is om geregistreer te word en wat ingevolge die regulasies as lede toegelaat is;
- (c) alle leerlingverpleegsters en -vroedvroue ingevolge artikel *veertien* geregistreer, wat „junior lede” genoem word;
- (d) alle persone van 'n ander klas wat ingevolge die regulasies as lede toegelaat is.

33. (1) Afsonderlike vergaderings word minstens een keer elke drie jaar gehou op die plek en datum wat die bestuur bepaal, deur elkeen van die volgende klasse van lede van die vereniging, naamlik, blankes, gekleurdes en naturelle.

Vergaderings van
die vereniging.

(2) Spesiale vergaderings van een of ander van genoemde klasse van lede kan deur die bestuur belê word en spesiale vergaderings van lede wat blankes is, moet deur die raad belê word op skriftelike aansoek van minstens vyftig lede wat blankes is, waarin die doel waarvoor die vergadering belê moet word, duidelik uiteengesit word.

(3) A decision of the majority of the members of the association present at any meeting held under this Act, by members who are white persons, shall constitute a decision of the association.

(4) The president or vice-president of the board or any other member thereof designated by the board may as an observer and adviser attend any meeting held under this Act by members of the association who are coloured persons or natives, but shall have no vote.

(5) Any decision at a meeting of members of the association who are coloured persons or at a meeting of such members who are natives, shall be considered by the advisory committee for coloured persons or the advisory committee for natives, as the case may be, who shall convey such decision together with its recommendation to the board.

Control by
the board.

34. The control of the association shall be vested in the Board of the Association, which, subject to the provisions of this Act and to the directions of the association, may exercise all such powers and perform all such acts as may be exercised or performed by the association.

Constitution
and meetings
of the board.

35. (1) (a) For the period from the commencement of this Act until a date to be determined by the Governor-General by proclamation in the *Gazette*, the board shall consist of the members of the board as constituted immediately prior to such commencement.

(b) If any such member vacates his office, the board shall, until the said date, consist of the remaining members.

(2) After the date referred to in sub-section (1), the board shall consist of the following members of the association, namely—

(a) one female registered nurse, in respect of each of ten areas into which the Union together with the territory has been divided in the manner prescribed, elected by female registered nurses who are members of the association and white persons resident in the area concerned;

(b) one registered midwife, in respect of each of four areas into which the Union together with the territory has been divided in the manner prescribed, elected by registered midwives who are members of the association and white persons resident in the area concerned;

(c) one male registered nurse elected by male registered nurses who are members of the association and white persons;

(d) one person who is registered both as a nurse and as a midwife, elected by junior members of the association, who are white persons;

(e) one person who is registered both as a nurse and as a midwife, elected by the advisory committee for coloured persons;

(f) one person who is registered both as a nurse and as a midwife, elected by the advisory committee for natives.

(3) The members of the board shall be elected for four years, but shall be eligible for re-election.

(4) The provisions of sub-sections (3) and (6) of section *three*, and section *four* shall *mutatis mutandis* apply in respect of the election, nomination or vacation of office, as the case may be, of members of the board.

(5) The provisions of sections *five* and *six* shall *mutatis mutandis* apply in respect of the election of a president, vice-president, or treasurer of the board, or the holding of meetings of the board.

Quorum and
procedure.

36. (1) Nine members shall form a quorum at any meeting of the board.

(2) A decision of the majority of the members of the board present at any meeting shall constitute a decision of the board: Provided that in the event of an equality of votes the member presiding shall have a casting vote in addition to a deliberative vote.

Executive and
other committees
of the board.

37. The board may appoint from among its members an executive committee and such other committees as it may deem expedient and may delegate to a committee such of its powers as it may from time to time determine.

Establishment
of advisory
committees for
coloured persons
and natives.

38. (1) As from a date to be fixed by the Minister by notice in the *Gazette*, there shall be established an advisory committee for coloured persons and an advisory committee for natives, to advise the board on such matters relating to nurses or midwives.

(3) 'n Besluit van die meerderheid van die lede van die vereniging aanwesig op 'n vergadering ingevolge hierdie Wet gehou deur lede wat blankes is, maak 'n besluit van die vereniging uit.

(4) Die president of vise-president van die bestuur of 'n ander lid daarvan deur die bestuur aangewys, kan as 'n waarnemer en raadgewer 'n vergadering ingevolge hierdie Wet gehou deur lede van die vereniging wat gekleurdes of naturelle is, bywoon, maar is nie stemgeregtig nie.

(5) 'n Besluit op 'n vergadering van lede van die vereniging wat gekleurdes is of op 'n vergadering van sodanige lede wat naturelle is, moet oorweeg word deur die adviserende komitee vir gekleurdes of die adviserende komitee vir naturelle, na gelang van die geval, wat die besluit saam met sy aanbeveling aan die bestuur moet oordra.

34. Die beheer van die vereniging berus by die Bestuur van die Vereniging, wat behoudens die bepalings van hierdie Wet en onderworpe aan die voorskrifte van die vereniging, al die bevoegdhede kan uitoefen en die handeling kan verrig wat deur die vereniging uitgeoefen of verrig kan word.

Beheer deur die bestuur.

35. (1) (a) Vir die tydperk vanaf die inwerkingtreding van hierdie Wet tot 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal, bestaan die bestuur uit die lede van die bestuur soos saamgestel onmiddellik voor die inwerkingtreding.

Samestelling en vergaderings van die bestuur.

(b) Indien so 'n lid sy amp ontruim, bestaan die bestuur tot genoemde datum uit die oorblywende lede.

(2) Na die datum in sub-artikel (1) vermeld, bestaan die bestuur uit die volgende lede van die vereniging, naamlik—

(a) een vroulike geregistreerde verpleegster ten opsigte van elkeen van tien streke waarin die Unie saam met die gebied op die voorgeskrewe wyse verdeel is, verkies deur vroulike geregistreerde verpleegsters wat lede van die vereniging en blankes is in die betrokke streek woonagtig;

(b) een geregistreerde vroedvrou ten opsigte van elkeen van vier streke waarin die Unie saam met die gebied op die voorgeskrewe wyse verdeel is, verkies deur geregistreerde vroedvroue wat lede van die vereniging en blankes is in die betrokke streek woonagtig;

(c) een manlike geregistreerde verpleër, verkies deur manlike geregistreerde verpleërs wat lede van die vereniging en blankes is;

(d) een persoon wat as verpleegster sowel as vroedvrou geregistreer is, verkies deur junior lede van die vereniging wat blankes is;

(e) een persoon wat as verpleegster sowel as vroedvrou geregistreer is, verkies deur die adviserende komitee vir gekleurdes;

(f) een persoon wat as verpleegster sowel as vroedvrou geregistreer is, verkies deur die adviserende komitee vir naturelle.

(3) Die lede van die bestuur word vir vier jaar verkies, maar kan herkies word.

(4) Die bepalings van sub-artikels (3) en (6) van artikel drie, en artikel vier is *mutatis mutandis* ten opsigte van die verkiesing, nominasie of ontruiming van 'n amp, na gelang van die geval, van lede van die bestuur van toepassing.

(5) Die bepalings van artikels vyf en ses is *mutatis mutandis* ten opsigte van die verkiesing van 'n president, vise-president of tesourier van die bestuur of die hou van vergaderings van die bestuur van toepassing.

36. (1) Nege lede maak 'n kworum uit op 'n vergadering van die bestuur.

Kworum en prosedure.

(2) 'n Besluit van die meerderheid van die aanwesige lede van die bestuur op 'n vergadering maak 'n besluit van die bestuur uit: Met dien verstande dat by 'n staking van stemme die voorsittende lid, benewens 'n beraadslagende stem, 'n beslissende stem kan uitbring.

37. Die bestuur kan 'n uitvoerende komitee en ander komitees wat hy dienstig ag, uit sy lede aanstel en kan van sy bevoegdhede wat hy van tyd tot tyd bepaal, aan 'n komitee deleger.

Uitvoerende en ander komitees van die bestuur.

38. (1) Vanaf 'n datum wat die Minister by kennisgewing in die *Staatskoerant* bepaal, word daar 'n adviserende komitee vir gekleurdes en 'n adviserende komitee vir naturelle ingestel, om die bestuur van advies te dien ten opsigte van die aangeleenthede wat in verband staan met verpleegsters of vroedvroue

Instelling van adviserende komitees vir gekleurdes en naturelle.

who are coloured persons or natives, as may be referred to such a committee by the board, or upon which any such committee may wish to report to the board.

(2) Subject to the provisions of sub-sections (3) and (4), the provisions of Part II shall *mutatis mutandis* apply in respect of advisory committees, and for the purpose of such application any reference in that Part to an advisory board, the registrar and the council shall be deemed to be a reference to an advisory committee, the organizing secretary of the association and the board, respectively.

(3) Only persons who are members of the association shall be entitled to vote at an election of members of an advisory committee.

(4) A member of an advisory committee shall be elected for four years.

Powers of the association.

39. The association may—

- (a) divide the association into regional branches or groups within such branches, and regulate such branches or groups: Provided that there shall be separate branches or groups in respect of white persons, coloured persons and natives;
- (b) regulate the holding of or procedure at meetings of the association, the board or any committee;
- (c) acquire, hire or dispose of property, borrow money on the security of the assets of the association or accept and administer any trust or donation: Provided that the association shall not alienate or mortgage any immovable property without the approval of the provincial or local division of the Supreme Court of South Africa or of the High Court of South-West Africa having jurisdiction in the area in which such property is situated;
- (d) undertake, subsidize or otherwise support the publication of a nursing journal;
- (e) appoint an organizing secretary and such other officers as may be necessary and regulate their duties and conditions of service: Provided that the organizing secretary or any other officer appointed shall be proficient in both official languages;
- (f) establish and administer sick or provident or pension funds for nurses or midwives;
- (g) take such steps as it deems necessary to safeguard or improve the conditions of service of nurses or midwives, or student nurses or midwives, and make representations on their behalf whenever the association deems it necessary or expedient;
- (h) investigate and bring to the notice of the council any complaint of improper or disgraceful conduct on the part of a member of the association;
- (i) render financial assistance to advisory committees in order to enable such committees to perform their functions, and

generally, do all such things as the association deems necessary or expedient in order to achieve its objects.

Regulations.

40. The association may, with the approval of the Minister, make regulations not inconsistent with this Act in relation to—

- (a) the election of members of the board or an advisory committee: Provided that the regulations made under this paragraph shall—
 - (i) provide for the elections to be conducted by secret ballot;
 - (ii) provide in respect of the election of members referred to in paragraph (a) or (b) of sub-section (2) of section *thirty-five*, for the division of the Union together with the territory into ten and four areas, as the case may be, in such a manner that the number of nurses or midwives, as the case may be, who are qualified to vote in each area is approximately the same;
- (b) the holding of meetings of the association by way of branch representation;
- (c) the admission of members of the association referred to in paragraph (b) or (d) of section *thirty-two*;
- (d) the circumstances in which the association may terminate the membership of any person;
- (e) the subscriptions payable by members or classes of members of the association;
- (f) the rights, privileges, duties and liabilities of members or classes of members of the association;

wat gekleurdes of naturelle is, wat deur die bestuur na so 'n komitee verwys word, of wat so 'n komitee onder die aandag van die bestuur wil bring.

(2) Behoudens die bepalings van sub-artikels (3) en (4), is die bepalings van Deel II *mutatis mutandis* ten opsigte van adviserende komitees van toepassing, en by die toepassing word 'n verwysing in daardie Deel na 'n adviesraad, die registrateur en die raad geag 'n verwysing na onderskeidelik 'n adviserende komitee, die organiserende sekretaris van die vereniging en die bestuur te wees.

(3) Slegs persone wat lede van die vereniging is, is stemgeregtig by 'n verkiesing van lede van 'n adviserende komitee.

(4) 'n Lid van 'n adviserende komitee word vir vier jaar verkies.

39. Die vereniging kan—

Bevoegdhede
van vereniging.

- (a) die vereniging in streektakke of groepe binne daardie takke verdeel, en die takke of groepe reguleer: Met dien verstande dat daar afsonderlike takke of groepe ten opsigte van blankes, gekleurdes en naturelle moet wees;
- (b) die hou van, of prosedure op, vergaderings van die vereniging, die bestuur of 'n komitee reguleer;
- (c) eiendom verkry, huur of daarvoor beskik, geld op sekuriteit van die bates van die vereniging leen of 'n trust of skenking aanvaar en administreer: Met dien verstande dat die vereniging nie onroerende goed vervreem of met verband beswaar nie sonder die goedkeuring van die provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika of van die Hoë Hof van Suidwes-Afrika wat in die gebied waarin die goed geleë is, regsbevoegdheid uitoefen;
- (d) die uitgawe van 'n tydskrif vir verpleegsters onderneem, subsidieer of andersins ondersteun;
- (e) 'n organiserende sekretaris en die ander amptenare wat nodig is, aanstel en hul pligte en diensvoorwaardes reël: Met dien verstande dat die organiserende sekretaris of 'n ander beamppte wat aangestel word, in albei offisiële tale bedrewe moet wees;
- (f) siekte- of voorsorgs- of pensioenfondse vir verpleegsters of vroedvroue instel en administreer;
- (g) stappe doen wat die vereniging nodig ag ter beveiliging of verbetering van die diensvoorwaardes van verpleegsters of vroedvroue of leerlingverpleegsters of -vroedvroue, en namens hulle vertoë rig wanneer die vereniging dit nodig of dienstig ag;
- (h) 'n klagte van onbetaamlike of skandelijke gedrag deur 'n lid van die vereniging, ondersoek en onder die aandag van die raad bring;
- (i) geldelike hulp aan adviserende komitees verleen ten einde die komitees in staat te stel om hul werksaamhede te verrig, en oor die algemeen, alles doen wat die vereniging nodig of dienstig ag om sy oogmerke te bereik.

40. Die vereniging kan, met goedkeuring van die Minister, regulasies, regulasies wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig met betrekking tot—

- (a) die verkiesing van lede van die bestuur of 'n adviserende komitee: Met dien verstande dat die regulasies kragtens hierdie paragraaf uitgevaardig—
 - (i) voorsiening maak vir die hou van verkiesings deur geheime stemming;
 - (ii) ten opsigte van die verkiesing van lede in paragraaf (a) of (b) van sub-artikel (2) van artikel vyf-en-dertig vermeld, voorsiening maak vir die verdeling van die Unie saam met die gebied, in tien of vier streke, na gelang van die geval, op so 'n wyse dat die aantal stemgeregtigde verpleegsters of vroedvroue, na gelang van die geval, in elke streek ongeveer dieselfde is;
- (b) die hou van vergaderings van die vereniging by wyse van takverteenvoording;
- (c) die toelating van lede van die vereniging in paragraaf (b) of (d) van artikel twee-en-dertig vermeld;
- (d) die omstandighede waaronder die vereniging die lidmaatskap van 'n persoon kan beëindig;
- (e) die intekengelde wat deur lede of klasse van lede van die vereniging betaal moet word;
- (f) die regte, voorregte, pligte en verpligtinge van lede of klasse van lede van die vereniging;

- (g) the holding of or procedure at meetings of the association, the board or any committee;
- (h) the allowances which may be paid to members of the board when engaged on the service of the board, or to members of an advisory committee attending any meeting of such a committee: Provided that the allowances which may be paid to any such member who is in the full-time employment of the State shall not exceed the allowances to which he would be entitled under the laws governing the public service: Provided further that no such member shall be required to pay into the Consolidated Revenue Fund any allowances which may be paid to him by the board in terms of any regulation made under this paragraph, and generally, with regard to all matters which under this Part are required or permitted to be prescribed or which the association considers necessary or expedient to prescribe in order to enable it to carry out its powers and functions under this Act.

PART V.

GENERAL AND SUPPLEMENTARY.

Council or board to advise Minister.

41. The Minister may require the council or the board to advise him on any matter affecting the nursing and midwifery profession or to communicate to him any information acquired by the council or the board in respect of any such matter.

Notification of deaths of nurses or midwives, or auxiliary nurses or midwives by district registrar of births and deaths.

42. Every district registrar of births and deaths who receives a death notice showing that the deceased was a nurse or midwife, or an auxiliary nurse or midwife, shall forthwith notify the registrar of the death.

Transmission to council of copies of court records.

43. Whenever proceedings before any court of law disclose *prima facie* evidence of improper conduct or disgraceful conduct on the part of a registered or enrolled person or of a person registered under section *fourteen* or enrolled under section *fifteen* whether or not in regard to his profession or calling, the court shall direct that a certified copy of the record in such proceedings, or such portion as is material to the issue, shall be transmitted to the council.

Certificates of competency in respect of certain nurses or midwives.

44. A certificate of competency entitling the holder to be enrolled as an auxiliary nurse or midwife, as the case may be, shall, in accordance with regulations made by the Minister after consultation with the council, be issued by the registrar to any person, who, within three years after the date of commencement of this Act, proves to the satisfaction of the council that for at least two consecutive years immediately preceding such date such person had been in *bona fide* practice in the Union or the territory as a nurse or midwife, and who is recommended by at least one medical practitioner registered under the Medical Act, under whose supervision such person has worked, as a fit and proper person to practise as an enrolled auxiliary nurse or midwife, as the case may be.

Prescribed areas in respect of practising for gain as a nurse or midwife.

45. (1) After considering any recommendation by the council, the Governor-General may, by proclamation in the *Gazette*—

- (a) if he is satisfied that in any area the facilities for obtaining attendance by registered nurses or enrolled auxiliary nurses are sufficient for all classes of the population, declare such area, as from a date to be specified in such proclamation, to be a prescribed area within which no person other than a registered nurse or enrolled auxiliary nurse shall practise for gain as a nurse;
- (b) if he is satisfied that in any area the facilities for obtaining attendance by medical practitioners or registered midwives or enrolled auxiliary midwives are sufficient for all classes of the population, declare such area, as from a date to be specified in such proclamation, to be a prescribed area within which no person other than a registered midwife or enrolled auxiliary midwife shall practise for gain as a midwife.

- (g) die hou van, of prosedure op, vergaderings van die vereniging, die bestuur of 'n komitee;
- (h) die toelaes wat aan lede van die bestuur wanneer hulle in diens van die bestuur werksaam is, of aan lede van 'n adviserende komitee wat 'n vergadering van die komitee bywoon, betaal mag word: Met dien verstande dat die toelaes wat aan so 'n lid wat in die voltydse diens van die Staat is, betaal mag word, nie die toelaes waarop hy ingevolge die wette op die staatsdiens geregtig sou wees, oorskry nie: Met dien verstande voorts dat so 'n lid nie verplig is om enige toelaes wat ingevolge 'n regulasie kragtens hierdie paragraaf uitgevaardig, aan hom deur die bestuur betaal word, in die Gekonsolideerde Inkomstefonds te stort nie, en oor die algemeen, met betrekking tot alle aangeleenthede wat ingevolge hierdie Deel voorgeskryf moet of kan word of wat die vereniging nodig of dienstig ag om voor te skryf om hom in staat te stel om sy bevoegdhede en werksaamhede ingevolge hierdie Wet uit te oefen of te verrig.

DEEL V.

ALGEMENE EN AANVULLENDE BEPALINGS.

41. Die Minister kan van die raad of die bestuur vereis dat die raad of die bestuur hom van advies dien ten opsigte van een of ander aangeleentheid wat die verplegings- of verloskundige beroep raak of dat die raad of die bestuur inligting wat deur die raad of bestuur ten opsigte van so 'n aangeleentheid verkry is, aan hom meedeel.

Raad of bestuur moet die Minister van advies dien.

42. Elke distriksregistrateur van geboortes en sterfgevallen wat 'n sterfkennis ontvang waaruit blyk dat die oorledene 'n verpleegster of vroedvrou, of 'n hulpverpleegster of -vroedvrou was, moet die registrateur onverwyld van die sterfgeval in kennis stel.

Kennisgewing van sterfgevallen van verpleegsters of vroedvroue, of hulpverpleegsters of -vroedvroue, deur distriksregistrateur van geboortes en sterfgevallen.

43. Wanneer 'n hofgeding *prima facie*-getuienis van onbetaamlike of skandeler gedrag deur 'n geregistreerde of ingeskrewe persoon of deur 'n ingevolge artikel veertien geregistreerde of ingevolge artikel vyftien ingeskrewe persoon openbaar, hetsy met betrekking tot sy professie of beroep, al dan nie, moet die hof gelas dat 'n gewaarmerkte afskrif van die notule van verhoor van die geding, of die gedeelte daarvan wat op die aangeleentheid betrekking het, aan die raad gestuur word.

Stuur van afskrifte van geregtelike notule van verhoor aan raad.

44. 'n Bekwaamheidsertifikaat wat die besitter die reg gee om as 'n hulpverpleegster of -vroedvrou, na gelang van die geval, ingeskryf te word, moet, ooreenkomstig regulasies deur die Minister uitgevaardig ná oorlegpleging met die raad, deur die registrateur uitgereik word aan 'n persoon wat, binne drie jaar na die datum van inwerkingtreding van hierdie Wet, die raad tevrede stel dat genoemde persoon vir minstens twee agtereenvolgende jare onmiddellik vóór daardie datum in die Unie of die gebied *bona fide* as 'n verpleegster of vroedvrou gepraktiseer het, en wat deur minstens een ingevolge die Wet op Geneeshere geregistreerde geneesheer onder wie se toesig die persoon gewerk het, aanbeveel word as 'n geskikte persoon om as 'n ingeskrewe hulpverpleegster of -vroedvrou, na gelang van die geval, te praktiseer.

Bekwaamheidsertifikate ten opsigte van sekere verpleegsters of vroedvroue.

45. (1) Na oorweging van 'n aanbeveling deur die raad, kan die Goewerneur-generaal by proklamasie in die *Staatskoerant*—

Voorgeskrewe gebiede ten opsigte van die praktiseer vir wins as 'n verpleegster of vroedvrou.

- (a) indien hy oortuig is dat in 'n gebied voldoende fasiliteite bestaan vir alle klasse van die bevolking om behandeling deur geregistreerde verpleegsters of ingeskrewe hulpverpleegsters te verkry, daardie gebied, vanaf 'n datum in die proklamasie vermeld, 'n voorgeskrewe gebied verklaar waarin geen ander persoon as 'n geregistreerde verpleegster of ingeskrewe hulpverpleegster vir wins as 'n verpleegster mag praktiseer nie;
- (b) indien hy oortuig is dat in 'n gebied voldoende fasiliteite bestaan vir alle klasse van die bevolking om behandeling deur geneeshere of geregistreerde vroedvroue of ingeskrewe hulpvroedvroue te verkry, daardie gebied, vanaf 'n datum in die proklamasie vermeld, 'n voorgeskrewe gebied verklaar waarin geen ander persoon as 'n geregistreerde vroedvrou of ingeskrewe hulpvroedvrou vir wins as vroedvrou mag praktiseer nie.

(2) Any area declared a prescribed area under paragraphs (a) and (b) of section *thirty-nine* of the Medical Act or under those paragraphs as incorporated in the Nursing Act, 1944, shall be deemed to have been declared a prescribed area under paragraphs (a) and (b), respectively, of sub-section (1).

Regulations relating to the practising of midwifery for gain in areas outside prescribed areas.

46. (1) After considering any recommendation of the council, the Governor-General may, by proclamation in the *Gazette* make regulations defining the conditions under which any person, other than a medical practitioner or intern registered under the Medical Act or a registered midwife or enrolled auxiliary midwife, may practise midwifery for gain outside a prescribed area referred to in paragraph (b) of sub-section (1) of section *forty-five*.

(2) Any person who complies with the said conditions may use the title "midwife" without prefix or addition of any word implying registration or enrolment under this Act.

(3) Any person, who, except in a case of emergency, contravenes any regulation made under sub-section (1), shall be guilty of an offence.

Suspension from practising of registered or enrolled persons who are mentally or physically disabled.

47. (1) Whenever it appears to the council from information on oath that a registered or enrolled person has become mentally or physically disabled to such an extent that it would be contrary to the public welfare to allow him to continue to practise, the council may, if it deems fit, hold an enquiry *mutatis mutandis* in accordance with the provisions of section *twenty-three* in respect of such person.

(2) If the council finds that such person has so become mentally or physically disabled, it may order the suspension of such person for a specified period from practising his profession or calling.

(3) The council may extend for any period determined by it, the period of operation of, or withdraw any order made under this section.

(4) The provisions of sections *twenty-six* and *twenty-seven* shall *mutatis mutandis* apply in respect of an order made under this section.

Nursing agencies.

48. (1) Any person who carries on the business of a nursing agency without holding a licence issued under this Act, shall be guilty of an offence.

(2) Any current certificate of registration granted to any agency for the supply of nurses or midwives under the provisions of the Nursing Act, 1944, shall be deemed to be a licence to carry on the business of a nursing agency for the period expiring at the end of the year during which this Act comes into force.

Prohibition of control or supervision of registered or enrolled white persons by persons who are not white persons.

49. Any person who, except in cases of emergency, causes or permits any white person who is registered or enrolled or who is registered under section *fourteen* or enrolled under section *fifteen*, to be employed under the control or supervision of any registered or enrolled person who is not a white person, in any hospital or similar institution or in any training school, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds.

Charges by registered or enrolled persons.

50. (1) Every registered or enrolled person shall, unless the circumstances render it impossible for him to do so, before rendering any professional services inform the person to whom the services are to be rendered or any person responsible for the maintenance of such person, of the fee which he intends to charge for such services—

(a) when so requested by the person concerned; or

(b) when such fee exceeds that usually charged for such services,

and shall in a case to which paragraph (b) relates, also inform the person concerned of the usual fee.

(2) Failure to comply with the provisions of sub-section (1) shall, for the purposes of an enquiry, be deemed to be improper or disgraceful conduct.

Remuneration in respect of certain services not recoverable.

51. Any person who under this Act is prohibited from practising as a nurse for gain or from attending for gain any woman in relation to any condition arising out of or in connection with pregnancy, may not recover any remuneration in respect of services rendered by him while so practising or attending.

(2) 'n Gebied wat ingevolge paragrawe (a) en (b) van artikel *nege-en-dertig* van die Wet op Geneeshere of ingevolge daardie paragrawe soos in die Wet op Verpleegsters, 1944, ingelyf, 'n „omskrewe gebied” verklaar is, word geag ingevolge onderskeidelik paragrawe (a) en (b) van sub-artikel (1) 'n voorgeskrewe gebied verklaar te gewees het.

46. (1) Na oorweging van 'n aanbeveling van die raad, kan die Goewerneur-generaal by proklamasie in die *Staatskoerant* regulasies uitvaardig wat die voorwaardes bepaal waaronder 'n ander persoon as 'n ingevolge die Wet op Geneeshere geregistreerde geneesheer of intern of 'n geregistreerde vroedvrou of ingeskrewe hulpvroedvrou, buite 'n voorgeskrewe gebied in paragraaf (b) van sub-artikel (1) van artikel *vyf-en-veertig* vermeld, verloskunde vir wins mag beoefen.

Regulasies met betrekking tot die praktiseer vir wins van verloskunde in gebiede buite voorgeskrewe gebiede.

(2) 'n Persoon wat aan genoemde voorwaardes voldoen, kan die titel „vroedvrou” gebruik sonder 'n voorvoegsel of die byvoeging van 'n woord wat dui op registrasie of inskrywing ingevolge hierdie Wet.

(3) 'n Persoon wat, behalwe in 'n noodgeval, 'n regulasie ingevolge sub-artikel (1) uitvaardig, oortree, is aan 'n misdryf skuldig.

47. (1) Wanneer dit uit beëdigde inligting vir die raad blyk dat 'n geregistreerde of ingeskrewe persoon verstandelik of liggaamlik in so 'n mate ongeskik geraak het dat dit in stryd met die openbare welsyn sou wees om hom toe te laat om te praktiseer, kan die raad na goeddunke ten opsigte van so 'n persoon 'n ondersoek instel *mutatis mutandis* ooreenkomstig die bepalings van artikel *drie-en-twintig*.

Skorsing van geregistreerde of ingeskrewe persone wat verstandelik of liggaamlik ongeskik is.

(2) Indien die raad bevind dat die persoon aldus verstandelik of liggaamlik ongeskik geraak het, kan die raad vir 'n vasgestelde tydperk die skorsing van daardie persoon in sy professie of beroep beveel.

(3) Die raad kan die geldingstydperk van 'n bevel kragtens hierdie artikel uitgereik, vir 'n deur hom bepaalde tydperk verleng, of so 'n bevel intrek.

(4) Die bepalings van artikels *ses-en-twintig* en *sewe-en-twintig* is *mutatis mutandis* ten opsigte van 'n bevel kragtens hierdie artikel uitgereik, van toepassing.

48. (1) 'n Persoon wat sake doen as 'n verplegingsagentskap sonder dat hy 'n ingevolge hierdie Wet uitgereikte lisensie besit, is aan 'n misdryf skuldig.

Verplegingsagentskappe.

(2) 'n Geldige registrasiesertifikaat uitgereik aan 'n agentskap vir die verskaffing van verpleegsters of vroedvroue ingevolge die bepalings van die Wet op Verpleegsters, 1944, word geag 'n lisensie te wees om sake te doen as 'n verplegingsagentskap vir die tydperk wat verstryk aan die end van die jaar waarin hierdie Wet in werking tree.

49. 'n Persoon wat, behalwe in noodgevalle, 'n blanke wat geregistreer of ingeskryf is of wat ingevolge artikel *veertien* geregistreer of ingevolge artikel *vyftien* ingeskryf is, onder die beheer of toesig van 'n geregistreerde of ingeskrewe persoon wat nie 'n blanke is nie, in 'n hospitaal of soortgelyke inrigting of in 'n opleidingskool laat werk of toelaat om te werk, is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete van hoogstens tweehonderd pond strafbaar.

Verbod op beheer van of toesig oor geregistreerde of ingeskrewe blankes deur persone wat nie blankes is nie.

50. (1) Elke geregistreerde of ingeskrewe persoon moet, tensy die omstandighede dit vir hom onmoontlik maak, voordat hy professionele dienste lewer, die persoon aan wie die dienste gelewer word of 'n persoon wat vir die onderhoud van daardie persoon verantwoordelik is, verwittig van die gelde wat hy voornemens is om vir daardie dienste te vorder—

Vorderings deur geregistreerde of ingeskrewe persone.

(a) wanneer daartoe deur die betrokke persoon versoek; of
(b) wanneer daardie gelde meer is as die gelde wat gewoonlik vir sulke dienste gevorder word,

en moet in 'n geval waarop paragraaf (b) betrekking het, die betrokke persoon ook van die gewone gelde verwittig.

(2) Versuim om die bepalings van sub-artikel (1) na te kom, word vir die doeleindes van 'n ondersoek, onbetaamlike of skandelike gedrag geag.

51. 'n Persoon wat ingevolge hierdie Wet verbied word om as 'n verpleegster vir wins te praktiseer of om 'n vrou met betrekking tot een of ander toestand wat uit of in verband met swangerskap ontstaan, vir wins te behandel, kan die vergoeding ten opsigte van dienste deur hom gelewer terwyl hy aldus gepraktiseer of behandeling gegee het, nie verhaal nie.

Vergoeding ten opsigte van sekere dienste nie verhaalbaar nie.

Effect of suspension or removal of name from registers or rolls.

52. (1) Any person who has under this Act been suspended from practising shall, during the period of suspension, be deemed not to be registered or enrolled.

(2) Any person whose name has under this Act been removed from the registers or rolls shall, until his name has been restored to the registers or rolls, be deemed not to be registered or enrolled or registered under section *fourteen* or enrolled under section *fifteen*, as the case may be.

Offences relating to registration or enrolment or to registers, rolls, licences or certificates.

53. Any person who—

- (a) by means of any false representation procures or attempts to procure for himself or any other person, registration or enrolment, or the issue of any licence or certificate under this Act; or
- (b) makes any unauthorized entry or alteration or erasure in any register or roll, or in any certified copy of or extract from any register or roll, or in any certificate or licence issued under this Act; or
- (c) willfully destroys or injures or renders illegible any entry in any register or roll; or
- (d) forges or utters, knowing it to be forged, any certificate or licence referred to in this Act; or
- (e) impersonates any registered or enrolled person,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred pounds.

Penalties where not specially provided.

54. Any person who contravenes or fails to comply with any provision of this Act, excluding Part IV, shall be guilty of an offence and shall, where no penalty is specially provided, be liable on conviction to a fine not exceeding fifty pounds.

Proof of matters relating to registration, enrolment, or licensing.

55. A certificate purporting to be signed by the registrar stating—

- (a) that a person is registered as a nurse or midwife, or enrolled as an auxiliary nurse or midwife, or registered under section *fourteen* as a student nurse or midwife, or enrolled under section *fifteen* as a student auxiliary nurse or midwife, or is not so registered or enrolled; or
- (b) that the name of a person has been removed from a register or roll and has not been restored thereto; or
- (c) that a person has been suspended for a specified period from practising in the capacity in which he is registered or enrolled; or
- (d) that a person is licensed under this Act or is not so licensed; or
- (e) that a person is qualified to be registered or enrolled,

shall for all purposes be *prima facie* proof of the facts so stated.

Certain acts deemed to have been performed for gain.

56. In any criminal proceedings against any person upon a charge of having performed an act which constitutes an offence under this Act if performed by him for gain, he shall be deemed to have performed such act for gain if he has accepted any valuable consideration in respect thereof.

Repeal of Act 45 of 1944, Act 12 of 1946, and Act 63 of 1955.

57. (1) Subject to the provisions of sub-section (2), the Nursing Act, 1944, the Nursing Amendment Act, 1946, and the Nursing Council and Board Continuation Act, 1955, are hereby repealed.

(2) Any regulation made or anything done under any provision of the Nursing Act, 1944, or of that Act read with the Nursing Council and Board Continuation Act, 1955, or of any law repealed by the Nursing Act, 1944, shall, unless inconsistent with the provisions of this Act, be deemed to have been made or done under the corresponding provision of this Act, and any reference in any such regulation to a chairman or vice-chairman, shall be deemed to be a reference to a president or vice-president.

Application of Act to the territory of South-West Africa.

58. This Act shall apply also in the territory: Provided that only such regulations as are expressly stated to apply in the territory shall apply therein.

Short title.

59. This Act shall be called the Nursing Act, 1957.

52. (1) 'n Persoon wat ingevolge hierdie Wet geskors is, word gedurende die tydperk van skorsing geag nie geregistreer of ingeskryf te wees nie. Uitwerking van skorsing of skraping van 'n naam van registers of rolle.

(2) 'n Persoon wie se naam ingevolge hierdie Wet van die registers of rolle geskrap is, word geag nie geregistreer of ingeskryf te wees nie of ingevolge artikel *veertien* geregistreer of ingevolge artikel *vyftien* ingeskryf te wees nie, na gelang van die geval, totdat sy naam op die registers of rolle teruggeplaas is.

53. 'n Persoon wat—

- (a) deur middel van 'n valse voorwendsel registrasie of inskrywing, of die uitreiking van 'n lisensie of sertifikaat, ingevolge hierdie Wet vir homself of 'n ander persoon verkry of poog om te verkry; of Misdrywe met betrekking tot registrasie of inskrywing, of tot registers, rolle, lisensies of sertifikate.
- (b) 'n ongemagtigde inskrywing of verandering of skraping aanbring in 'n register of rol, of in 'n gewaarmerkte afskrif van of uittreksel uit 'n register of rol, of in 'n sertifikaat of lisensie ingevolge hierdie Wet uitgereik; of
- (c) 'n inskrywing in 'n register of rol opsetlik vernietig of beskadig of onleesbaar maak; of
- (d) 'n sertifikaat of lisensie in hierdie Wet vermeld, vervals of uitgee met die wete dat dit vervals is; of
- (e) hom vir 'n geregistreerde of ingeskrewe persoon uitgee,

is aan 'n misdryf skuldig en by skuldigbevinding met 'n boete van hoogstens vyfhonderd pond strafbaar.

54. 'n Persoon wat 'n bepaling van hierdie Wet, met uitsondering van Deel IV, oortree of in gebreke bly om dit na te kom, is aan 'n misdryf skuldig en waar geen straf uitdruklik bepaal word nie, by skuldigbevinding met 'n boete van hoogstens vyftig pond strafbaar. Strawwe waar nie uitdruklik bepaal nie.

55. 'n Sertifikaat wat deur die registrateur geteken heet te wees en wat vermeld— Bewyslewing by aangeleenthede met betrekking tot registrasie, inskrywing of lisensieëring.

- (a) dat 'n persoon as 'n verpleegster of vroedvrou geregistreer, of as 'n hulpverpleegster of -vroedvrou ingeskryf, of as 'n leerlingverpleegster of -vroedvrou ingevolge artikel *veertien* geregistreer, of as 'n leerling-hulpverpleegster of -hulpvroedvrou ingevolge artikel *vyftien* ingeskryf is, of nie aldus geregistreer of ingeskryf is nie; of
- (b) dat die naam van 'n persoon van 'n register of rol geskrap is en nie daarop teruggeplaas is nie; of
- (c) dat 'n persoon vir 'n bepaalde tydperk geskors is in die hoedanigheid waarin hy geregistreer of ingeskryf is; of
- (d) dat 'n persoon ingevolge hierdie Wet gelisensieer is of nie aldus gelisensieer is nie; of
- (e) dat 'n persoon gekwalifiseer is om geregistreer of ingeskryf te word,

is vir alle doeleindes *prima facie*-bewys van die feite aldus vermeld.

56. In 'n strafgeding teen 'n persoon weens 'n aanklag dat hy 'n handeling verrig het wat 'n misdryf ingevolge hierdie Wet uitmaak indien dit deur hom vir wins verrig is, word dit geag dat hy die handeling vir wins verrig het indien hy enigiets van waarde daarvoor aangeneem het. Sekere handelinge word geag vir wins verrig te gewees het.

57. (1) Behoudens die bepalings van sub-artikel (2), word die Wet op Verpleegsters, 1944, die Wysigingswet op Verpleegsters, 1946, en die Wet op Voortdoring van die Verpleegstersraad en -bestuur, 1955, hiermee herroep. Herroeping van Wet 45 van 1944, Wet 12 van 1946 en Wet 63 van 1955.

(2) 'n Regulasie uitgevaardig of enigiets gedoen ingevolge 'n bepaling van die Wet op Verpleegsters, 1944, of van daardie Wet gelees met die Wet op Voortdoring van die Verpleegstersraad en -bestuur, 1955, of van 'n wet deur die Wet op Verpleegsters, 1944, herroep, word, tensy onbestaanbaar met die bepalings van hierdie Wet, geag ingevolge die ooreenstemmende bepaling van hierdie Wet uitgevaardig of gedoen te gewees het, en 'n verwysing in so 'n regulasie na 'n voorsitter of vise-voorsitter word geag 'n verwysing na 'n president of vise-president te wees.

58. Hierdie Wet is ook in die gebied van toepassing: Met dien verstande dat slegs die regulasies wat uitdruklik in die gebied van toepassing verklaar word, daarin van toepassing is. Toepassing van Wet op die gebied Suidwes-Afrika.

59. Hierdie Wet heet die Wet op Verpleging, 1957.

Kort titel.

No. 70, 1957.]

ACT

To consolidate the laws relating to the regulation, control and management of railways, ports and harbours in the Union; the powers, jurisdiction, duties and obligations of the Railways and Harbours Administration, and matters incidental thereto.

(Afrikaans text signed by the Officer Administering the Government.)
(Assented to 24th June, 1957.)

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No. 70, 1957.]

WET

Tot samevatting van die wetsbepalings met betrekking tot die reëling, beheer en bestuur van spoorweë en hawens in die Unie; die bevoegdhede, die regsgebied, die pligte en verpligtings van die Administrasie van Spoorweë en Hawens; en bykomstige aangeleenthede.

(Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 24 Junie 1957.)

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BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

PRELIMINARY.

Definitions.

1. (1) In this Act, unless the context indicates otherwise—
 - (i) "Administration" means the authority for the control and management of the railways, ports and harbours of the Union as established under the South Africa Act, 1909, or any amendment thereof; (i)
 - (ii) "Administration's jurisdiction" means and includes all railways, railway lands, ports, and harbours of the Union, together with such further area of jurisdiction as may from time to time be acquired by the Administration or be assigned to it by the Governor-General, and in particular, in reference to ports and harbours, the expression "Administration's jurisdiction" includes the areas described in the Second Schedule to this Act unless and until altered by the Governor-General by proclamation in the *Gazette*; (xii)
 - (iii) "fare" includes all sums received or receivable, charged or chargeable, for conveyance of passengers upon or along any railway; (xiv)
 - (iv) "free pass" means an authority in writing given by the Administration or by an officer thereto appointed, for the person to whom it is given to travel as a passenger on a railway or on any aircraft or vessel under the control of the Administration, without the payment of any fare; (xxiv)
 - (v) "freight" includes all sums received or receivable, charged or chargeable, for the transport of goods; (xviii)
 - (vi) "goods" means goods, luggage, or other movable property of any description, and includes animals and birds, whether alive or dead; (vii)
 - (vii) "harbours" means and includes the ports and harbours of Table Bay, Mossel Bay, Port Elizabeth, East London, Durban, and any other ports or harbours that are now or may hereafter come within the control and management of the Administration, and includes the respective areas thereof within the Administration's jurisdiction, together with the wharves, slips, docks and breakwaters, and the machinery, plant, tools, and other property appertaining thereto; (viii)
 - (viii) "intoxicating liquor" or "liquor" means any spirit, wine, ale, beer, porter, cider, perry, hop beer, Kaffir beer, or any liquor containing more than two per cent. of proof spirit and any other liquor which the Governor-General may from time to time declare by proclamation in the *Gazette* to be included in this definition; (xxi)
 - (ix) "luggage" means such articles of necessity of personal use and convenience as, being enveloped in some kind of package, are usually carried by passengers for their personal use, but does not include merchandise or other valuables, which, though carried in the trunks of passengers or otherwise, are not designed for any such use, but are for sale or other like purposes; (ii)
 - (x) "master", in relation to a ship, means any person (other than a pilot) having charge of that ship; (vi)
 - (xi) "Minister" means the Minister of Transport; (ix)
 - (xii) "perishable goods" means goods liable to rapid deterioration, and includes fish, fruit, vegetables, plants, bread, meat, game, butter, eggs, milk, dogs, small animals, birds, poultry, and any other thing which may hereafter be declared by the Governor-General by proclamation in the *Gazette* to be perishable goods; (iii)

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Vierde: Artikels wat aangegee en verseker moet word.

DIT WORD BEPAAL deur Haar Majesteit die Koningin,
die Senaat en die Volksraad van die Unie van Suid-Afrika,
as volg:—

INLEIDENDE BEPALINGS.

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, *Woordbepaling.*
beteken—

- (i) „Administrasie” die gesag belas met die beheer en bestuur van die spoorweë en hawens van die Unie, soos ingestel kragtens die „Zuid-Afrika Wet, 1909”; (i)
- (ii) „bagasie” alle benodigdhede vir persoonlike gebruik en gerief wat, in een of ander soort omhulsel verpak, gewoonlik deur passasiers vir hul persoonlike gebruik meegeneem word, maar nie ook handelsware of ander artikels van waarde wat, ofskoon dit in die reiskoffers van passasiers of andersins meegevoer word, nie vir sodanige gebruik nie, maar vir verkoop of ander dergelyke doeleindes bestem is; (ix)
- (iii) „bederfbare goedere” goedere wat aan spoedige bederf onderhewig is, en ook vis, vrugte, groente, plante, brood, vleis, wild, botter, eiers, melk, honde, klein diere, voëls, pluimvee en alle ander dinge wat hierna deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* verklaar word bederfbare goedere te wees; (xii)
- (iv) „deurgaande verkeer” verkeer wat vervoer word oor die spoorweë wat deur meer as een spoorweg-administrasie bestuur of beheer word; (xxi)
- (v) „dienaar” iemand wat uitsluitlik in diens van die Administrasie werksaam is en wat by wyse van salaris of loon besoldig word; (xviii)
- (vi) „gesagvoerder” met betrekking tot ’n skip, iedereen (behalwe ’n loods) wat die gesag oor daardie skip voer; (x)
- (vii) „goedere” goedere, bagasie of ander roerende goed van welke aard ook al, en ook diere en voëls, hetsy lewendig of dood; (vi)
- (viii) „hawens” die hawens van Tafelbaai, Mosselbaai, Port Elizabeth, Oos-Londen, Durban en alle ander hawens wat tans onder die beheer en bestuur van die Administrasie staan of hierna daaronder mag kom, en ook die onderskeie terreine daarvan binne die regsgebied van die Administrasie, sowel as die kaaie, skeepshellings, dokke en golfbrekers, en die masjinerie, toerusting, gereedskap en ander bybehorende goed; (vii)
- (ix) „Minister” die Minister van Vervoer; (xi)
- (x) „pakhuis” enige gebou of plek wat deur die Administrasie of deur ’n spoorwegdienaar in beheer van ’n stasie vir die berging of opslag van goedere bekikbaar gestel is of gebruik word. Wanneer die Administrasie dit geriefliker vind om goedere wat geberg moet word, in trokke te hou, word sodanige trokke, wanneer hulle in ’n sylyn geplaas is, by die toepassing van hierdie Wet geag ’n pakhuis te wees; (xxiv)
- (xi) „private spoorweë” alle spoorlyne (met uitsondering van padvervoerdienste of roerende of onroerende goed wat in verband daarmee gebruik word) binne die Unie wat tans uit kragte van ’n wet ten behoeve van ’n privaatpersoon of ’n regspersoon aangelê is of hierna aangelê mag word, en alle gronde, stasies, sylyne, geboue, toerusting, masjinerie, rollende materiaal, en alle ander roerende en onroerende goed en servitude wat in verband daarmee gebruik word; en omvat die uitdrukking „private spoorweë” tewens die lyn van die Rhodesiese Spoorweë vanaf Vryburg na die noordelike grens van die Unie ingeval die beheer en eksploitasie daarvan hierna deur die Rhodesiese Spoorweë aanvaar en onderneem word; (xiii)

- (xiii) "private railways" means all lines of railway (excluding road transport services or property movable or immovable used in connection therewith) within the Union that are now or may hereafter be constructed for a private person or corporation by virtue of any law, and all lands, stations, sidings, buildings, plant, machinery, rolling-stock, and all other movable and immovable property and servitudes used in connection therewith; the term "private railways" also includes the line of the Rhodesia Railways from Vryburg to the northern boundary of the Union in the event of the control and working thereof being hereafter undertaken and carried on by the Rhodesia Railways; (xi)
- (xiv) "railway" means the whole or any portion of the railways; (xx)
- (xv) "railways" means—
 - (a) all lines of railway within the Union over which the Administration has control or running rights;
 - (b) all lands, stations, sidings, buildings, plant, machinery, rolling-stock and all other movable or immovable property and servitudes used in connection with—
 - (i) any such line of railway; or
 - (ii) the Administration's road motor transport services; and
 - (c) any area of land within the limits of an airport, which is exclusively occupied by the Administration for the purposes of its air services, and the boundaries of which are properly demarcated by means of fences or otherwise; (xix)
- (xvi) "regulation" means any regulation made and in force in accordance with this Act; (xiii)
- (xvii) "rolling-stock" means locomotive or other engines propelled by steam or other motive power, tenders, motors, coaches, wagons, trucks, vans, trolleys and vehicles of all kinds; (xvi)
- (xviii) "servant" means any person exclusively employed under the Administration, who is remunerated by salary or wages; (v)
- (xix) "ship" includes any aircraft, ship, vessel, or boat of any kind whatsoever, whether propelled by steam or otherwise or towed, and for the purposes of paragraph (26) of section two includes every article, thing or collection of things being or forming part of the hull, cargo, tackle, equipment, stores or ballast of a ship; (xvii)
- (xx) "traffic" includes not only passengers and their luggage and goods conveyed by the Administration, but also rolling-stock; (xxiii)
- (xxi) "through traffic" means traffic which is carried over the railways administered or controlled by more than one railway administration; (iv)
- (xxii) "train" means any vehicle or engine under the control of the Administration, on a railway, and any vehicle used by the Administration in connection with its road motor transport services, when on a road, whether public or private; (xxii)
- (xxiii) "ticket" includes a single ticket, a return ticket, a season ticket, a trip bearer ticket (when date-stamped at a booking office) and any other written authority (not being a free pass) for a person to travel as a passenger on the railways; (xv)
- (xxiv) "warehouse" means any building or place provided or used by the Administration or by any railway servant in charge of a station for the purpose of storing or depositing goods. Where it is more convenient to the Administration that the goods to be warehoused shall remain in trucks, those trucks when placed in a siding, shall, for the purposes of this Act, be deemed a warehouse. (x)

(2) Wherever in this Act or any other law, whether passed before or after the commencement of this Act, the word "purpose" or "purposes" occurs in relation to any railway or harbour, it shall be construed as including any activity in which the Administration may lawfully engage.

- (xii) „regsgebied van die Administrasie” alle spoorweë, spoorwegterreine en hawens van die Unie, sowel as sodanige verdere gebied as wat van tyd tot tyd deur die Administrasie verkry of deur die Goewerneur-generaal aan hom toegewys word, en insonderheid, met betrekking tot hawens, omvat die uitdrukking „regsgebied van die Administrasie” die gebiede wat in die Tweede Bylae by hierdie Wet omskryf word, tensy en totdat hulle deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* gewysig word; (ii)
 - (xiii) „regulasie” ’n regulasie wat ingevolge hierdie Wet uitgevaardig en van krag is; (xvi)
 - (xiv) „reisgeld” alle somme wat vir die vervoer van passasiers op of oor ’n spoorweg ontvang of ontvangbaar, bereken of berekenbaar is; (iii)
 - (xv) „reiskaartjie” ook ’n enkelreiskaartjie, ’n retoerreiskaartjie, ’n seisoenreiskaartjie, ’n toonderritkaartjie (wanneer dit met die datumstempel van ’n kaartjieskantoor gestempel is) en elke ander skriftelike magtiging (met uitsondering van ’n vryreisvas) wat aan iemand die reg gee om as ’n passasier op die spoorweë te reis; (xxiii)
 - (xvi) „rollende materiaal” lokomotiewe of ander masjiene wat deur stoom of ander beweegkrag aangedryf word, kolewaens, motors, passasierswaens, waens, trokke, bagasiewaens, trollies en voertuie van alle soorte; (xvii)
 - (xvii) „skip” ook ’n vliegtuig, skip, vaartuig of boot van watter aard ook al, hetsy deur stoom of andersins aangedryf, of gesleep, en by die toepassing van paragraaf (26) van artikel twee, omvat dit elke voorwerp of versameling van voorwerpe bestaande uit, of wat deel uitmaak van, die romp, lading, takel, toerusting, voorraad of ballas van ’n skip; (xix)
 - (xviii) „spoorvrag” ook alle somme wat vir die vervoer van goedere ontvang of ontvangbaar, bereken of berekenbaar is; (v)
 - (xix) „spoorweë”—
 - (a) alle spoorlyne binne die Unie waaroor die Administrasie die beheer of die reg van treinloop het;
 - (b) alle gronde, stasies, sylyne, geboue, toerusting, masjinerie, rollende materiaal, en alle ander roerende of onroerende goed en serwitude wat gebruik word in verband met—
 - (i) so ’n spoorlyn; of
 - (ii) die Administrasie se padmotorvervoerdienste; en
 - (c) enige terrein binne die perke van ’n lughawe, wat uitsluitlik deur die Administrasie vir die doeleindes van sy lugdienste geokkupeer word, en waarvan die grense behoorlik deur middel van omheinings of andersins afgebaken is; (xv)
 - (xx) „spoorweg” die spoorweë in geheel of ’n gedeelte daarvan; (xiv)
 - (xxi) „sterk drank” of „drank” enige spiritus, wyn, „ale”, bier, „porter”, appelwyn, perewyn, hobbier, kafferbier, of enige drank wat meer as twee persent proefspiritus bevat, en enige ander drank wat die Goewerneur-generaal van tyd tot tyd by proklamasie in die *Staatskoerant* mag verklaar by hierdie omskrywing inbegrepe te wees; (viii)
 - (xxii) „trein” ’n voertuig of masjien, onder die beheer van die Administrasie, op ’n spoorweg, en ’n voertuig wat deur die Administrasie in verband met sy padmotorvervoerdienste gebruik word, wanneer dit op hetsy ’n publieke of private pad is; (xxii)
 - (xxiii) „verkeer” of „vrag” ook passasiers en hul bagasie en goedere wat deur die Administrasie vervoer word, sowel as rollende materiaal; (xx)
 - (xxiv) „vryreisvas” ’n skriftelike bewys deur die Administrasie of deur ’n daartoe aangewese amptenaar gegee, wat aan die persoon aan wie dit gegee is, magtiging verleen om sonder betaling van reisgeld as ’n passasier op ’n spoorweg of op ’n vliegtuig of vaartuig onder die beheer van die Administrasie, te reis; (iv)
- (2) So dikwels die woord „doel” of „doeleindes” in hierdie Wet of enig ander wetsbepaling (hetsy vóór of ná die inwerking-treding van hierdie Wet aangeneem) voorkom met betrekking tot spoorweë of hawens, word dit in dié sin vertolk dat dit elke bedrywigheid wat die Administrasie wettig kan ondoen, behels.

CHAPTER I.

GENERAL POWERS OF THE ADMINISTRATION.

**Powers of the
Administration.****2. The Administration is hereby empowered—**

- (1) to acquire, expropriate, take, hire, purchase, work, hold, sell, deliver, transfer or otherwise lawfully dispose of property, whether movable or immovable, including water, ships, servitudes and other rights, for the purposes of any activity in which the Administration may lawfully engage, and to lease any such property for any purposes, and turn the same to account: Provided that this power shall be exercised in accordance with the provisions of the South Africa Act, 1909, and the provisions of the relevant law (if any) relating to the expropriation or use of land or water and subject to any obligations lawfully imposed affecting such property;
- (2) to purchase or in any other manner acquire, sell or otherwise dispose of, build, construct, repair, hire, let or charter, from or to any person, and control, manage, maintain and work ships and aircraft for the carriage of persons and goods and accommodation for such ships and aircraft, and any land and appliances required for the purpose of the landing or mooring of aircraft, and all things incidental thereto, and to make contracts in connection therewith;
- (3) to enter into agreements with any person, whether within the Union or elsewhere, in connection with matters affecting or incidental to the working or control of any railways, harbours or other similar works, including contracts for the supply of water or electric energy to ships or to persons, and to grant powers of attorney and like authorities;
- (4) to control, manage, and superintend railways; and to control, manage and superintend all harbours, docks, or other similar works within the Administration's jurisdiction, the persons working or otherwise engaged therein or thereon; the ships, goods and persons arriving at or departing from the same and, if deemed necessary, to limit the right to land, warehouse, deliver, or ship any goods within any harbour;
- (5) to stevedore, land, ship, or tranship goods within any harbour, and to warehouse, deliver and collect any such goods and to land or ship persons, either by itself or its duly constituted agents;
- (6) to acquire or to construct any lines of railway or any roads or any other works whatever, or to negotiate with any Government or person for the acquisition or construction of lines of railway, roads, or works of any kind, and to complete agreements concerning the same. No railway for the conveyance of public traffic and no port or harbour or similar work shall be constructed or acquired except under the authority of a special Act of Parliament: Provided that no special Act shall be necessary for—
 - (a) the construction of sidings or short branch lines to mines, stores, warehouses or other works or premises, if such sidings or branch lines are not intended for the conveyance of public traffic;
 - (b) the construction of any line of railway, not exceeding two miles in length, which is required for departmental purposes to facilitate the working of traffic and which will—
 - (i) provide a connection between two existing authorized lines of railway; or
 - (ii) serve as an avoiding line between two points on the same authorized line of railway;
 - (c) the construction of any line of railway intended to provide access between a marshalling yard and one or more authorized lines of railway over the shortest practicable route;
 - (d) the doubling or any further multiplication of the tracks of any existing authorized line of railway;
- (7) to undertake the control, management and working or the control, management, or working of any

HOOFSTUK I.

ALGEMENE BEVOEGDHEDE VAN ADMINISTRASIE.

2. Die Administrasie word hierby gemagtig—

Bevoegdheid van
die Admini-
strasie.

- (1) om roerende of onroerende goed, met inbegrip van water, skepe, serwitute en ander regte, vir die doeleindes van 'n bedrywigheid wat die Administrasie wettig kan onderneem, te verkry, onteien, neem, huur, koop, eksploiteer, besit, verkoop, af te lewer, oor te dra of andersins wettig van die hand te sit, om sodanige goed vir enige doeleindes te verhuur, en om voordeel daaruit te trek: Met dien verstande dat hierdie bevoegdheid uitgeoefen word ooreenkomstig die bepalings van die „Zuid-Afrika Wet, 1909”, en die bepalings van die toepaslike wet (as daar een is) betreffende die onteiening of gebruik van grond of water, en onderworpe aan alle wettig opgelegde verpligtings betreffende sodanige goed;
- (2) om skepe en vliegtuie vir die vervoer van persone en goedere en akkommodasie vir sulke skepe en vliegtuie, asmede grond en toestelle wat vir die landing of vasmering van vliegtuie benodig word, en alle daarmee in verband staande voorwerpe van of aan enigiemand te koop of op enige ander wyse te verkry, te verkoo of andersins van die hand te sit, te bou, aan te lê, te herstel, te huur, te verhuur of te „charter”, en te beheer, te bestuur, in stand te hou en te eksploiteer, en om in verband daarmee kontrakte te sluit;
- (3) om ooreenkomste te sluit met enigiemand, hetsy binne die Unie of elders, in verband met aangeleenthede wat op die eksploitasie of beheer van spoorweë, hawens of ander soortgelyke werke betrekking het of daarmee in verband staan, met inbegrip van ooreenkomste vir die lewering van water of elektriese krag aan skepe of aan persone, en om volmagte en dergelyke magtigingsbriewe te verleen;
- (4) om die beheer, bestuur en toesig te voer oor spoorweë en oor alle hawens, dokke of ander soortgelyke werke binne die regsgebied van die Administrasie; oor die persone wat daarin of daarop werk of hul andersins besig hou, asmede oor die skepe, goedere en persone wat daar aankom of vandaar vertrek en, indien dit nodig geag word, om beperkings te stel op die reg om goedere binne 'n hawe aan wal te bring, in pakhuisse te bêre, af te lewer of te verskeep;
- (5) om of self of deur sy behoorlik daartoe aangewese agente, goedere binne 'n hawe te stu, aan wal te bring, te verskeep of oor te skeep, en sodanige goedere in pakhuisse te bêre, af te lewer en af te haal, en om persone aan wal of aan boord te bring;
- (6) om spoorlyne of paaie of enige ander werke van watter aard ook al, te verkry of aan te lê, of om met enige Regering of persoon vir die verkryging of aanleg van spoorlyne, paaie of werke van watter aard ook, te onderhandel en om ooreenkomste dienaangaande te sluit. Geen spoorweg vir die vervoer van openbare verkeer, en geen hawe of soortgelyke werk mag sonder magtiging van 'n spesiale Wet van die Parlement gebou of verkry word nie: Met dien verstande dat 'n spesiale Wet nie vereis word nie vir—
 - (a) die aanlê van sylyne of kort taklyne na myne, magasyne, pakhuisse of ander werke of persele, indien bedoelde sylyne of taklyne nie vir die vervoer van openbare verkeer bestem is nie;
 - (b) die aanlê van 'n spoorlyn hoogstens twee myl lank wat vir departementele doeleindes benodig is om treinbedryf te vergemaklik, en wat—
 - (i) 'n verbinding tussen twee bestaande goedgekeurde spoorlyne sal verskaf; of
 - (ii) as 'n vermynspoor tussen twee punte op dieselfde goedgekeurde spoorlyn sal dien;
 - (c) die aanlê van 'n spoorlyn wat bestem is om langs die kortste doenlike roete toegang te verleen tussen 'n opstelreën en een of meer goedgekeurde spoorlyne;
 - (d) die verdubbeling of verdere vermenigvuldiging van die spore van 'n bestaande goedgekeurde spoorlyn;
- (7) om die beheer, bestuur en eksploitasie of die beheer, bestuur of eksploitasie van enige ander spoorweë as

railways, other than those the property of the Union and whether within or outside the Union, or works of any kind, upon such terms and conditions as the Administration may deem satisfactory;

- (8) to erect, maintain, and regulate lighthouses, beacons, port lights and signal stations, and to provide the necessary staffs for the same;
- (9) to remove any light which may be mistaken for a navigation light, if the owner of the property on which the light is exhibited or the person having charge of such light fails to extinguish or effectively to screen it within seven days of notice to do so having been served upon him, and to recover the expenses of such removal from the said owner or person;
- (10) to construct and maintain for railway and harbour purposes telegraphic or telephonic communication, with or without wires, along or adjacent to any line of railway, or in any harbour, and for that purpose to enter upon any lands, roads or streets and make therein all necessary excavations for the erection of posts and for the laying down of lines and subterranean communication, and to erect and set out any necessary posts, cables and wires: Provided that no excavations for the erection of posts and laying down of cables or wires shall be made in any road or street without the previous consent of the local authority controlling such road or street, and provided further that every cable or wire of any such line, if above the surface crossing any road or street, shall be placed at least eighteen feet from the ground and so as not to hinder or obstruct the free use or enjoyment of the road or street further than is absolutely necessary for the proper construction, establishment and maintenance of any such communication;
- (11) to establish and maintain lifeboats, life-saving apparatus, and such other works, institutions or appliances as the Administration may deem necessary for the requirements of any harbour or other place;
- (12) to fix and alter from time to time the wharf dues, rates, fares, licences and other dues and charges on the railways or at the harbours and airports under the control of the Administration, or for road, air or marine traffic conducted by the Administration;
- (13) to use locomotives or other vehicles propelled or drawn by steam or other motive power and rolling-stock to be drawn or propelled thereby, and to transport and convey upon the railways or upon any road all such traffic as may be offered to it for transport and conveyance, but subject to the regulations and to the bye-laws of any local authority having control of the roads over which such traffic is transported or conveyed: Provided that in respect of vehicles used for the carriage of goods by road within a municipal area other than to and from the railways, the Administration shall be liable for the payment of any tax or licence moneys levied on similar vehicles by the provincial or local authority under which such area falls;
- (14) to differentiate in the charge for wharfage dues on goods imported into a harbour, between goods so imported by persons who contract to have all their goods transported by the railway between points where, in the opinion of the Administration, there is competition between the railway and any wagons or other vehicles, and on goods so imported by persons who do not so contract; and to collect such difference in wharfage dues from any consignee of such goods so conveyed by wagon or other vehicle: Provided that goods so imported, which are conveyed by their importer, by means of a vehicle whereof he is the owner, between points between which they cannot, in the opinion of the Administration, reasonably be conveyed, wholly or in part, by rail shall, for the purpose of this paragraph, be deemed to be transported by railway: Provided further that a schedule of such points and any regulation providing for returns to be made by merchants for the purpose

- dié wat aan die Unie behoort, en wel binne of buite die Unie, of werke van watter aard ook al, te onderneem onder sulke bedinge en op sulke voorwaardes as wat die Administrasie bevredigend ag;
- (8) om vuurtorings, bakens, haweligte en seinstasies op te rig, in stand te hou en te beheer, en om hulle van die nodige dienspersoneel te voorsien;
 - (9) om enige lig wat met 'n skeepvaartlig verwar kan word, te verwyder indien die eienaar van die eiendom waarop die lig vertoon 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 op hom gedien is, en om die onkoste van sodanige verwydering op bedoelde eienaar of persoon te verhaal;
 - (10) om telegrafiese of telefoniese verbinding, met of sonder drade, langs of by 'n spoorlyn, of in 'n hawe, vir spoorweg- en hawedoeleindes aan te lê en in stand te hou, en om vir daardie doel enige gronde, paaie of strate te betree en om daarin alle uitgrawings te doen wat nodig is vir die oprigting van pale en vir die aanlê van lyne en ondergrondse geleidings, en om die nodige pale, kables en drade op te rig en te lê: Met dien verstande dat geen uitgrawings vir die oprigting van pale en die lê van kables of drade in enige pad of straat gemaak mag word nie sonder die toestemming vooraf van die plaaslike bestuur wat die pad of straat beheer, en met dien verstande voorts dat indien die kables of drade van so 'n lyn 'n pad of straat bogronds kruis, hulle minstens agtien voet bo die grond aangebring moet word en op so 'n wyse dat die vrye gebruik of genot van die pad of straat nie meer gehinder of belemmer word nie as wat volstrek nodig is vir die behoorlike aanleg, indiensstelling en instandhouding van so 'n verbinding;
 - (11) om reddingsbote, reddingstoestelle en sodanige ander werke, instellings of toestelle in diens te stel en in stand te hou as wat die Administrasie vir die behoeftes van 'n hawe of ander plek nodig ag;
 - (12) om die kaaigelde, tariewe, reis- en lisensiegelde en ander koste en betalings op die spoorweë of by die hawens en lughawens onder die beheer van die Administrasie, of vir pad-, lug- of seevervoer wat deur die Administrasie onderneem word, vas te stel en van tyd tot tyd te wysig;
 - (13) om lokomotiewe of ander voertuie wat deur stoom of ander beweegkrag aangedryf of getrek word, en rollende materiaal wat daardeur getrek of voortbeweeg word, te gebruik, en om op die spoorweë of op 'n pad alle vrag wat hom vir vervoer aangebied word, te vervoer, onderworpe egter aan die regulasies en aan die verordenings van enige plaaslike bestuur wat beheer uitoefen oor die paaie waarvoor sodanige vrag vervoer word: Met dien verstande dat die Administrasie in die geval van voertuie wat vir die vervoer van goedere oor paaie binne 'n munisipale gebied, behalwe na en van die spoorweë, gebruik word, aanspreeklik is vir die betaling van enige belastinge of lisensiegelde wat deur die provinsiale of plaaslike owerheid waaronder sodanige gebied val, op soortgelyke voertuie gehef word;
 - (14) om ten aansien van kaaigelde vir goedere wat in 'n hawe ingevoer word, te onderskei tussen goedere wat aldus ingevoer word deur persone wat hulle verbind om al hul goedere per spoor te laat vervoer tussen plekke waar daar, volgens oordeel van die Administrasie, mededinging bestaan tussen die spoorweg en waens of ander voertuie, en goedere wat aldus ingevoer word deur persone wat hulle nie aldus verbind nie; en om sodanige verskil in kaaigelde in te vorder van enige geadresseerde van sulke goedere wat aldus per wa of ander voertuig vervoer is: Met dien verstande dat aldus ingevoerde goedere wat deur die invoerder daarvan vervoer word deur middel van 'n voertuig waarvan hy die eienaar is, tussen plekke waartussen hulle volgens oordeel van die Administrasie nie redelikerwys, geheel of gedeeltelik, per spoor vervoer kan word nie, by die toepassing van hierdie paragraaf geag word per spoor vervoer te wees: Met dien verstande voorts dat 'n lys van sulke plekke en alle regulasies wat voorsiening maak vir die verstrekking

of carrying into effect the powers in this paragraph contained, shall be laid by the Minister upon the Tables of both Houses of Parliament within fourteen days after the commencement of each session thereof;

- (15) to sue or be sued in any legal proceedings of a civil nature and, subject to the law governing criminal procedure, to prosecute as a private prosecutor, under the name or title of the "South African Railways and Harbours";
- (16) to fix and determine the duties of servants of the Administration;
- (17) subject to the provisions of the South Africa Act, 1909, the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), or of any other law, to control the finances of the Administration;
- (18) to undertake advertising;
- (19) to instal, maintain and control automatic vending, weighing, novelty and similar machines and book-stalls on the railways and at the harbours;
- (20) to acquire, erect, establish, maintain and conduct hotels and to do all things incidental to the business of hotel keeping;
- (21) to sanction the establishment of railway institutes, railway clubs and reading rooms on the Administration's premises, and for any such purpose to erect suitable buildings and lay out suitable grounds;
- (22) to acquire land or to use land reserved for railway or harbour purposes for the erection of dwelling-houses thereon, to acquire or erect dwelling-houses and to sell, by way of hire-purchase or otherwise, or lease any houses so acquired or erected, or any other houses belonging to the Administration and no longer required for departmental purposes, to servants upon such conditions as the Minister may determine; to enter into agreements for the loan of moneys to servants for the purpose of acquiring land for the erection of dwelling-houses thereon or of acquiring or erecting dwelling-houses or discharging any bond over any land or dwelling-house owned by a servant; to secure, by way of insurance in the Administration's insurance fund or otherwise, the repayment of the balance of any amount payable by a servant pursuant to any such sale or loan, which remains unpaid at the date of the servant's death, and to recover the amount of the loan and the expenses incurred in connection with such insurance from the servant in such manner or in such instalments as the Minister may determine, together with interest at a rate fixed by the Minister, but not exceeding the average rate of interest payable by the Administration to the Minister of Finance during the financial year of the Administration in which the loan is granted to the servant: Provided that when the Administration has paid or incurred liability for the premiums due in respect of any such insurance, it may with the consent of the Minister, waive its right to recover the amount of such premiums from the servant;
- (23) to construct elevators and cooling chambers, and to warehouse grain or any products of farming industry in elevators or otherwise, and to provide for the storage in cool chambers of perishable products of any description;
- (24) to manufacture and sell ice;
- (25) to issue tourist tickets at inclusive fares, and to undertake the conduct of tours upon its railways or otherwise; to provide for the transport, sleeping accommodation and refreshment of the holders of such tickets, and to enter into agreements with any person in or outside the Union for the provision of such transport, accommodation and refreshment;
- (26) to raise, remove or destroy any sunken, stranded or abandoned ship or wreck within the area of the Administration's jurisdiction; 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

van opgawes deur kooplui ter uitoefening van die bevoegdhede in hierdie paragraaf vervat, deur die Minister in beide Huise van die Parlement ter Tafel gelê moet word binne veertien dae na die aanvang van elke sitting daarvan;

- (15) om as eiser of verweerder in regsgedinge van 'n siviele aard op te tree en om, met inagneming van die wetsbepalings op die strafprosedure, as private vervolger te vervolg, onder die naam van die „Suid-Afrikaanse Spoorweë en Hawens”;
- (16) om die pligte van dienare van die Administrasie vas te stel en te bepaal;
- (17) om, met inagneming van die bepalinge van die „Zuid-Afrika Wet, 1909”, die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), of van enige ander wet, die geldsake van die Administrasie te beheer;
- (18) om advertensiedienste te onderneem;
- (19) om outomatiese verkoop-, weeg-, nuwigheids- en soortgelyke masjiene en boekwinkels op die spoorweë en by die hawens in te stel, in stand te hou en te beheer;
- (20) om hotelle aan te koop, op te rig, daar te stel, in stand te hou en in bedryf te hou, en om alle handelings te verrig wat met die besigheid van 'n hotelhouer in verband staan;
- (21) om die instelling van spoorweginstitute, spoorwegklubs en leeskamers op die persele van die Administrasie te magtig, en om vir daardie doel geskikte geboue op te rig en geskikte terreine aan te lê;
- (22) om grond te verkry, of om grond wat vir spoorweg- of hawedoeleindes gereserveer is, te gebruik, vir die oprigting van wonings daarop, om wonings te verkry of op te rig, en om van wonings aldus verkry of opgerig, of ander wonings wat aan die Administrasie behoort en nie meer vir departementele doeleindes benodig word nie, aan dienare te verkoop, hetsy by wyse van huurkoop of andersins, of te verhuur, op sulke voorwaardes as wat die Minister bepaal; om ooreenkomste aan te gaan vir die leen van geld aan dienare met die doel om grond vir die oprigting van wonings daarop te verkry, of om wonings te verkry of op te rig of om 'n verband op grond of op 'n woning wat aan 'n dienaar behoort, af te los; om by wyse van versekering in die Administrasie se versekeringsfonds of andersins, die terugbetaling te verseker van die balans van enige bedrag deur 'n dienaar uit hoofde van so 'n verkoping of lening betaalbaar, wat op datum van die dienaar se dood nog onbetaal bly, en om die bedrag van die lening en die onkoste wat in verband met sodanige versekering beloop is, op die dienaar te verhaal op so 'n wyse of in sulke paaielemente as wat die Minister bepaal, benewens rente teen 'n deur die Minister vasgestelde koers wat egter nie hoër mag wees nie as die gemiddelde rentekoers wat deur die Administrasie aan die Minister van Finansies betaalbaar is gedurende die boekjaar van die Administrasie waarin die lening aan die dienaar toegestaan word: Met dien verstande dat wanneer die Administrasie die ten opsigte van sodanige versekering verskuldigde premies betaal of daarvoor aanspreeklikheid beloop het, hy met die toestemming van die Minister afstand kan doen van sy reg om die bedrag van sodanige premies op die dienaar te verhaal;
- (23) om graansuiers en koelkamers op te rig, en om graan of enige plaasprodukte in graansuiers of andersins op te berg, en om vir die opslag van bederfbare produkte van watter aard ook, in koelkamers voorsiening te maak;
- (24) om ys te vervaardig en te verkoop;
- (25) om toeristekaartjies teen alles insluitende reisgelde uit te reik, en om die leiding van toere op sy spoorweë of andersins te onderneem; om vir die vervoer, slaapperief en verversing van die houters van sulke kaartjies voorsiening te maak, en om met enigiemand in of buite die Unie ooreenkomste te sluit vir die voorsiening van sodanige vervoer, geriewe en verversing;
- (26) om enige gesonke, gestrande of verlate skip of wrak binne die regsgebied van die Administrasie te lig, te verwyder of te vernietig; om alle koste verbonde aan sodanige ligting, verwydering of vernietiging, en daaraan verbonde om die skip of wrak van ligte of boeie

or wreck, and on non-payment after written demand of such cost or any part thereof to sell such ship or wreck and out of the proceeds of the sale to defray such unpaid costs, rendering the overplus, 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 such owner and such person shall be jointly and severally liable for the whole of such costs;

- (27) to give notice to the owner or other person legally responsible for the upkeep of any ship within the area of the Administration's jurisdiction calling upon him to remove or otherwise dispose of such ship which is not in the opinion of the Administration in a condition of seaworthiness, or is likely to become an obstruction, wreck or derelict, and should such owner or person fail to comply with such notice within the time specified therein, to do whatever may be necessary for the removal or disposal of such ship, and to recover all costs incurred from such owner or person;
- (28) generally to execute and do all such acts, deeds and things as may be necessary for the control and management of the railways and harbours of the Union.

Regulations.

3. (1) Subject to the approval of the Governor-General, the Administration may make regulations, not inconsistent with this Act, with respect to any of the following matters:—

- (a) The mode in which and the speed at which trains are to be propelled or moved, and the times of arrival and departure of any trains, or other conveyances, as also the duties of servants in connection with the working of trains;
- (b) the loading or unloading of rolling-stock and the weights or dimensions of goods to be transported on any rolling-stock;
- (c) the collection, receipt, cartage, and delivery of goods transported or to be transported by rail or road or at the harbours;
- (d) the accommodation and convenience of passengers, the manner in which they shall travel, the exclusion of short-distance passengers from long-distance or express trains, the manner of conveying the luggage of passengers, the use of bedding, lavatory accommodation, urinals and other like conveniences on the trains or at stations, and the charges which may be fixed for the conveyance of luggage;
- (e) fares, freight or other charges leviable by the Administration, the amount thereof, and the time when and the place where they shall be paid, and exemption from payment or variation as to the payment of such charges;
- (f) enforcing the observance of, and making effective, any reservation of railway premises or a portion thereof, or of any train or a portion thereof, effected by the Administration in terms of section *seven*, including, but without prejudice to the generality of the foregoing—
 - (i) the definition or description of the marks or inscriptions which, when applied to the outside of any train or portion thereof, shall be deemed to constitute evidence and notice of the reservation of such train or portion thereof for the exclusive use of persons belonging to a particular race or class;
 - (ii) the restriction of persons belonging to a particular race or class for whose exclusive use any railway premises, train or portion thereof has been so reserved, to the use of the premises, train or portion thereof so reserved;
- (g) the proper control and management of any anchorage, tidal river, dock, basin or harbour, and the entrance thereto, the removal of any obstruction therein, and the preservation from injury of any works, buoys, dredgers, ships or other property connected therewith;

te voorsien of om dit te merk of aan te hou, op die ooreenkomstig hierdie paragraaf aanspreeklike persoon te verhaal, en om by wanbetaling, na skriftelike aanmaning, van sodanige koste of 'n gedeelte daarvan, die skip of wrak te verkoop en die onbetaalde koste uit die opbrings van die verkoop te vereffen, en die oorskot (as daar is) aan die daarop geregtigde persoon oor te betaal en enige onbetaalde balans 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, te verhaal, en bedoelde eienaar en bedoelde persoon is gesamentlik en afsonderlik aanspreeklik vir die volle bedrag van sodanige koste;

- (27) om die eienaar of ander persoon wat regtens verantwoordelik is vir die instandhouding van 'n skip binne die regsgebied van die Administrasie, by kennisgewing aan te sê om so 'n skip wat volgens oordeel van die Administrasie nie in 'n seewaardige toestand verkeer nie, of wat allig '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 handelings te verrig wat nodig mag wees om sodanige skip te verwyder of daaroor te beskik, en om alle belope koste op bedoelde eienaar of persoon te verhaal;
- (28) om oor die algemeen alle handelings en sake te verrig en uit te voer wat vir die beheer en bestuur van die spoorweë en hawens van die Unie nodig mag wees.

3. (1) Onderworpe aan die goedkeuring van die Goewerneur-Regulasies. generaal kan die Administrasie regulasies wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig met betrekking tot een of meer van ondervermelde aangeleenthede—

- (a) Die wyse waarop en die snelheid waarteen treine voortgedryf of -beweeg moet word, en die aankoms- en vertrektye van treine of ander vervoermiddels, asmede die pligte van dienare in verband met die treinbedryf;
- (b) die laai of aflaai van rollende materiaal en die gewig of afmetings van goedere wat met rollende materiaal vervoer kan word;
- (c) die afhaal, ontvangs, karwei en aflewering van goedere wat per spoor of oor paaie of by die hawens vervoer is of vervoer staan te word;
- (d) die akkommodasie vir en die gerief van passasiers, die wyse waarop hulle moet reis, die uitsluiting van passasiers wat kort afstande reis uit langafstand- of sneltreine, die wyse waarop die bagasie van passasiers vervoer word, die gebruik van beddegoed, was- en gemakinrigtings, urinale, en ander dergelike geriewe op die treine of by stasies, en die gelde wat vir die vervoer van bagasie vasgestel kan word;
- (e) reisgelde, spoorvrag of ander gelde wat deur die Administrasie gevorder kan word, die bedrag daarvan en die tyd wanneer en die plek waar dit betaal moet word, en kwytskelding van betaling of verandering betreffende die betaling van sodanige gelde;
- (f) om die eerbiediging van 'n aanwysing van spoorwegpersele of 'n gedeelte daarvan, of van 'n trein of 'n gedeelte daarvan, wat deur die Administrasie ingevolge artikel *sewe* bewerkstellig is, af te dwing en daaraan krag te verleen, insluitende maar sonder afbreuk aan die algemeenheid van die voorgaande—
 - (i) die vasstelling of beskrywing van die merke of opskrifte wat, wanneer hulle aan die buitekant van 'n trein of gedeelte daarvan aangebring is, geag word bewys en kennisgewing uit te maak van die afsondering van so 'n trein of gedeelte daarvan vir die uitsluitlike gebruik van persone wat tot 'n bepaalde ras of klas behoort;
 - (ii) die beperking van persone wat tot 'n bepaalde ras of klas behoort, vir wie se uitsluitlike gebruik 'n spoorwegperseel, trein of gedeelte daarvan aldus afgesonder is, tot die gebruik van die aldus afgesonderde perseel, trein of gedeelte daarvan;
- (g) die behoorlike beheer en bestuur van ankerplekke, getyrieviere, dokke, hawekomme of hawens, en die toegang daartoe, die wegruiming van versperrings daarin, en die beveiliging teen skade van werke, boeie, baggermasjiene, skepe of ander daarmee verbonde sake;

- (h) the erection of buildings or other structures, or the planting of posts or poles that may interfere with the proper working of any harbour or the signals or beacons thereat;
- (i) the regulation of the stevedoring, landing, shipping, transshipping, delivery, collection, and warehousing of goods at any harbour and the declaration of the tonnage and valuation of goods imported or exported and the necessary declarations and statements in support thereof;
- (j) the proper control of all ships entering or within any harbour, or coming alongside any jetties, piers, quays, or wharves, or anchoring or mooring within the limits of any harbour, and, subject to the provisions of any law relating to merchant shipping, the taking of measures for the prevention of ships from leaving any harbour if overloaded or improperly loaded or insufficiently manned or without qualified officers or engineers or with a number of passengers in excess of the number that can be carried with reasonable safety, or if improperly found or otherwise unseaworthy;
- (k) the fixing and determining of wharfage dues and light dues and other harbour dues and charges and the payment and the exemptions from or variation as to the payment thereof;
- (l) the prevention of shipwrecks and casualties to ships, and the protection of ships and cargoes wrecked or in danger of being wrecked, and the removal, destruction or abandonment of wrecks and wreckage and anchors dangerous or likely to become dangerous or a nuisance, or that obstruct or are likely to obstruct the fairway of any harbour, or to levy and recover a rent for the right of a hulk or wreck or any wreckage to lie in any harbour, and the saving of life in the case of shipwreck;
- (m) the raising, removal, detention or destruction of stranded ships and their cargoes and appurtenances within the Administration's jurisdiction; the payment of fines, expenses of sale and other charges incurred by the Administration in connection therewith and the disposal of the proceeds of sale;
- (n) the promotion of efficiency and discipline in the pilot service, and the service upon the Administration's ships or works connected with any harbour or light-house, lifeboat or life-saving apparatus, and provision for the examination, registration and licensing of pilots, and the charges to be made by pilots, their duties and obligations;
- (o) subject to the provisions of any law relating to merchant shipping, the examination and certification of masters, mates and engineers of ships engaged in local trade, whalers, tugs, dredgers, fishing boats and light craft, and the charges and licences payable in respect thereof; and, subject to the said provisions, the registration, licensing, inspection and control of tugs, launches, hulks, fishing or ferry boats or other craft, and the number of passengers to be carried on the same, and the charges to be paid to the Administration for the registration, licensing and inspection of the same: Provided that this paragraph shall not apply to the examination and certification of such persons as are mentioned in section *two* or *fourteen* of the Merchant Shipping (Certificates of Competency) Act, 1925 (Act No. 45 of 1925);
- (p) the granting of licences to ferrymen, boatmen, and porters, landing agents, stevedores, forwarding agents, shipping agents, baggage and parcels agents, and contractors for the supply of water or ballast, or other persons concerned in harbour work, and the regulation of charges leviable by them, and the duties and hours of their attendance or work;
- (q) the regulation of the use of all landing places, slips, gridirons, docks, shears, cranes, lights, warps and coaling or other appliances, and provision for the regulation of the traffic within any railway premises or within any docks or along any wharves, jetties or quays within the Administration's jurisdiction;
- (r) the licensing or other authorization of admission on to the wharves, docks, jetties or other works of any

- (h) die oprigting van geboue of ander bouwerke of van stutte of pale wat die behoorlike diens van 'n hawe of die seine of bakens aldaar mag belemmer;
- (i) die reëling van die stuwasië, ontskeping, inskeping, oorskeping, aflewering, afhaal en opslag van goedere by 'n hawe en die aangifte van die tonnemaat en waarde van ingevoerde of uitgevoerde goedere en die nodige tot staving daarvan dienende verklarings en opgawes;
- (j) die behoorlike beheer oor alle skepe wat 'n hawe binnevaar of daarin verkeer, of wat langs hawehoofde, piere, kaaie of werwe aanlê, of wat binne die omtrek van 'n hawe anker of vasmeer, en, met inagneming van die wetsbepalings op die handelskeepvaart, die maatreëls wat getref kan word om te verhoed dat skepe 'n hawe verlaat indien hul oorlaai of onbehoorlik gelaai of onvoldoende beman of sonder bevoegde offisiere of ingenieurs is of 'n groter getal passasiers aan boord het as wat met redelike veiligheid vervoer kan word, of indien hul nie behoorlik van die nodige voorsien is nie of andersins onseewaardig is;
- (k) die vasstelling van kaaie- en liggelde en ander haweregte en -koste, en die betaling en kwytstelling of wysiging betreffende die betaling daarvan;
- (l) die voorkoming van skipbreuke en die beveiliging van skepe teen ongevallen, die beskerming van skepe en hul ladings wat gestrand het of gevaar loop om te strand, en die wegruiming, vernietiging of verlatting van wrakke en wrakoorblyfsels en ankers wat gevaar oplewer of allig gevaarlik of hinderlik kan word, of wat die vaarwater in 'n hawe belemmer of allig kan belemmer, of die heffing en invordering van huur vir die reg om 'n romp, wrak of wrakoorblyfsels in 'n hawe te laat lê, en die redding van skipbreukelinge;
- (m) die ligting, verwydering, aanhouding of vernietiging van gestrande skepe en hul ladings en toebehore binne die regsgebied van die Administrasie; die betaling van boetes, die verkoopsonkoste en ander deur die Administrasie in verband daarmee belope koste, en die wyse waarop oor die verkoopsopbrings beskik moet word;
- (n) die bevordering van doeltreffendheid en tug in die loodsdienste en die diens op die aan die Administrasie behorende skepe of werke in verband met 'n hawe of vuurtoring, reddingsboot of reddingstoestel, en voorsiening vir die aflê van eksamens deur, en die registrasie en lisensiëring van loodse, en die reëling van die loodstarief en die pligte en verpligtings van loodse;
- (o) met inagneming van die wetsbepalings op die handelskeepvaart, die aflê van eksamens deur en die uitreiking van sertifikate aan, gesagvoerders, stuurlieders en masjiniste van skepe in plaaslike handel, walvisvaarders, sleepbote, baggermasjiene, vissersbote en ligte vaartuie, en die koste en lisensies ten opsigte daarvan betaalbaar; en, onderworpe aan bedoelde bepalinge, die registrasie, lisensiëring, inspeksie en beheer van sleepbote, barkasse, rompe, vissersbote, veerbote of ander vaartuie, en die aantal passasiers wat daarop vervoer mag word, en die gelde aan die Administrasie betaal te word vir die registrasie, lisensiëring en inspeksie daarvan: Met dien verstande dat hierdie paragraaf nie van toepassing is op sulke persone as wat in artikel twee of veertien van die „Koopvaardij (Certifikaten van Bekwaamheid) Wet, 1925” (Wet No. 45 van 1925), bedoel word nie;
- (p) die uitreiking van lisensies aan veermanne en skuitvaarders, aan kruisers, lossingsagente, stuwadoors, ekspediteurs, skeepsagente, bagasie- en pakketteagente, en aannemers vir die verskaffing van water of ballas, of ander persone wat by die hawediens betrokke is, en die reëling van die gelde wat deur hulle gevorder kan word, en die omskrywing van hul werkkring en die reëling van hul diens- of werkure;
- (q) die reëling van die gebruik van alle lossingsplekke, skeepshellings, roosters, dokke, hystoestelle, krane, ligte, werptrosse en steenkoollaai- of ander toestelle, en voorsiening vir die reëling van die verkeer op spoorwegpersele of in dokke of op kaaie of hawehoofde binne die regsgebied van die Administrasie;
- (r) die verleen van toegang, by wyse van lisensie of ander vergunning, tot die kaaie, dokke, hawehoofde of ander

harbour or on to any trains or railway premises, at any special times of any hotel representatives, landing agents or other persons soliciting patronage from passengers on ships arriving at any such harbour or at any railway station or railway premises;

- (s) the prohibition of smoking in or on wharves, jetties, quays, buildings or rolling-stock;
- (t) the prevention of obstructions and the preservation of good order on railway premises and the foreshore, and on banks of rivers, wharves, jetties, landing places, breakwaters and other works, or the approaches to the same within the limits of the Administration's jurisdiction;
- (u) the duties and conduct while on the Administration's premises of cabmen, carmen, draymen, carriers and other persons who are not in the employment of the Administration but who ply for hire to or from any station, building or other place which is under the control of the Administration;
- (v) the discretionary rights and powers which may be exercised by the Administration in relation to—
 - (i) the admission of the public to, or their exclusion from, any of the railways, docks, wharves, jetties and landing places;
 - (ii) the imposition of charges for such admission; and
 - (iii) the closing to the public of any stations, docks, wharves, jetties, sheds, roads or landing places under its jurisdiction:

Provided that no regulation under this paragraph shall authorize the Administration to interfere with the use, by the public or by any individual, of any road or thoroughfare within the Administration's jurisdiction which the public or such individual is entitled to use as of right;

- (w) the control and safety of road traffic at railway level crossings; the provision of warning and other devices for that purpose, and the precautions to be taken by the driver of any road vehicle in approaching or passing over any such crossing, including the duty to bring such vehicle to a stop;
- (x) the prevention of damage or injury to any railway station, dock, slip, wharf, jetty, landing place or other works and premises, ships, railways, rolling-stock, or any property whatever;
- (y) the prevention of the commission of any nuisance in or upon the railways, harbours, foreshores, docks, wharves, jetties or landing places, and generally the promotion and ensuring of good sanitation, cleanliness and decency within the Administration's jurisdiction;
- (z) the charges to be made for warehousing goods and for their care or custody, and the terms and conditions upon which they shall be received, and provision for the disposal of unclaimed goods and exemption from payment or variation as to the payment of such charges;
- (aa) the issue of free passes and concession tickets and the prevention of abuse thereof;
- (bb) the definition, for the purposes of this Act, of dangerous or offensive goods and the conditions under which and the times when those classes of goods shall be transported, landed, shipped or transhipped, and the prohibition of the transport, landing, shipping or transhipping of those classes of goods, and provision for or sanctioning of the removal or destruction of the same;
- (cc) the returns to be rendered by persons of all goods imported by them into any harbour when the goods have been dispatched by wagon or other vehicle between points where, in the opinion of the Administration, there is competition between the railway and any wagons or other vehicles for the transport of goods; and the collection of differentiating wharfage dues from persons who do not contract to have all their goods transported by the railway between the said points, or from the consignees to whom such goods may have been consigned;

werke van 'n hawe, of tot treine of spoorwegpersele op bepaalde tye, van hotelverteenwoordigers, lossings-agente of ander persone wat die begunstiging soek van passasiers wat in skepe by so 'n hawe of by 'n spoorwegstasie of spoorwegterrein aankom;

- (s) die verbod van rook in of op kaaie, hawehoofde, geboue of rollende materiaal;
- (t) die voorkoming van versperrings en die handhawing van die goeie orde op spoorwegpersele en op die strandgebied, en op die oewers van riviere, op kaaie, hawehoofde, landingsplekke, golfbrekers en ander werke, of die toegange daartoe binne die regsgebied van die Administrasie;
- (u) die pligte en gedrag, terwyl hulle op die persele van die Administrasie verkeer, van koetsiers, kardrywers, slepers, karweiers en ander persone wat nie by die Administrasie in diens is nie maar wat hul dienste na of van 'n stasie, gebou of ander plek onder die beheer van die Administrasie te huur aanbied;
- (v) die diskresionêre regte en bevoegdhede wat deur die Administrasie uitgeoefen kan word met betrekking tot—

(i) die toeganklik stel al dan nie, vir die publiek, van spoorweë, dokke, kaaie, hawehoofde en landingsplekke;

(ii) die heffing van toegangsgelde; en

(iii) die sluiting vir die publiek van stasies, dokke, kaaie, hawehoofde, goedereloodse, paaie of landingsplekke binne sy regsgebied:

Met dien verstande dat geen regulasie kragtens hierdie paragraaf die Administrasie kan magtig om inbreuk te maak op die gebruik, deur die publiek of deur 'n individu, van 'n pad of deurgang binne die Administrasie se regsgebied waarvan die gebruik aan die publiek of aan daardie individu as 'n reg toekom nie;

- (w) die reëling en beveiliging van die padverkeer by gelykgrondse spoorwegoorgange; die daarstelling van waarskuwings- en ander toestelle vir daardie doel, en die voorsorgsmaatreëls wat deur die bestuurder van 'n padvoertuig getref moet word wanneer hy so 'n oorgang nader of oorsteek, met inbegrip van die plig om so 'n voertuig tot stilstand te bring;
- (x) die voorkoming van skade of letsel aan spoorwegstasies, dokke, skeepshellings, kaaie, hawehoofde, landingsplekke of ander werke en persele, of aan skepe, spoorweë, rollende materiaal of enige ander goedere, van watter aard ook;
- (y) die voorkoming van onbehoorlikhede in of op die spoorweë, hawens, strandgebiede, dokke, kaaie, hawehoofde of landingsplekke, en oor die algemeen die bevordering en versekering van 'n goeie reinigingsdiens, van sindelikeid en welvoeglikheid binne die Administrasie se regsgebied;
- (z) die gelde wat gevorder word vir die opslaan van goedere in pakhuse en vir die sorg of bewaring daarvan, en die bedinge waaronder en voorwaardes waarop hulle aangeneem word, en voorsiening vir die wyse van beskikking oor onopgevraagde goedere, asmede vrystelling van betaling of wysiging betreffende die betaling van sulke gelde;
- (aa) die uitreiking van vryreispease en konsessiekaartjies en die voorkoming van misbruik daarvan;
- (bb) die omskrywing, vir die doeleindes van hierdie Wet, van gevaarlike of hinderlike goedere en die voorwaardes waarop en die tye wanneer daardie klasse goedere vervoer, ontskeep, verskeep, of oorgeskeep kan word, en die verbod op die vervoer, ontskeping, verskeping of oorskeping van daardie klasse goedere, en voorsiening vir, of vergunning tot, die verwydering of vernietiging daarvan;
- (cc) die opgawes wat deur persone verstrekk moet word van alle deur hulle in 'n hawe ingevoerde goedere, wanneer die goedere met 'n wa of ander voertuig versend is tussen plekke waar daar, volgens oordeel van die Administrasie, mededinging bestaan tussen die spoorweg en waens of ander voertuie vir die vervoer van goedere; en die invordering van differensiële kaai-gelde van persone wat hulle nie verbind om al hul goedere per spoor tussen bedoeide plekke te laat vervoer nie, of van die geadresseerdes aan wie sulke goedere versend mag gewees het;

- (dd) the use of railways or railway or harbour land for coal stands, depositing or forwarding sites, sites for the bulk storage of liquid fuel and other inflammable substances, pipe lines, power lines and the like, and whether the same shall be overhead or underground;
- (ee) the crossing and the manner of approaching any street, road or thoroughfare by a train;
- (ff) the construction, use, and maintenance of private sidings and branch lines connected with the railways;
- (gg) advertising, and bookstalls on the railways and at the harbours, and the fixing of the hours and days during which any such bookstall may remain open for the use of the public;
- (hh) the use of stamps as prepayment upon parcels or goods;
- (ii) the insurance of persons travelling on the railways;
- (jj) the sale of articles in refreshment rooms at places under the control of the Administration, and in refreshment cars, subject to the provisions of this Act;
- (kk) the installation, maintenance and control of automatic vending, weighing, novelty and similar machines;
- (ll) the establishment and control of railway institutes, railway clubs and reading rooms;
- (mm) matters affecting or incidental to the conveyance, transport, accommodation and refreshment of holders of tourist tickets;
- (nn) the maintenance and control of elevators and cooling chambers, and the regulation of the manufacture and sale of ice;
- (oo) the maintenance, control and management of mooring masts for aircraft, and the regulation and control of all aircraft coming alongside or mooring at such masts;
- (pp) the control and management of hotels conducted by the Administration;
- (qq) the establishment of a guarantee fund for the purpose of providing security for the due and faithful performance of their functions by persons other than servants who in the course of performing personal services for or on behalf of the Administration, receive into their custody moneys belonging to it; the contributions to be made to such fund by the Administration or by such persons or by both, and the administration of such fund either as part of or separately from the guarantee fund established by regulations made under paragraph (e) of sub-section (1) of section *thirty-one* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925),

and generally with respect to the travelling or traffic upon or the use or working of the railways and harbours and for the good government thereof, and the maintenance of order thereon and therein.

(2) The regulations may provide penalties for any contravention thereof or failure to comply therewith and may also impose different penalties in case of a second or subsequent contravention or non-compliance, but no such penalty shall exceed a fine of fifty pounds or, in default of payment, imprisonment for a period of six months, or both such fine and imprisonment.

(3) As often as the contravention of or failure to comply with any such regulation causes damage to any property under the management or control of the Administration, the person causing the damage shall, in addition to any penalty which may be imposed under the regulation, be liable to make the same good to the Administration.

(4) Any contravention of a regulation by a servant may, in substitution of any penalty prescribed therein, be deemed to be misconduct, and may be dealt with in the same manner as a contravention of a regulation made under the authority of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925).

(5) The Administration shall keep at each station on the railways (excluding road motor transport service stations or halts) and at the Administration's principal office at each harbour a copy of all regulations for the time being in force and shall allow any person to inspect the same free of charge.

(6) Whenever the port captain or other authorized officer boards or goes alongside of any ship arriving at a harbour he

- (dd) die gebruik van spoorweë of spoorweg- of hawegronde vir steenkoolopbergplekke, opslagplekke, afsendingsplekke, opslagplekke vir massavoorrade vloeibare brandstof en ander ontvlambare stowwe, pypleidings, kraggeleidings en dergelike, sowel bo- as ondergronds;
- (ee) die wyse waarop treine 'n straat, pad of deurgang moet kruis of nader;
- (ff) die aanleg, gebruik en instandhouding van private sylyne en taklyne wat met die spoorweë verbind is;
- (gg) advertensies, en boekwinkels op die spoorweë en by die hawens, en die bepaling van die ure en dae gedurende welke sulke boekwinkels vir gebruik deur die publiek oopgehou mag word;
- (hh) die gebruik van seëls ter vooruitbetaling van die spoorvrag op pakkette of goedere;
- (ii) die versekering van spoorwegreisigers;
- (jj) die verkoop van goedere in verversingskamers op plekke onder beheer van die Administrasie, en in verversingswaens, met inagneming van die bepalings van hierdie Wet;
- (kk) die installering, instandhouding en beheer van outomatiese verkoops-, weeg-, nuwigheids- en dergelike masjiene;
- (ll) die daarstelling en die beheer van spoorweginstitute, spoorwegklubs en leeskamers;
- (mm) aangeleenthede rakende of in verband staande met die vervoer, herberging en verversing van houters van toeristekaartjies;
- (nn) die instandhouding en beheer van graansuiers en koelkamers, en die reëling van die vervaardiging en verkoop van ys;
- (oo) die instandhouding, beheer en bestuur van anker-maste vir lugvaartuie en die reëling en beheer van alle lugvaartuie wat by sulke maste aan- of vaslê;
- (pp) die beheer en bestuur van hotelle wat deur die Administrasie aangehou word;
- (qq) die daarstelling van 'n waarborgfonds ten einde sekuriteit te verskaf vir die behoorlike en getroue uitvoering van hul funksies deur persone wat nie dienare is nie en wat, terwyl hulle persoonlike dienste namens of ten behoeve van die Administrasie verrig, aan die Administrasie behorende geld in hul bewaring ontvang; die bydraes wat in sodanige fonds deur of die Administrasie of bedoelde persone of beide, gestort moet word, en die bestuur van sodanige fonds of as deel of afsonderlik van die waarborgfonds ingestel deur regulasies uitgevaardig kragtens paragraaf (e) van sub-artikel (1) van artikel een-en-dertig van die „Spoorwega en Havens Dienst Wet, 1925” (Wet No. 23 van 1925),

en oor die algemeen met betrekking tot die persone- of goedere-verkeer op of die gebruik of eksploitasie van die spoorweë en hawens en vir die goeie bestuur daarvan, en die handhawing van goeie orde daarop en daarin.

(2) Die regulasies kan strawwe bepaal vir oortreding daarvan of versuim om daaraan te voldoen, en kan ook verskillende strawwe stel in die geval van 'n tweede of daaropvolgende oortreding of nie-nakoming, maar geen sodanige straf mag swaarder wees nie as 'n boete van vyftig pond of, by wanbetaling, gevangenisstraf vir 'n tydperk van ses maande, of sodanige boete sowel as sodanige gevangenisstraf.

(3) So dikwels 'n oortreding of verontagsaming van so 'n regulasie skade veroorsaak aan goedere onder die bestuur of beheer van die Administrasie, staan die persoon deur wie die skade veroorsaak word, onder verpligting om die skade aan die Administrasie te vergoed, bo en behalwe enige straf wat kragtens die regulasie opgelê mag word.

(4) As 'n dienaar 'n regulasie oortree, kan dit, in plaas van toepassing van die daarin gestelde straf, as wangedrag beskou word, en so 'n oortreding kan op dieselfde wyse behandel word as 'n oortreding van 'n regulasie uitgevaardig uit kragte van die „Spoorwega en Havens Dienst Wet, 1925” (Wet No. 23 van 1925).

(5) Die Administrasie moet by elke stasie op die spoorweë (met uitsondering van padmotorvervoerdienstasies of -haltes) en by die Administrasie se hoofkantoor in elke hawe, 'n afskrif van alle regulasies wat op daardie tydperk van krag is, beskikbaar hou, en moet iedereen toelaat om sonder koste insae daarvan te hê.

(6) Wanneer die hawekaptein of ander gemagtigde amptenaar aan boord gaan van 'n skip wat 'n hawe binnekom, of langs

shall cause to be delivered to the master of the ship a copy of this Act and of such harbour and quarantine regulations as may be in force in the harbour: Provided that it shall not be necessary more than once in each year to deliver a copy of this Act and of the said regulations to the masters of ships which regularly trade with that harbour and which have agents resident thereat, and then only on the request of the master.

CHAPTER II.

RAILWAYS.

Conveyance of Passengers.

Timetables to be posted up.

4. A copy of the time-table for the time being in force relating to the conveyance of passengers shall be posted up in a conspicuous place at each railway station other than a road transport service station, and so as to be visible and accessible.

Conditions upon which tickets are issued.

5. (1) Fares shall be deemed to be accepted and tickets to be issued subject to the condition of there being room available in the train and in a compartment of the class for which the tickets are issued.

(2) A person to whom a ticket has been issued and for whom there is not room available in the train for which the ticket was issued, shall, upon returning the ticket at the earliest opportunity, be entitled to have his fare refunded.

(3) A person for whom there is not room available in the class of compartment for which he has purchased a ticket, and who elects to travel in a compartment of a lower class shall, on delivering up his ticket and receiving the certificate hereinafter in this section referred to, be entitled to a refund of the difference between the fare paid by him and the fare payable for the class of compartment in which he travelled: Provided that a refund shall only be made if at the first opportunity the passenger so travelling has called the attention of the servant in charge of the train to the fact that he is obliged to travel in a class of compartment inferior to that mentioned on his ticket and has received from that servant a certificate showing that he is entitled to the refund.

(4) The class of coach or compartment shall be, from time to time, fixed by the Administration, and shall be legibly marked on the outside of each coach or compartment.

(5) Subject to the provisions of this Act or any other law or any regulation, the Administration shall not refuse to carry a passenger who has tendered the proper fare for the journey which he desires to make and the class in which he desires to travel.

(6) The provisions of sub-sections (2) and (3) shall not apply to season tickets.

Right to refuse to convey certain classes of persons.

6. (1) The Administration may refuse to carry, except in accordance with the regulations, a person who appears to be a lunatic or suffering from any contagious or infectious disease, or who appears to be under the influence of liquor, whether or not such person has a ticket or free pass.

(2) Where by or under any law restrictions are imposed on the right of any person or any class of persons to travel within or to enter any area, the Administration may refuse to carry any such person or any member of any such class of persons within, or from elsewhere to a destination within, any such area, unless he produces proof to the satisfaction of the Administration that he is entitled, in terms of the conditions prescribed by or under such law, to travel within or, as the case may be, to enter the area in question.

Reservation of railway premises or conveyances for exclusive use of certain persons.

7. (1) The Administration may, whenever it deems expedient, and in such manner or by such means as it may consider most convenient to inform any person affected thereby of the fact of such reservation—

- (a) reserve any railway premises (including conveniences) or any portion thereof, or any train or any portion of a train for the exclusive use of males or females or persons of particular races, or different classes of persons or natives;
- (b) reserve all or certain trains travelling over a particular route for the exclusive use of persons of particular races or different classes of persons or natives.

boord daarvan aanlê, moet hy 'n afskrif van hierdie Wet en van die hawe- en kwarantynregulasies wat in die hawe van krag is, aan die gesagvoerder van die skip laat oorhandig: Met dien verstande dat dit nie nodig is om 'n afskrif van hierdie Wet en van bedoelde regulasies meer as een maal per jaar te oorhandig aan die gesagvoerders van skepe wat gereeld met daardie hawe handel dryf en wie se agente daar gevestig is nie, en dan slegs op versoek van die gesagvoerder.

HOOFTUK II.

SPOORWEE.

Vervoer van Passasiers.

4. 'n Eksemplaar van die van tyd tot tyd geldende tydtafel¹ van die diensreëling vir passasiersvervoer, word by elke spoorwegstasie (behalwe 'n padvervoerdienstasie) op 'n in die ooglopende plek waar dit sigbaar en toeganklik is, vertoon.

¹ Tydtafels word vertoon.

5. (1) Reisgelde word geag aangeneem en kaartjies uitgereik te word onderworpe aan die voorwaarde dat daar plek beskikbaar is in die trein en in 'n kompartement van die klas waarvoor die kaartjies uitgereik word.

Voorwaardes waar op kaartjies uitgereik word.

(2) Iemand aan wie 'n kaartjie uitgereik is en vir wie daar nie plek beskikbaar is in die trein waarvoor die kaartjie uitgereik is nie, is teen teruggawe van die kaartjie by die eerste geleentheid, op terugbetaling van sy reisgeld geregtig.

(3) Iemand vir wie daar nie plek beskikbaar is nie in 'n kompartement van die klas waarvoor hy 'n kaartjie gekoop het, en wat kies om in 'n kompartement van 'n laer klas te reis, is by oorgawe van sy kaartjie en ontvangs van die hieronder in hierdie artikel bedoelde sertifikaat, geregtig op terugbetaling van die verskil tussen die deur hom betaalde reisgeld en die reisgeld betaalbaar vir 'n kompartement van die klas waarin hy gereis het: Met dien verstande dat terugbetaling slegs geskied indien die passasier wat aldus reis, die dienaar wat oor die trein toesig het by die eerste geleentheid daarop attent gemaak het dat hy verplig is om in 'n klas kompartement te reis wat laer is as dié wat op sy kaartjie vermeld word, en van daardie dienaar 'n sertifikaat ontvang het wat bewys dat hy op die terugbetaling geregtig is.

(4) Die klas passasierswa of kompartement word van tyd tot tyd deur die Administrasie bepaal en word aan die buitekant van elke passasierswa of kompartement duidelik leesbaar aangebring.

(5) Behoudens die bepalings van hierdie Wet of 'n ander wetsbepaling of 'n regulasie, mag die Administrasie nie weier om 'n passasier wat die vasgestelde reisgeld vir die reis wat hy wil onderneem en die klas waarin hy verlang om te reis, aangebied het, te vervoer nie.

(6) Die bepalings van sub-artikels (2) en (3) is nie op seisoenkaartjies van toepassing nie.

6. (1) Die Administrasie kan weier om, behalwe ooreenkomstig die regulasies, iemand te vervoer wat skynbaar krank-sinnig is of aan 'n aansteeklike of besmetlike siekte ly, of wat skynbaar onder die invloed van drank is, hetsy so iemand 'n kaartjiepas of vryreispas besit al dan nie.

Reg om te weier om sekere kategorieë persone te vervoer.

(2) Wanneer die reg van 'n persoon of van 'n kategorie persone om binne een of ander gebied te reis of dit binne te gaan, deur of kragtens 'n wet aan bande gelê word, kan die Administrasie weier om so 'n persoon of 'n lid van so 'n kategorie persone binne so 'n gebied of van elders na 'n bestemming binne so 'n gebied te vervoer, tensy hy tot genoeë van die Administrasie bewys lewer dat hy ingevolge die voorwaardes deur of kragtens so 'n wet voorgeskryf, geregtig is om binne die betrokke gebied te reis of, na gelang van die geval, dit binne te gaan.

7. (1) Die Administrasie kan, wanneer hy dit dienstig ag, en op so 'n wyse of deur sulke middels as wat hom skyn die gerieflikste te wees om die daarby betrokke persone aangaande die aanwysing in te lig—

Aanwysing van spoorwegpersele of vervoermiddels vir uitsluitlike gebruik van sekere persone.

(a) enige spoorwegpersele (met inbegrip van geriewe) of enige gedeelte daarvan, of 'n trein of enige gedeelte van 'n trein aanwys vir die uitsluitlike gebruik van mans of vrouens of persone van bepaalde rasse, of verskillende kategorieë persone of naturelle;

(b) alle of sekere treine wat oor 'n bepaalde roete loop, aanwys vir die uitsluitlike gebruik van persone van bepaalde rasse of verskillende kategorieë persone of naturelle.

(2) For the purposes of this section and of any regulations made under paragraph (f) of sub-section (1) of section *three*, the expression "train" as defined in section *one*, shall include an aircraft used by the Administration in connection with its air services, and the expression "railway premises" shall include any land or premises under the control of the Administration within a harbour.

Liability in respect of loss of life or personal injury to passenger.

8. (1) The Administration shall only be liable for loss of life or of personal injury to any passenger when the loss of life or personal injury is caused by the want of ordinary care, diligence or skill on the part of the Administration or of its servants, and shall in no case be liable for loss of life or, or personal injury to, a passenger who is travelling by special permission, whether verbal or written, on a train to which no passenger coach is attached.

(2) For the purposes of this section the term "passenger" shall include every person lawfully travelling upon a train, not being a servant or a post office servant in respect of whom a claim for compensation under any law relating to compensation for injuries to workmen can be made for loss of life or personal injury caused by an accident to the train on which he is travelling.

Travelling without a free pass or ticket prohibited.

9. No person shall enter any coach or other vehicle of the Administration for the purpose of travelling therein as a passenger unless he has with him an available free pass or ticket.

Travelling without free pass or ticket or with insufficient pass or ticket or beyond authorized distance.

10. (1) If a passenger travels in a train without having an available free pass or ticket with him, or being in or having alighted from a train, fails or refuses to present for examination or to deliver up his free pass or ticket immediately on requisition being made therefor, he shall be liable to pay on the demand of any authorized servant, the excess charge hereinafter in this section mentioned in addition to the ordinary fare for the distance which he has travelled or is travelling or, if there be any doubt as to the station from which he originally started, the fare from the station from which the train originally started or, if the tickets of passengers travelling in the train have been examined since the original starting of the train, the ordinary fare from the place where the tickets were examined or, if they have been examined more than once, the place where they were last examined.

(2) If a passenger travels or attempts to travel in a portion of a train of a higher class than that for which he has obtained a free pass or ticket, or travels beyond the place authorized by his free pass or ticket, he shall be liable to pay on the demand of any authorized servant, the excess charge mentioned in sub-section (3), in addition to any difference between any fare paid by him and the fare in respect of such journey as he has made.

(3) The excess charge referred to in sub-sections (1) and (2) shall be—

- (a) where the passenger has immediately after incurring the charge and before being requested to produce his free pass or ticket as aforesaid, notified to a servant on duty with the train or at a station the fact of the charge having been incurred, or where in any other case the passenger satisfies such servant that his failure to produce his free pass or ticket as aforesaid was not due to any intention to evade payment of the fare due, one shilling, sixpence, or threepence according as the passenger is travelling or has travelled or has attempted to travel in a portion of a train of the first class or in a portion of a train of the second class, or in a portion of a train or vehicle of any other kind or class; and
- (b) in any other case: Ten shillings, five shillings, or two shillings and sixpence, according as the passenger is travelling or has travelled or has attempted to travel in a portion of a train of the first class or in a portion of a train of the second class, or in a portion of a train or vehicle of any other class or kind:

Provided that the excess charge shall in no case exceed—

- (i) if the liability to pay it arises under sub-section (1), the amount of the ordinary single fare which the passenger incurring the charge is liable to pay under that sub-section; or
- (ii) if the liability to pay arises under sub-section (2), the amount of the difference between the fare paid by the

(2) By die toepassing van hierdie artikel en van die regulasies uitgevaardig kragtens paragraaf (f) van sub-artikel (1) van artikel drie, omvat die uitdrukking „trein”, soos in artikel een omskryf, ook 'n vliegtuig wat deur die Administrasie in verband met sy lugdienste gebruik word, en omvat die uitdrukking „spoorwegpersele” ook enige terrein of persele onder beheer van die Administrasie binne 'n hawe.

8. (1) Die Administrasie is slegs dan aanspreeklik weens die dood of besering van 'n passasier wanneer die dood of besering die gevolg is van gebrek aan gewone sorg, vlyt of behendigheid van die kant van die Administrasie of sy dienare, en hy is in geen geval aanspreeklik weens die dood of besering van 'n passasier wat met uitdruklike vergunning, hetsy mondeling of skriftelik, in 'n trein reis waaraan daar geen passasierswa is nie.

Aanspreeklikheid ten opsigte van dood of besering van passasier.

(2) By die toepassing van hierdie artikel omvat die uitdrukking „passasier” iedereen wat wettig in 'n trein reis, behalwe 'n dienaar of 'n dienaar van die poskantoor ten opsigte van wie 'n eis om skadeloosstelling ingevolge een of ander wet op skadeloosstelling weens ongevallen aan werksmanne ingestel kan word op grond van sy dood of besering ten gevolge van 'n ongeluk wat die trein waarin hy reis, oorkom.

9. Niemand mag 'n passasierswa of ander voertuig van die Administrasie binnegaan met die doel om as passasier daarin te reis, tensy hy 'n geldige vryreis pas of kaartjie by hom het nie.

Reis sonder vryreis pas of kaartjie verbode.

10. (1) Indien 'n passasier in 'n trein reis sonder dat hy 'n geldige vryreis pas of kaartjie by hom het, of indien hy, terwyl hy in 'n trein is of nadat hy dit verlaat het, versuim of weier om sy vryreis pas of kaartjie ter insae te vertoon of af te gee onmiddellik nadat hy daartoe versoek is, is hy verplig om op aanvraag van 'n gemagtigde dienaar die hieronder in hierdie artikel vermelde toeslag te betaal, bo en behalwe die gewone reise geld vir die afstand wat hy gereis het of reis, of, as daar twyfel bestaan omtrent die stasie vanwaar hy oorspronklik die reis begin het, die reise geld vanaf die stasie vanwaar die trein oorspronklik vertrek het of, indien die kaartjies van passasiers wat in die trein reis, sedert die oorspronklike vertrek van die trein ondersoek is, die gewone reise geld vanaf die plek waar die kaartjies ondersoek is, of, as hulle meer as een maal ondersoek is, die plek waar hulle laaste ondersoek is.

Reis sonder vryreis pas of kaartjie of met onvolgende reis pas of kaartjie of verder as geoorloofde afstand.

(2) Indien 'n passasier in 'n gedeelte van 'n trein van 'n hoër klas as dié waarvoor hy 'n vryreis pas of kaartjie verkry het, reis of poog te reis, of verder reis as die plek wat deur sy vryreis pas of kaartjie aangewys word, is hy verplig om op aanvraag van 'n gemagtigde dienaar die in sub-artikel (3) bedoelde toeslag te betaal bo en behalwe die verskil tussen die deur hom betaalde reise geld en die reise geld ten opsigte van die reis wat hy afgelê het.

(3) Die in sub-artikels (1) en (2) bedoelde toeslag is—

(a) waar die passasier onmiddellik nadat hy die toeslag beloop het, en voordat hy soos voormeld versoek is om sy vryreis pas of kaartjie te vertoon, 'n in die trein of by 'n stasie diensdoende dienaar verwittig het van die feit dat die toeslag beloop is, of waar die passasier in enige ander geval so 'n dienaar oortuig dat sy versuim om sy vryreis pas of kaartjie soos voormeld te vertoon, nie toe te skryf was aan 'n voorneme om betaling van die verskuldigde reise geld te ontduik nie: een sjieling, ses pennies of drie pennies, na gelang die passasier in 'n gedeelte van 'n trein van die eerste klas of in 'n gedeelte van 'n trein van die tweede klas of in 'n gedeelte van 'n trein of voertuig van enige ander soort of klas reis, gereis of probeer reis het; en

(b) in enige ander geval: tien sjielings, vyf sjielings of twee sjielings en ses pennies, na gelang die passasier in 'n gedeelte van 'n trein van die eerste klas of in 'n gedeelte van 'n trein van die tweede klas of in 'n gedeelte van 'n trein of voertuig van enige ander soort of klas reis, gereis of probeer reis het:

Met dien verstande dat die toeslag in geen geval meer bedra nie as—

- (i) indien die verpligting tot betaling daarvan ingevolge sub-artikel (1) ontstaan, die bedrag van die gewone enkel-reise geld wat die passasier wat die toeslag beloop, verplig is om kragtens daardie sub-artikel te betaal; of
- (ii) indien die verpligting tot betaling daarvan ingevolge sub-artikel (2) ontstaan, die bedrag van die verskil

passenger incurring the charge and the fare payable in respect of such journey as he has made:

Provided further that the Administration may prescribe particular circumstances under which no excess charge shall be demanded.

(4) If any person wilfully refuses to pay the amounts due by him under this section to any servant demanding the same, it shall be lawful for any station master or other authorized servant to arrest that person without warrant and detain him in custody and bring him as speedily as possible before a court having jurisdiction to be dealt with according to law on a charge of such wilful refusal; and he shall be liable on conviction to a fine not exceeding five pounds, or, in default of payment, to imprisonment for a period not exceeding one month, or to both such fine and imprisonment: Provided that no person shall be arrested or detained without warrant unless there shall exist reasonable ground for believing that except by the arrest of the person offending he could not be found or made answerable to justice without delay, trouble or expense.

(5) It shall be the duty of the court passing any sentence under this section to impose, in addition to the sentence, a further fine equal to the amount payable to the Administration for the fare and excess charge payable or due by the accused in respect of the journey performed by him in the class in which he was travelling, and such court may, in addition, order that if on the payment of the fine or at the expiration of the sentence the further fine has not been paid, the person convicted shall be imprisoned for a further period not exceeding one month.

(6) The Administration shall refund any fare or difference in fare paid under the provisions of this section provided that—

- (a) application for the refund be made within fourteen days from the date of payment; and
- (b) the applicant had at the time he made the payment a valid subsisting ticket or free pass available for the journey on which he was found without a ticket, or some *bona fide* reason for being without such ticket or free pass.

(7) The provisions of the preceding sub-sections of this section shall not apply to the Administration's road motor transport services.

Altering or
defacing free pass
or ticket.

11. (1) If a passenger wilfully alters, obliterates or defaces a free pass or ticket so as to render the date, number or any material portion thereof illegible, he shall be liable to a fine not exceeding ten pounds or, in default of payment, to imprisonment for a period not exceeding one month, and shall, in addition, be liable to a further fine equal to the amount of—

- (a) the single fare for the journey performed by the class in which he was travelling; plus
- (b) such excess charge as would be payable or due under paragraph (b) of sub-section (3) of section *ten* by any person travelling without a ticket upon such journey.

The court, in passing sentence under this sub-section may, in addition, order that if on the payment of the fine or at the expiration of the sentence the further fine has not been paid, the person convicted shall be imprisoned for a further period not exceeding one month. Any such altered, obliterated or defaced free pass or ticket shall be confiscated.

(2) Any person who obtains by false pretences or other fraudulent means or who counterfeits, forges, or alters any ticket, order, receipt for fare or free pass issued by the Administration designed to entitle the holder to travel in the trains or other conveyances of the Administration, or who utters, publishes, or puts into circulation any counterfeit or false ticket, order, receipt for fare or free pass, with intent to defraud the Administration or any other person, shall be liable on conviction to a fine not exceeding one hundred pounds or, in default of payment, to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

Transfer of ticket
or free pass
prohibited.

12. If a person sells or parts with the possession of a ticket or free pass in order to enable any other person to travel therewith, or purchases or receives such ticket or free pass so

tussen die reïsgeld betaal deur die passasier wat die toeslag beloop, en die reïsgeld betaalbaar ten opsigte van die reis wat hy afgelê het:

Met dien verstande voorts dat die Administrasie besondere omstandighede kan voorskryf waaronder geen toeslag gevorder word nie.

(4) Indien iemand opsetlik weier om die deur hom kragtens hierdie artikel verskuldigde bedrae aan 'n dienaar deur wie dit gevorder word, te betaal, het 'n stasiemeester of ander gemagtigde dienaar die reg om so iemand sonder lasbrief te arresteer en hom in versekerde bewaring aan te hou, en om hom so spoedig moontlik voor 'n bevoegde hof te bring sodat daar volgens wet met hom gehandel kan word op aanklag van sodanige opsetlike weiering; en is hy by skuldigbevinding strafbaar met 'n boete van hoogstens vyf pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens een maand, of met sodanige boete sowel as sodanige gevangenisstraf: Met dien verstande dat niemand sonder lasbrief gearresteer of aangehou mag word nie tensy daar redelike gronde bestaan om te vermoed dat, tensy die oortreder gearresteer word, hy nie sonder tydverlies, moeite of onkoste gevind of voor die gereg gebring sou kon word nie.

(5) Die hof wat 'n vonnis kragtens hierdie artikel oplê is verplig om, benewens die vonnis, 'n verdere boete op te lê gelyk met die bedrag wat aan die Administrasie betaalbaar is as reïsgeld en toeslag deur die beskuldigde betaalbaar of verskuldig ten opsigte van die reis deur hom afgelê in die klas waarin hy gereis het, en bedoelde hof kan daarbenewens beveel dat indien die verdere boete nie by betaling van die boete of die verstryking van die vonnis betaal is nie, die veroordeelde persoon 'n verdere tydperk van gevangenisstraf van hoogstens een maand moet ondergaan.

(6) Die Administrasie moet die reïsgeld of die verskil in die reïsgeld wat ingevolge die bepalinge van hierdie artikel betaal is, terugbetaal, mits—

- (a) aansoek om terugbetaling binne veertien dae na die datum van betaling gedoen word; en
- (b) die applikant, toe hy betaal het, 'n geldige bestaande kaartjie of vryreispaas, beskikbaar vir die reis waarop hy sonder kaartjie gevind is, of een of ander *bona fide*-rede waarom hy sonder so 'n kaartjie of vryreispaas was, gehad het.

(7) Die bepalinge van die voorgaande sub-artikels van hierdie artikel is nie op die Administrasie se padmotorvervoerdienste van toepassing nie.

11. (1) Indien 'n passasier opsetlik 'n vryreispaas of kaartjie so verander, skend of vermink dat die datum, nommer of 'n wesenlike gedeelte daarvan onleesbaar word, is hy strafbaar met 'n boete van hoogstens tien pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens een maand, en is hy daarbenewens onderhewig aan 'n verdere boete gelyk aan die bedrag van—

Verandering of
verminking van
vryreispaas of
kaartjie.

- (a) die enkel-reïsgeld vir die reis deur hom afgelê in die klas waarin hy gereis het; plus
- (b) die toeslag wat ingevolge paragraaf (b) van sub-artikel (3) van artikel *tien* betaalbaar of verskuldig sou wees deur iemand wat sonder 'n kaartjie oor so 'n afstand reis.

Die hof wat kragtens hierdie sub-artikel vonnis uitspreek, kan daarbenewens beveel dat indien die verdere boete nie by betaling van die boete of by die verstryking van die vonnis betaal is nie, die veroordeelde persoon 'n verdere tydperk van gevangenisstraf van hoogstens een maand moet ondergaan. Elke sodanige veranderde, geskonde of verminkte vryreispaas of kaartjie word verbeurd verklaar.

(2) Iedereen wat 'n kaartjie, order, kwitansie vir reïsgeld of vryreispaas deur die Administrasie uitgereik ten blyke dat die houer geregtig is om in die treine of ander voertuie van die Administrasie te reis, onder valse voorwendsels of deur ander bedrieglike middels verkry, of dit namaak, vervals of verander, of wat 'n nagemaakte of vervalste kaartjie, order, kwitansie vir reïsgeld of vryreispaas uitgee, versprei of in omloop bring met opset om die Administrasie of iemand anders te bedrieg, is by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met sodanige boete sowel as sodanige gevangenisstraf.

12. Indien iemand 'n kaartjie of vryreispaas verkoop of uit sy besit laat gaan ten einde iemand anders in staat te stel om daarmee te reis, of so 'n kaartjie of vryreispaas wat

Oordrag van
kaartjie of
vryreispaas verbode.

sold or parted with, he shall be liable to a fine not exceeding ten pounds or, in default of payment, to imprisonment for a period not exceeding one month, and if the purchaser or receiver of the ticket or free pass travels therewith he shall be liable to pay a further fine not exceeding the amount of the single fare for the journey authorized by the ticket or free pass, and if he travels otherwise than by road motor vehicle he shall further be liable to pay the excess charge described in paragraph (b) of sub-section (3) of section *ten*. The court, in passing a sentence under this section, may, in addition, order that if on the payment of the fine or at the expiration of the sentence the further fine has not been paid, the person convicted shall be imprisoned for a further period not exceeding one month.

Fraudulent travelling or attempting to travel.

13. If a person, with intent to defraud the Administration—

(a) enters any train or other conveyance; or

(b) uses or attempts to use a single free pass or single ticket which has already been used on a previous journey, or in the case of a return ticket or pass, a half thereof which has already been so used,

he shall be liable to a fine not exceeding ten pounds or, in default of payment, to imprisonment for a period not exceeding one month, and shall in addition be liable to a further fine equal to the amount of—

(i) the single fare for any distance he may have travelled; plus

(ii) the excess charge or booking fee described in section *ten*,

except where such act is committed in connection with the Administration's road motor transport services.

The Court, in passing a sentence under this section, may in addition, order that if on the payment of the fine or at the expiration of the sentence the further fine has not been paid, the person convicted shall be imprisoned for a further period not exceeding one month.

Payment of fines to the Administration.

14. Any further fine or amount recovered under sections *ten* to *thirteen* inclusive shall be paid into the revenue of the Administration.

Passengers' Luggage.

Conveyance of passengers' luggage.

15. The Administration shall convey upon the railway without charge such amount of luggage as may be prescribed by regulation or by public notice for each class of passenger.

Registration of luggage.

16. (1) When passengers' luggage is handed to a servant for conveyance in the luggage van he shall cause the same to be registered, and shall affix to every package a registered number and shall give to the passenger a duplicate of that number: Provided that the Administration shall not be liable for luggage left with a servant or otherwise disposed of at any railway station unless registered as in this sub-section is provided or deposited in a cloakroom.

(2) Whenever a passenger fails to have his luggage so registered and conveyed in the luggage van, it is carried at his own risk.

(3) Cloakrooms provided by the Administration shall be deemed to be warehouses established for the sole convenience of passengers and the public.

(4) The Administration shall not be liable for the loss, misdelivery, or detention of, or damage to any article or package deposited in a cloakroom which exceeds in value the sum of ten pounds unless at the time of deposit the value of the article be declared and an additional charge paid for excess value in accordance with the regulations.

Lien on luggage.

17. The Administration shall have a lien upon the luggage of a passenger for the payment of any fare or other charge to which it is entitled from him.

Goods.

Liability of Administration for goods carried.

18. (1) Unless the owner or consignor or his representative accompanies the goods and retains control thereof, the Administration transporting goods shall, subject to the provisions hereinafter contained, be liable for loss of or injury to the goods from any cause whatsoever from the time it accepts the goods in accordance with the regulations until it releases itself from

iemand aldus verkoop of uit sy besit laat gaan het, koop of ontvang, is hy strafbaar met 'n boete van hoogstens tien pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens een maand, en indien die koper of ontvanger van die kaartjie of vryreis pas daarmee reis, is hy strafbaar met 'n verdere boete ten bedrae van hoogstens die bedrag van die enkel-reisgeld vir die reis deur die kaartjie of vryreis pas gemagtig, en indien hy anders as per padmotorvoertuig reis, loop hy verder aanspreeklikheid op vir betaling van die in paragraaf (b) van sub-artikel (3) van artikel *tien* bedoelde toeslag. Die hof wat kragtens hierdie artikel vonnis uitspreek, kan daarbenewens beveel dat indien die verdere boete nie by betaling van die boete of die verstryking van die vonnis betaal is nie, die veroordeelde persoon 'n verdere tydperk van gevangenisstraf van hoogstens een maand moet ondergaan.

13. Indien iemand met opset om die Administrasie te bedrieg—

Reis of poging om te reis met bedrieglike oogmerk.

- (a) in of op 'n trein of ander voertuig klim; of
- (b) 'n enkel-vryreis pas of enkelkaartjie wat reeds op 'n vorige reis gebruik is, of in die geval van 'n retoerkaartjie of -vrypas, 'n helfte daarvan wat reeds aldus gebruik is, gebruik of probeer gebruik,

is hy strafbaar met 'n boete van hoogstens tien pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens een maand, en is hy daarbenewens onderhewig aan 'n verdere boete gelyk aan die bedrag van—

- (i) die enkel-reisgeld vir die afstand wat hy gereis het; plus

(ii) die toeslag of boekgeld in artikel *tien* bedoel, behalwe waar so 'n handeling in verband met die Administrasie se padmotorvervoerdienste geskied. Die hof wat kragtens hierdie artikel vonnis uitspreek, kan daarbenewens beveel dat indien die verdere boete nie by betaling van die boete of die verstryking van die vonnis betaal is nie, die veroordeelde persoon 'n verdere tydperk van gevangenisstraf van hoogstens een maand moet ondergaan.

14. Alle verdere boetes of bedrae wat ingevolge artikels *tien* tot en met *dertien* verhaal word, word in die kas van die Administrasie gestort.

Betaling van boetes aan die Administrasie.

Passasiersbagasie.

15. Die Administrasie vervoer kosteloos oor die spoorweg so 'n hoeveelheid bagasie as wat by regulasie of by openbare kennisgewing vir elke passasiersklas voorgeskryf word.

Vervoer van passasiersbagasie.

16. (1) Wanneer passasiersbagasie aan 'n dienaar oorhandig word om in die bagasiewa vervoer te word, moet hy die bagasie laat inskrywe en op elke pakket 'n inskrywingsnommer aanbring en aan die passasier 'n duplikaat van daardie nommer gee: Met dien verstande dat die Administrasie nie aanspreeklik is vir bagasie wat onder toesig van 'n dienaar of andersins by 'n spoorwegstasie gelaat is nie tensy dit volgens voorskrif van hierdie sub-artikel ingeskryf of in 'n bewaarkamer geplaas is.

Inskrywing van bagasie.

(2) Wanneer 'n passasier versuim om sy bagasie aldus te laat inskrywe en in die bagasiewa te laat vervoer, word dit op sy eie risiko vervoer.

(3) Die deur die Administrasie ingerigte bewaarkamers word geag pakhuisse te wees, bestem vir die uitsluitlike gerief van passasiers en die publiek.

(4) Die Administrasie is nie aanspreeklik vir die verlies, verkeerde of vertraagde aflewering of beskadiging van enige in 'n bewaarkamer geplaaste artikel of pakket waarvan die waarde meer as tien pond is nie, tensy die waarde van die artikel ten tyde van die inbewaargewing aangegee en 'n toeslag op die ekstra waarde ooreenkomstig die regulasies betaal is.

17. Die Administrasie het 'n retensiereg op die bagasie van 'n passasier vir die betaling van reisgeld of ander koste wat deur hom aan die Administrasie verskuldig is.

Retensiereg op bagasie.

Goedere.

18. (1) Tensy die eienaar of afsender of sy verteenwoordiger saam met die goedere reis en toesig daarvoor behou, is die Administrasie by die vervoer van goedere aanspreeklik, onderworpe aan die hieropvolgende bepalinge, vir die verlies of beskadiging van die goedere, hoe die verlies of beskadiging ook al ontstaan, vanaf die tydstip waarop hy die goedere ooreenkomstig die regulasies aanneem totdat hy hom van aanspreek-

Aanspreeklikheid van die Administrasie vir vervoerde goedere.

liability by delivery of the goods to the consignee or his representative or by placing the same in a warehouse pursuant to this Act, except in the case of—

- (a) an inherent defect, vice or weakness, or some action of the property itself;
- (b) the Act of God;
- (c) inevitable accident;
- (d) the act of the Queen's enemies or any inevitable superior force;
- (e) the act of the law.

(2) The Administration shall be liable even in the cases excepted by sub-section (1), if its negligence has exposed the property to the cause of the loss.

(3) The Administration shall be liable for loss arising from delay only when it is caused by want of ordinary care and diligence on its part.

Effect of accepting receipt.

19. (1) A consignor or consignee by accepting a receipt or written contract for the transport of goods assents to the rate, time, place and manner of transport and delivery and to the conditions therein stated.

(2) Subject to sub-section (1), the liabilities and obligations of the Administration shall not be limited by general notice but may be limited by special contract.

Administration may impose conditions.

20. (1) The Administration may impose conditions, not inconsistent with this Act or with any regulation, with respect to the receiving, forwarding or delivering of any goods and with regard to the interchange of traffic with other carriers or railway administrations.

(2) The Administration shall keep at each station on the railways a copy of the said conditions, and shall allow any person to inspect it free of charge at all reasonable times.

(3) The Administration shall not be bound to carry any animal suffering from any infectious or contagious disease or any wild animal.

Consignor liable for freight unless there is a contract that consignee will pay

21. (1) The consignor of goods shall be liable for the freight thereon but if the contract between him and the Administration provides that the consignee shall pay the freight, and if the Administration allows the consignee to take the goods, it shall not afterwards be able to recover the freight from the consignor.

(2) The consignee of goods shall be liable for the freight thereon if he accepts the goods with notice that the same is unpaid.

Lien for freight.

22. (1) If a person fails on demand made by or on behalf of the Administration, to pay any freight or any other charge due to the Administration in respect of any goods, the Administration may detain the whole or any part of the goods or, if they have been removed from the railway, any other of the goods of that person which are then in, or may thereafter come into, its possession.

(2) When any goods have been detained under sub-section (1), the Administration may, in the case of perishable goods, sell in any manner at once and in the case of other goods, sell by public auction on the expiry of at least ten days' notice of the intended auction published in one or more newspapers circulating in the district where the goods were detained, what it considers to be sufficient of the goods to produce a sum equal to the freight and all expenses of the detention, notice and sale, including in the case of animals, the expense of feeding, watering and tending the same. Every such notice shall state the name of the consignor and of the consignee, if known.

(3) Out of the proceeds of the sale the Administration may retain a sum equal to the freight and expense aforesaid, including any balance due in respect of any former freight and expenses, rendering to the person entitled thereto the surplus (if any) of the proceeds and such of the goods (if any) as remain unsold.

(4) If a person, on whom a demand for any freight due from him has been made, fails to remove from the railway within seven days any goods which have remained unsold after a sale under sub-section (2), the Administration may sell the whole of them and dispose of the proceeds of the sale as nearly as may be in accordance with the provisions of sub-section (3).

likheid bevry deur aflewering van die goedere aan die geadresseerde of sy verteenwoordiger of deur die goedere ingevolge hierdie Wet in 'n pakhuis te plaas, behalwe in die geval van—

- (a) 'n inherente gebrek, fout of swakheid, of die werking van die goed self;
- (b) oormag;
- (c) onvermydelike toeval;
- (d) vyandelike geweld of onvermydelike oormag;
- (e) wetsbeskikking.

(2) Die Administrasie is egter, selfs in die by sub-artikel (1) uitgesonderde gevalle, aanspreeklik indien die goedere deur sy nalatigheid aan die oorsaak van die verlies blootgestel is.

(3) Die Administrasie is aanspreeklik weens verlies wat uit vertraging voortspruit, slegs wanneer dit aan gebrek aan gewone sorg en vlyt van sy kant te wyte is.

19. (1) Deur 'n ontvangsbewys of skriftelike kontrak vir die vervoer van goedere aan te neem, betuig 'n afsender of geadresseerde sy instemming met die tarief, die tyd, plek en wyse van vervoer en aflewering, en met die daarin vermelde voorwaardes.

Gevolg van aanneming van ontvangsbewys.

(2) Onderworpe aan sub-artikel (1), kan die verbintenisse en verpligtings van die Administrasie nie deur algemene kennisgewing nie maar wel deur spesiale ooreenkoms beperk word.

20. (1) Die Administrasie kan met betrekking tot die ontvangs, versending of aflewering van goedere en met betrekking tot die uitwisseling van vrag met ander karweiers of spoorwegbesture, voorwaardes stel wat nie met hierdie Wet of 'n regulasie onbestaanbaar is nie.

Administrasie kan voorwaardes stel.

(2) Die Administrasie hou by elke stasie op die spoorweë 'n eksemplaar van bedoelde voorwaardes, en laat iedereen toe om te alle redelike tye kosteloos insae daarvan te hê.

(3) Die Administrasie is nie verplig om 'n dier wat aan 'n aansteeklike of besmetlike siekte ly, of 'n wilde dier, te vervoer nie.

21. (1) Die afsender van goedere is aanspreeklik vir die daarop verskuldigde spoorvrag. Indien die kontrak tussen hom en die Administrasie egter bepaal dat die geadresseerde die spoorvrag sal betaal en die Administrasie laasgenoemde toelaat om die goedere in ontvangs te neem, kan die Administrasie nie daarna die spoorvrag op die afsender verhaal nie.

Afsender aanspreeklik vir spoorvrag tensy ooreengekom is dat geadresseerde sal betaal.

(2) Die geadresseerde van goedere is aanspreeklik vir die daarop verskuldigde spoorvrag indien hy die goedere aanneem wetende dat die spoorvrag nie betaal is nie.

22. (1) Indien iemand versuim om op aanvraag deur of namens die Administrasie gedoen, die spoorvrag of enige ander koste aan die Administrasie ten opsigte van goedere verskuldig, te betaal, kan die Administrasie al die goedere of 'n gedeelte daarvan terughou of, indien hulle reeds van die spoorweg weggehaal is, enige ander goedere van die betrokke persoon wat op daardie tydstip in sy besit is of daarna in sy besit mag kom, terughou.

Retensiereg vir spoorvrag.

(2) Wanneer goedere ingevolge sub-artikel (1) teruggehou is, kan die Administrasie in die geval van bederfbare goedere, onverwyld en op enige wyse, en in die geval van ander goedere, by openbare veiling na verstryking van tenminste tien dae nadat van die voorgename veiling kennis gegee is in een of meer nuusblaie wat in die distrik waar die goedere teruggehou is, in omloop is, soveel van die goedere verkoop as wat volgens sy mening voldoende is om 'n som op te lewer gelyk aan die spoorvrag en alle onkoste verbonde aan die bewaring, kennisgewing en verkoping, daaronder inbegrepe, in die geval van diere, die koste om hulle te voer, te laat drink en op te pas. In elke sodanige kennisgewing moet die naam van die afsender en die geadresseerde, indien dit bekend is, vermeld word.

(3) Die Administrasie kan uit die opbrings van die verkoping 'n som gelyk aan die spoorvrag en voormelde onkoste, met ingebrip van wat nog ten opsigte van vorige spoorvrag en onkoste verskuldig is, terughou, en moet dan die oorskot (indien daar is) van die opbrings en alle goedere wat nie verkoop is nie, aan die persoon wat daarop geregtig is, laat toekom.

(4) Indien iemand van wie die deur hom verskuldigde spoorvrag gevorder is, versuim om goedere wat ná 'n verkoping ingevolge sub-artikel (2) onverkoop gebly het, binne sewe dae van die spoorweg weg te haal, kan die Administrasie al sulke goedere verkoop en oor die opbrings van die verkoping so na moontlik ooreenkomstig die bepalinge van sub-artikel (3) beskik.

(5) Notwithstanding anything in this section contained, the Administration may recover by action in any competent court any such freight or expenses.

Disposal of
unclaimed goods.

23. (1) When any goods have come into the possession of the Administration for transport or otherwise and are not claimed by the owner or other person appearing to the Administration to be entitled thereto, or when a declaration delivered under sub-section (1) of section *twenty-six* in respect of any goods is false in any material particular, or when the ownership of goods is uncertain in consequence of an incorrect or insufficient address of the consignee, the Administration 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 upon him, or if he does not comply with the requisition in the notice, the Administration may sell the goods in accordance with the provisions of section *twenty-two* (so far as those provisions are applicable), rendering the surplus (if any) of the proceeds of the sale to any person entitled thereto; in the meantime the Administration may place the goods in a warehouse and thus relieve itself from any further liability.

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

Where consignee
fails to take or
remove goods.

24. (1) If, after the Administration has fulfilled its obligations to deliver or has duly offered to fulfil the same, the consignee does not accept and remove the goods within the time specified in any regulations or in any consignment note, the Administration may relieve itself from further liability by placing the goods in a warehouse on account of the consignee and giving notice thereof to him, and any such warehousing shall be considered as being for the sole benefit of the consignee or consignor as the case may be.

(2) If the place of residence or business of the consignee be unknown to the Administration, it may give the notice by posting a letter to the consignee to the address given on the goods or papers relating thereto; if no address is given on the goods or papers relating thereto or if the same is illegible, no notice shall be necessary. Where goods are consigned to a consignee through or to the care of a third party, delivery shall be effective if made to the consignee direct or to the third party.

Upon delivery to
holder of consign-
ment note, etc.,
Administration
released from
liability.

25. (1) The Administration shall be released from liability for goods by delivery thereof in good faith to any holder of a duplicate consignment note or advice note given therefor by or on behalf of the Administration and specially endorsed, or to the holder of an order for the delivery of goods or receipt for luggage or parcels by or in the name of the consignor or consignee.

(2) When the Administration has given a receipt or other document substantially equivalent thereto, it may require its surrender or a reasonable indemnity against claims thereon before delivering the goods.

(3) When any goods or sale proceeds in the possession of the Administration are claimed by two or more persons or the documents described in sub-sections (1) and (2) are not forthcoming, the Administration may withhold delivery of the goods or sale proceeds until the person entitled in its opinion to receive them has given an indemnity to the satisfaction of the Administration against the claims of any other person with respect to the goods or sale proceeds; in the meantime the Administration may place the goods in a warehouse.

(5) Ondanks andersluidende bepalings van hierdie artikel, kan die Administrasie alle sodanige spoorvrag of onkoste by wyse van aksie in 'n bevoegde hof verhaal.

23. (1) Wanneer goedere hetsy vir vervoer of andersins in die besit van die Administrasie gekom het, en nie deur die eienaar of ander persoon wat aan die Administrasie daarop geregtig blyk te wees, opgeëis word nie, of wanneer 'n verklaring wat ingevolge sub-artikel (1) van artikel *ses-en-twintig* ten opsigte van goedere afgegee 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 Administrasie, indien die eienaar of ander persoon bekend is, 'n kennisgewing waarin van hom verlang word om die goedere weg te haal, op hom laat dien.

Beskikking oor onopgevrageerde goedere.

(2) Indien die eienaar of ander persoon nie bekend is nie of die kennisgewing nie op hom gedien kan word nie, of indien hy nie aan die kennisgewing voldoen nie, kan die Administrasie die goedere ooreenkomstig die bepalings van artikel *twee-en-twintig* verkoop (vir sover daardie bepalings toepaslik is) en die oorskot (indien daar is) van die opbrings van die verkoping aan wie ook al daarop geregtig is, uitkeer; middelerwyl kan die Administrasie die goedere in 'n pakhuis plaas en hom aldus van verdere aanspreeklikheid bevry.

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

24. (1) Indien die Administrasie sy verpligting tot aflewering nagekom het of behoorlik aangebied het om dit na te kom, en die geadresseerde daarna versuim om die goedere binne die in die regulasies of in 'n vragbrief bepaalde tyd aan te neem of af te haal, kan die Administrasie hom van verdere aanspreeklikheid bevry deur die goedere vir rekening van die geadresseerde in 'n pakhuis te plaas en hom daarvan in kennis te stel, en sodanige plasing in 'n pakhuis word geag uitsluitlik ten bate van die geadresseerde of afsender, na gelang van die geval, te geskied het.

Waar geadresseerde versuim om goedere aan te neem of af te haal.

(2) Indien die woon- of besigheidsplek van die geadresseerde aan die Administrasie onbekend is, kan aan die geadresseerde kennis gegee word by brief gerig aan die adres aangegee op die goedere of in die dokumente wat daarop betrekking het. Indien geen adres op die goedere of in die dokumente wat daarop betrekking het, aangegee word nie of indien die adres onleesbaar is, word geen kennisgewing vereis nie. Wanneer goedere aan 'n geadresseerde versend is deur of aan die sorg van 'n derde, geskied die aflewering na behore indien dit regstreeks aan die geadresseerde of aan die derde geskied.

25. (1) Die Administrasie word van aanspreeklikheid vir goedere bevry deur aflewering daarvan te goeder trou aan die houer van 'n duplikaatvragbrief of adviesbrief, deur of namens die Administrasie daarvoor afgegee en bepaaldelik geëndosseer, of aan die houer van 'n order tot aflewering van goedere of ontvangsbewys vir bagasie of pakkette deur of in naam van die afsender of geadresseerde gegee.

Deur aflewering aan houer van vragbrief ens., word Administrasie van aanspreeklikheid bevry.

(2) Wanneer die Administrasie 'n ontvangsbewys of ander in hoofsaak daaraan gelykstaande dokument uitgereik het, kan hy, alvorens die goedere af te gee, die oorgawe van sodanige ontvangsbewys of dokument, of 'n redelike vrywaring teen eise wat op grond daarvan ingestel mag word, verlang.

(3) Wanneer goedere of die verkoopsopbrings daarvan in die hande van die Administrasie, deur twee of meer persone opgeëis word, of wanneer die in sub-artikels (1) en (2) bedoelde dokumente nie oorgegee word nie, kan die Administrasie die afgifte van die goedere of verkoopsopbrings weier totdat die persoon wat volgens sy oordeel op ontvangs daarvan geregtig is, na genoeë van die Administrasie 'n vrywaring gegee het teen aansprake van ander persone op die goedere of die verkoopsopbrings, en middelerwyl kan die Administrasie die goedere in 'n pakhuis plaas.

Administration
may require
written description
and weight of
goods.

26. (1) The owner or person having charge of any goods which are brought upon a railway for the purpose of being transported, or the consignee of any goods which have been transported on a railway shall, on the request of a servant, deliver to that servant a declaration in writing signed by the owner or person aforesaid or by the consignee (as the case may be) and containing the true weight and such a description of the goods as may be sufficient to determine the rate and amount which the Administration is entitled to charge in respect thereof.

(2) If the said owner, person, or consignee fails to deliver such a declaration or on being required to do so, fails to open the parcel or package containing the goods in order that their description may be ascertained, the Administration may—

(a) in respect of goods which have been brought for the purpose of being transported on the railways, refuse to carry the goods unless in respect thereof a rate be paid not exceeding the highest rate which may be in force at the time on the railways for any class of goods, and when there are no facilities for weighing, upon the weight as estimated by a servant;

(b) in respect of goods which have been transported on the railways, charge a rate not exceeding the said highest rate, and when there are no facilities for weighing, upon the weight as estimated by a servant.

(3) If the weight of goods be materially understated, the Administration shall be entitled to charge on double the difference between the weight as stated and the actual weight.

(4) (a) If any person wilfully makes a false statement as to the nature, quantity, weight or measurement of any goods delivered upon a railway in any consignment note, waybill, or other document which under this Act he is required to deliver in respect of those goods, that person shall be liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(b) If in any such document there be any understatement of the quantity, weight, or measurement of the goods, or any misdescription of their nature, the effect whereof if undetected might lead to their being charged for at less than the proper rate, then in lieu of freight at the ordinary rate and irrespective of any person's liability under sub-section (3) and whether the understatement or misdescription be wilful or not, freight at a special rate to be fixed by the Administration, not exceeding double the ordinary rate, shall be payable in respect of the goods: Provided that the Administration may refund any excess charge if the owner, person or consignee aforesaid satisfies the Administration that the understatement was not wilfully made.

(5) If any difference respecting the description or weight of goods of which a declaration as aforesaid has been delivered arise between a servant and the owner or person having charge or the consignee of any goods which have been brought to be transported or have been transported on the railways, or if a servant suspects that the goods are wrongly described, the servant may detain and examine them.

(6) If it appears from the examination or weighing that the description differs from or the weight of the goods is greater than that stated in the declaration delivered under sub-section (1), the person who delivered the declaration or, if that person be not the owner of the goods, then that person and the owner shall be liable jointly and severally to pay to the Administration the cost of the detention and examination of the goods, and the Administration shall be exonerated from all responsibility for any loss which may have been caused by the detention or examination.

26. (1) Die eienaar of persoon wat toesig het oor goedere wat vir vervoer by 'n spoorweg gebring word, of die geadresseerde van goedere wat oor 'n spoorweg vervoer is, moet op versoek van 'n dienaar aan daardie dienaar 'n skriftelike verklaring verstrek, deur die eienaar of voormelde persoon, of deur die geadresseerde, na gelang van die geval, onderteken, bevattende 'n opgawe van die juiste gewig en so 'n beskrywing van die goedere dat die tarief en die bedrag wat die Administrasie geregtig is om ten opsigte daarvan te vorder, bepaal kan word.

Administrasie kan skriftelike opgawe verlang van die aard en gewig van goedere.

(2) Indien bedoelde eienaar, persoon of geadresseerde in gebreke bly om so 'n verklaring te verstrek of, wanneer dit van hom verlang word, versuim om die pakket of pakkie wat die goedere bevat, oop te maak sodat die aard daarvan vasgestel kan word, kan die Administrasie—

- (a) ten opsigte van goedere wat vir vervoer oor die spoorweë gebring is, weier om die goedere te vervoer tensy daar ten opsigte daarvan spoorvrag betaal word teen 'n tarief wat nie hoër is nie as die hoogste tarief wat op daardie tydstip vir enige klas goedere op die spoorweë van krag is, en wanneer daar geen weeginrigting is nie, op die gewig soos deur 'n dienaar geskat;
- (b) ten opsigte van goedere wat oor die spoorweë vervoer is, spoorvrag bereken teen 'n tarief wat nie hoër as bedoelde hoogste tarief is nie, en wanneer daar geen weeginrigting is nie, op die gewig soos deur 'n dienaar geskat.

(3) Indien die gewig van goedere aanmerklik te laag opgegee is, het die Administrasie die reg om spoorvrag te bereken op twee maal die verskil tussen die opgegewe gewig en die werklike gewig.

- (4) (a) Indien iemand opsetlik 'n valse verklaring doen omtrent die aard, hoeveelheid, gewig of afmetings van goedere wat by 'n spoorweg gebring is, in 'n vragbrief, geleibrief of ander dokument wat hy ingevolge hierdie Wet verplig is om ten opsigte van daardie goedere af te gee, is so iemand by skuldigebevinding strafbaar met 'n boete van hoogstens vyftig pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met beide sodanige boete sowel as sodanige gevangenisstraf.
- (b) Indien in so 'n dokument die hoeveelheid, gewig of afmetings van die goedere te laag opgegee of die aard daarvan verkeerd beskryf is, en die nie-ontdekking daarvan tot gevolg sou kon hê dat minder as die voorgeskrewe tarief vir die vervoer van die goedere bereken sou word, kan daar, in plaas van die spoorvrag teen die gewone tarief, en afgesien van die aanspreeklikheid van enigiemand kragtens sub-artikel (3) en onverskillig of die te lae opgawe of verkeerde beskrywing opsetlik geskied het al dan nie, spoorvrag teen 'n tarief wat bepaaldelik deur die Administrasie vasgestel word maar wat nie meer as dubbel die gewone tarief mag wees nie, ten opsigte van die goedere gevorder word: Met dien verstande dat die Administrasie enige hoër vordering kan terugbetaal indien die eienaar, persoon of geadresseerde voormeld, die Administrasie oortuig dat die te lae opgawe nie opsetlik geskied het nie.

(5) Indien daar 'n geskil ontstaan tussen 'n dienaar en die eienaar of geadresseerde van goedere, of die persoon wat toesig oor goedere het, wat vir vervoer oor die spoorweë gebring is of wat aldus vervoer is, aangaande die beskrywing of gewig van goedere ten aansien waarvan 'n verklaring soos voormeld afgegee is, of indien 'n dienaar vermoed dat die goedere verkeerd beskryf is, kan die dienaar die goedere aanhou en ondersoek.

(6) Indien dit uit die ondersoek of deur afweging blyk dat die beskrywing verskil van, of die gewig van die goedere groter is as dié wat aangegee word in die verklaring ingevolge sub-artikel (1) afgegee, is die persoon wat die verklaring afgegee het of, as daardie persoon nie die eienaar van die goedere is nie, dan daardie persoon en die eienaar, gesamentlik en afsonderlik gebonde om aan die Administrasie die koste van die aanhouding en ondersoeking van die goedere te betaal, en is die Administrasie onthef van alle verantwoordelikheid vir enige verlies wat deur die aanhouding of ondersoeking veroorsaak mag geword het.

Relief from liability in case of goods improperly described.

27. Notwithstanding anything in this Act contained, the Administration shall not be responsible for the loss, destruction, deterioration, or delay of any goods with respect to the description of which a declaration materially false has been delivered, or in respect of which a wrong or improper or insufficient address for delivery has been given, if the loss, destruction, deterioration, or delay has been in any way brought about by the false declaration or by giving a wrong or improper or insufficient address, nor in any case for an amount exceeding the value of the goods if that value were calculated in accordance with the description contained in the false declaration.

Dangerous goods.

28. (1) No person, other than a person of a class specially authorized in writing by the Administration, shall take with him or require the Administration to transport loaded firearms or any dangerous goods upon a railway.

(2) No person shall send any such goods upon a railway without making a written declaration as to the nature and description of the goods and distinctly marking their nature on the outside of the package containing them, and such a declaration shall be countersigned and held by the officer in charge of the sending station.

(3) A servant may refuse to receive any such goods as are described in this section, for transport or conveyance, and when any such goods have been received without such a declaration as is mentioned in sub-section (2), may refuse to carry them or may stop their transit.

(4) If a servant has reason to believe that any such goods are contained in a package with respect to the contents whereof such a declaration as is mentioned in sub-section (2) has not been given, he may cause the package to be opened for the purpose of ascertaining its contents, and if the goods be dangerous he may stop the further transport thereof.

(5) Nothing in this section contained shall be construed as derogating from any law for the time being in force relating to explosives or as applying to any goods tendered or delivered for carriage by order or on behalf of the Government of the United Kingdom or the Government of the Union, or as applying to any property which any member of Her Majesty's regular military or naval forces, or any member of a police or defence force may take with him upon a railway in the course of his employment or duty as such.

(6) Any person contravening this section shall be liable on conviction to a fine not exceeding one hundred pounds or, in default of payment, to imprisonment for a period not exceeding one year, or to both such fine and imprisonment, and further to confiscation of the goods, and in addition he shall be liable for any loss, injury, or damage which may be caused by reason of any such goods aforesaid having been so brought upon the railway.

Limitation of liability in respect of animals transported.

29. (1) If the Administration is liable to pay compensation in respect of the loss, destruction or deterioration of live animals or birds delivered to it to be transported on a railway, the amount payable as compensation shall be determined on the following basis:

- (a) In the case of loss or destruction, the compensation shall be the market value of the animal or bird in question at the time of its loss or destruction;
- (b) in the case of permanent deterioration, the current market value of the animal or bird in question shall be taken as the basis upon which the amount due as compensation shall be calculated, and in the case of temporary deterioration, the compensation shall be the reasonable cost of restoring the animal or bird to the condition in which it was immediately prior to the deterioration.

The amount of such compensation shall not, however, in any case exceed the amounts mentioned in the Third Schedule to this Act, unless the person sending or delivering the animals or birds to the Administration caused them to be declared or declared them at the time of their delivery for transport, to be respectively of higher value than the amounts set out in the said Third Schedule.

(2) Where the higher value has been so declared, the Administration may, in respect of the increased risk, charge over the sums respectively chargeable according to that Schedule a percentage on the excess of value so declared.

27. Ondanks andersluidende bepalings van hierdie Wet, is die Administrasie nie verantwoordelik vir die verlies, vernietiging, waardevermindering of vertraging van goedere met betrekking tot die beskrywing waarvan 'n wesenlik valse verklaring afgegee is, of ten opsigte waarvan 'n verkeerde of onbehoorlike of onvoldoende adres opgegee is nie, wanneer die verlies, vernietiging, waardevermindering of vertraging op enigerlei wyse veroorsaak is deur die valse verklaring of deur opgawe van 'n verkeerde, onbehoorlike of onvoldoende adres, en is die Administrasie in geen geval aanspreeklik vir 'n bedrag wat hoër is as die waarde van die goedere nie, indien daardie waarde bepaal sou word ooreenkomstig die beskrywing in die valse verklaring vervat.

Ontheffing van aanspreeklikheid in geval van goedere wat nie na behore beskryf is nie.

28. (1) Niemand anders as 'n persoon wat behoort tot 'n klas wat spesiaal deur die Administrasie skriftelik gemagtig is, mag gelaaië vuurwapens of gevaarlike goedere op 'n spoorweg met hom saamneem of van die Administrasie verlang om dit te vervoer nie.

Gevaarlike goedere.

(2) Niemand mag sulke goedere op 'n spoorweg versend nie, tensy hy 'n skriftelike verklaring ten aansien van die aard en soort van die goedere doen en die aard daarvan duidelik aan die buitekant van die verpakking daarvan aangee, en so 'n verklaring moet deur die amptenaar wat aan die hoof van die afsendingstasie staan, mede-onderteken en gehou word.

(3) 'n Dienaar kan weier om in hierdie artikel bedoelde goedere vir vervoer of afsending aan te neem, en as sulke goedere ontvang is sonder so 'n verklaring as wat in sub-artikel (2) bedoel word, kan hy weier om dit te vervoer of onderweg die verdere deurvoer daarvan belet.

(4) As 'n dienaar rede het om te vermoed dat sulke goedere vervat is in 'n pakket ten opsigte van die inhoud waarvan 'n verklaring soos in sub-artikel (2) bedoel nie afgegee is nie, kan hy die pakket laat oopmaak ten einde die inhoud daarvan vas te stel, en as die goedere gevaarlik is, kan hy die verdere vervoer daarvan belet.

(5) Die bepalings van hierdie artikel doen geen afbreuk aan enige wet wat op die bepaalde tydstip van krag is met betrekking tot springstowwe nie, en is ook nie van toepassing op goedere wat op las of ten behoeve van die Regering van die Verenigde Koninkryk of die Regering van die Unie vir vervoer aangebied of afgelewer word nie, en ook nie op goed wat 'n lid van Haar Majesteit se gereelde land- of seemag of 'n lid van 'n polisie- of verdedigingsmag in die loop van sy diens of plig as sodanig op 'n spoorweg mag meeneem nie.

(6) Iemand wat hierdie artikel oortree, is by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met sodanige boete sowel as sodanige gevangenisstraf; verder kan die goedere verbeurd verklaar word en is hy daarbenewens aanspreeklik vir verlies, letsel of skade wat veroorsaak word as gevolg daarvan dat sulke goedere soos voormeld aldus op die spoorweg gebring is.

29. (1) Indien die Administrasie aanspreeklik is vir die betaling van vergoeding ten opsigte van die verlies, vernietiging of waardevermindering van lewende diere of voëls wat aan hom vir vervoer oor 'n spoorweg afgelewer is, word die bedrag wat as vergoeding betaalbaar is, op die volgende grondslag bepaal:

Beperking van aanspreeklikheid ten opsigte van vervoerde goedere.

(a) In die geval van verlies of vernietiging, is die vergoeding gelyk aan die markwaarde van die betrokke dier of voël ten tyde van die verlies of vernietiging daarvan;

(b) in die geval van blywende waardevermindering, word die heersende markwaarde van die betrokke dier of voël geneem as die grondslag waarop die bedrag wat as vergoeding verskuldig is, bereken moet word, en in die geval van tydelike waardevermindering is die vergoeding die redelike koste daaraan verbonde om die dier of voël in die toestand waarin dit onmiddellik vóór die waardevermindering verkeer het, te herstel.

Die bedrag van sodanige vergoeding gaan egter in geen geval die bedrae wat in die Derde Bylae by hierdie Wet genoem word, te bowe nie, tensy die persoon wat die diere of voëls aan die Administrasie stuur of aflewer, hulle ten tyde van die aflewering daarvan vir vervoer, aangegee of laat aangee het van onderskeidelik hoër waarde te wees as die bedrae wat in bedoelde Derde Bylae genoem word.

(2) Waar die hoër waarde aldus aangegee is, kan die Administrasie, ten aansien van die groter risiko, die bedrae wat volgens voornoemde Bylae onderskeidelik verskuldig is met 'n persentasie op die aldus aangegewe hoër waarde vermeerder.

(3) In every legal proceeding against the Administration for the recovery of compensation for the loss, destruction, or deterioration of any live animal or bird, the burden of proving the value thereof and the extent of the injury shall lie upon the person claiming the compensation.

Limitation of liability in respect of articles of special value.

30. (1) When any of the articles mentioned in the Fourth Schedule to this Act are contained in any parcel or package delivered to the Administration for transport on the railways, and the value of such articles is twenty-five pounds or more, the Administration shall not be responsible for the loss, destruction or deterioration of the parcel or package, unless the person sending or delivering the same to the Administration caused its value and contents to be declared or declared them at the time of its delivery for transport and paid, by way of compensation for the increased risk, over the sum aforesaid, a percentage upon the excess of the value so declared.

(2) When loss, destruction, or deterioration has occurred in respect of any package or parcel for which the value has been declared and the percentage on excess value has been paid under sub-section (1), the compensation recoverable in respect of the loss, destruction or deterioration shall not exceed the value so declared, and the burden of proving that value to have been the true value shall, notwithstanding anything in the declaration, lie on the person claiming the compensation.

(3) The Administration may make it a condition of transporting a parcel declared to contain any article mentioned in the Fourth Schedule to this Act that a servant has been satisfied by examination or otherwise that the parcel actually contains the article declared to be therein.

Administration not responsible for goods not lost on its railways.

31. When goods are transported over any railway of the Administration which is only part of the journey for which they are dispatched and are lost, destroyed, or have deteriorated, the Administration shall be exonerated from liability for the loss, destruction or deterioration if it gives satisfactory proof that the same did not occur whilst the goods were on the railways of the Administration, or were being transported under the control of the Administration.

Claims for refunds and compensation must be made within four months.

32. Subject to the provisions of section *sixty-four*, no person shall be entitled to a refund of an overcharge or rebate in respect of goods transported on a railway or to compensation for the loss, destruction or deterioration of goods delivered for transport or for deposit in a cloakroom, unless as soon as can reasonably be expected, and in any event within four months after the date of delivery to the Administration a written claim to the refund or compensation has been made by him or on his behalf, containing full and detailed information as to the goods and supported by such documentary evidence as may reasonably be required.

Owner of goods suing for loss need not prove how loss caused.

33. In any legal proceedings against the Administration for compensation for loss, destruction, or deterioration of goods (other than live animals and birds) delivered to it for transport by railway, it shall not be necessary for the claimant to prove how the loss, destruction or deterioration was caused.

No goods on which customs duty payable to be sold without authority of principal customs officer.

34. No goods whatsoever upon which customs duty is payable shall be sold under this Act without the authority of the Commissioner or other proper officer of customs of the Union, and nothing in this Act contained shall affect or diminish the rights and powers conferred upon customs officers by any law relating to customs.

General Offences in respect of Railways.

Penalties for certain classes of offences.

35. Any person who does or causes or procures to be done any of the following acts, namely—

- (a) trespasses upon a railway and refuses to leave after being warned to leave by a police officer or constable or any railway servant, or after being so warned refuses to leave by the route indicated by such police officer or constable or railway servant, or after having been once so warned to leave, again trespasses upon the railway;

(3) In elke regsgeding teen die Administrasie vir die verhaal van vergoeding weens die verlies, vernietiging of waardevermindering van 'n lewende dier of voël, rus die bewyslas ten aansien van die waarde daarvan en die omvang van die skade op die persoon wat skadevergoeding eis.

30. (1) Wanneer een of ander van die in die Vierde Bylae by hierdie Wet genoemde artikels vervat is in 'n pakket of pakkie wat aan die Administrasie vir vervoer oor die spoorweë afgelewer is, en die waarde van sulke artikels vyf-en-twintig pond of meer bedra, is die Administrasie nie vir die verlies, vernietiging of waardevermindering van die pakket of pakkie aanspreeklik nie, tensy die persoon wat dit aan die Administrasie stuur of aflewer, ten tyde van die aflewering daarvan vir vervoer die waarde en inhoud daarvan aangegee of laat aangee het en by wyse van vergoeding vir die groter risiko, bo en behalwe die voornoemde bedrag 'n persentasie op die aldus aangegewe hoër waarde betaal het.

Beperking van aanspreeklikheid ten opsigte van artikels van besondere waarde.

(2) Wanneer verlies, vernietiging of waardevermindering plaasgevind het ten opsigte van 'n pakket of pakkie waarvoor die waarde aangegee is en die persentasie op die hoër waarde kragtens sub-artikel (1) betaal is, gaan die vergoeding wat ten opsigte van die verlies, vernietiging of waardevermindering verhaal kan word, nie die aldus aangegewe waarde te bowe nie, en die bewyslas dat daardie waarde die juiste waarde was, rus ondanks die aangifte op die persoon wat die vergoeding eis.

(3) Die Administrasie kan by die vervoer van 'n pakket, wat volgens aangifte 'n in die Vierde Bylae by hierdie Wet genoemde artikel bevat, die voorwaarde stel dat 'n dienaar hom deur ondersoek of andersins daarvan vergewis het dat die pakket werklik die aangegewe artikel bevat.

31. Wanneer goedere vervoer word oor 'n spoorweg van die Administrasie wat slegs 'n gedeelte van die bestemmingsreis van die goedere uitmaak, en verlore gaan, vernietig word of in waarde verminder, word die Administrasie onthef van aanspreeklikheid vir die verlies, vernietiging of waardevermindering as hy bevredigende bewys lewer dat dit nie plaasgevind het terwyl die goedere op die spoorweë van die Administrasie was of onder beheer van die Administrasie vervoer is nie.

Administrasie is nie aanspreeklik vir goedere wat nie op sy lyne verlore gaan nie.

32. Onderworpe aan die bepalinge van artikel vier-en-sestig, is niemand geregtig op 'n terugbetaling van 'n te veel betaalde bedrag of 'n korting ten opsigte van goedere wat oor 'n spoorweg vervoer is, of op vergoeding vir die verlies, vernietiging of waardevermindering van goedere wat afgelewer is vir vervoer of om in 'n bewaarkamer geplaas te word nie, tensy 'n skriftelike eis om die terugbetaling of vergoeding so spoedig as wat redelikerwys verwag kan word, en in elk geval binne vier maande na die datum van aflewering aan die Administrasie, deur of namens hom ingestel is, met opgawe van volledige en gedetailleerde inligting aangaande die goedere en gestaaf deur sodanige dokumentêre bewys as wat redelikerwys verlang mag word.

Eise om terugbetalings en skadevergoeding moet binne vier maande ingestel word.

33. In 'n regsgeding teen die Administrasie om vergoeding weens verlies, vernietiging of waardevermindering van goedere (uitgesonderd lewende diere en voëls) wat vir vervoer per spoor aan hom afgelewer is, is dit nie vir die eiser nodig om te bewys hoe die verlies, vernietiging of waardevermindering veroorsaak is nie.

Eienaar van goedere wat eis instel vir verlies hoef nie oorsaak van verlies te bewys nie.

34. Geen goedere hoegenaamd, waarop doeaneregte verskuldig is, mag uit kragte van hierdie Wet verkoop word nie sonder die toestemming van die Kommissaris of ander bevoegde amptenaar van doeane van die Unie, en die bepalinge van hierdie Wet belemmer of verminder nie die regte en bevoegdhede wat deur een of ander wet op doeane aan doeanebeamptes verleen word nie.

Goedere waarop doeaneregte verskuldig is, mag nie sonder toestemming van hoofamptenaar van doeane verkoop word nie.

Algemene Spoorweg-oortredings.

35. Iemand wat enigeen van die volgende handelings verrig, laat verrig of bewerkstellig, naamlik—

Strawwe op sekere soorte oortredings.

(a) 'n spoorweg wederregtelik betree en weier om dit te verlaat nadat hy daartoe deur 'n polisie-offisier of -konstabel of 'n spoorwegdienaar gewaarsku is of, nadat hy aldus gewaarsku is, weier om die spoorweg langs die deur bedoelde polisie-offisier of -konstabel of spoorwegdienaar aangewese weg te verlaat of, nadat hy reeds aldus gewaarsku is weer die spoorweg wederregtelik betree;

- (b) on any railway, gives a false name or address to any servant or any member of any police force or when called upon by a servant or any such member to give his name and address, refuses to do so;
- (c) is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of others on the railways;
- (d) does anything which may cause injury to persons employed or travelling on the railways;
- (e) commits any nuisance or act of indecency or uses profane, obscene, indecent, or abusive language on the railways;
- (f) writes, draws, or affixes any profane, obscene, indecent or abusive word, matter, representation, or character upon the railways;
- (g) wilfully and without lawful excuse interferes with the comfort of any passenger, or extinguishes any lamp or light on a train or railway;
- (h) defaces the writing on any board or any notice authorized to be maintained on any railway or train;
- (i) damages any railway rolling-stock or any material used upon or belonging to any railway;
- (j) being a passenger, enters a train or any portion thereof which is reserved by the Administration for the use of another passenger or which already contains the maximum number of passengers authorized to be carried therein, and refuses to leave it when required to do so by a servant;
- (k) being a passenger, resists the lawful entry of another passenger into a train or any portion thereof not reserved by the Administration for the use of the passenger resisting, or not already containing the maximum number of passengers to be carried therein or thereon;
- (l) smokes on any train or in any portion thereof bearing a notice that smoking is not permitted on such train or in such portion thereof;
- (m) enters or leaves any train while it is in motion, or elsewhere than at the side of the coach or other vehicle adjoining the platform or other place appointed by the Administration 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;
- (n) travels or attempts to travel on or in any part of a train not intended for the use of passengers;
- (o) in the absence of a gatekeeper, omits to shut and fasten any gate on the railway so soon as such person and the animal, vehicle or other things (if any) under his charge have passed through the gate: Provided that the gate is furnished with a practical latch or fastening easily applied;
- (p) being a driver or conductor of a tramcar, omnibus, carriage, or other vehicle, disobeys while upon the premises of the railways, the reasonable directions of a servant or police officer or constable,

shall be liable on conviction to a fine not exceeding ten pounds or, in default of payment, to imprisonment for a period not exceeding one month, or to both such fine and imprisonment, and in addition to such penalties such person shall, on conviction of an offence under paragraph (n) of this section, be liable to a further fine equal to the amount which would have been due or payable by such person to the Administration for the fare in respect of the journey performed if he had travelled in the first, second or third class, whichever amount in the opinion of the Court passing sentence is equitable or, in default of payment thereof, to imprisonment for a further period not exceeding one month.

Penalties for
certain other
classes of offences.

36. Any person who does, or causes or procures to be done, any of the following acts, namely, who—

- (a) being a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by the Administration for communication between passengers and a servant in charge of or concerned in the running of a train;
- (b) knowing or being in a position to know that a railway coach, compartment, or other place is reserved by the Administration for the exclusive use of males or females, or persons of particular races, or different classes of persons, or natives, enters that coach,

- (b) op 'n spoorweg 'n valse naam of adres aan 'n dienaar of 'n lid van 'n polisiemag opgee of weier om sy naam en adres op te gee wanneer hy deur 'n dienaar of 'n sodanige lid daarom gevra word;
- (c) in 'n beskonke toestand is of hom tot ergernis van andere op die spoorweë op 'n gewelddadige of aanstootlike manier gedra;
- (d) iets doen wat besering kan veroorsaak aan persone wat op die spoorweë werksaam is of reis;
- (e) 'n ergerlike of onwelvoeglike daad pleeg of godslasterlike, ontugtige, onwelvoeglike of beledigende taal op die spoorweë besig;
- (f) godslasterlike, ontugtige, onwelvoeglike of beledigende woorde, dinge, voorstellings of tekens op die spoorweë skryf, teken of aanbring;
- (g) opsetlik en sonder wettige verontskuldiging 'n passasier ongerief veroorsaak of 'n lamp of lig op 'n trein of spoorweg uitdoof;
- (h) die opskrif uitwis op 'n bord of kennisgewing wat op 'n spoorweg of trein volgens magtiging gehou word;
- (i) rollende of ander materiaal wat op 'n spoorweg gebruik word of daaraan behoort, beskadig;
- (j) as hy 'n passasier is, 'n trein of 'n deel daarvan binnegaan wat deur die Administrasie vir die gebruik van 'n ander passasier gereserveer is of wat reeds die maksimum getal passasiers bevat wat daarin vervoer mag word, en weier om dit te verlaat wanneer 'n dienaar dit van hom vereis;
- (k) as hy 'n passasier is, hom daarteen verset dat 'n ander daartoe geregtigde passasier 'n trein of deel daarvan binnegaan wat nie deur die Administrasie vir die gebruik van die versettende passasier gereserveer is nie, of wat nie reeds die maksimum getal passasiers wat daarin of daarop vervoer mag word, bevat nie;
- (l) in 'n trein of 'n deel daarvan rook waarin 'n kennisgewing aangebring is dat daar nie in daardie trein of daardie deel daarvan gerook mag word nie;
- (m) op of uit 'n bewegende trein klim, of op 'n ander plek as aan die kant van die passasierswa of ander voertuig langs die perron of ander plek deur die Administrasie aangewys vir die in- of uitstap van passasiers, of 'n buitendeur van 'n bewegende passasierswa of ander voertuig oopmaak;
- (n) op of in 'n deel van 'n trein wat nie vir die gebruik van passasiers bestem is nie reis of probeer reis;
- (o) as daar geen hekwaagter is nie, versuim om 'n hek op die spoorweg toe en vas te maak sodra hy en die dier, voertuig of ander dinge (as daar is) onder sy toesig deur die hek gegaan het: Met dien verstande dat die hek voorsien is van 'n praktiese klink of sluiting wat maklik gehanteer kan word;
- (p) as hy 'n bestuurder of kondukteur van 'n trem, bus, rytuig of ander voertuig is, die redelike opdrag van 'n dienaar, polisie-offisier of -konstabel verontagsaam terwyl hy op 'n spoorwegterrein is,

is by skuldigbevinding strafbaar met 'n boete van hoogstens tien pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens een maand of met sodanige boete sowel as sodanige gevangenisstraf, en benewens daardie strawwe kan so iemand, by veroordeling weens 'n oortreding van paragraaf (n) van hierdie artikel, bestraft word met 'n verdere boete gelyk aan die bedrag wat deur hom aan die Administrasie verskuldig of betaalbaar sou gewees het vir die reisgeld ten opsigte van die reis wat onderneem is, as hy in die eerste, tweede of derde klas gereis het, na gelang van watter bedrag volgens oordeel van die hof wat die straf opleë, billik is, of, by wanbetaling van so 'n boete, met gevangenisstraf vir 'n verdere tydperk van hoogstens een maand.

36. Iemand wat een van die volgende handeling verrig, laat verrig of bewerkstellig, naamlik—^

- (a) as hy 'n passasier is, sonder gegronde en voldoende rede gebruik maak van of hom bemoei met 'n middel wat deur die Administrasie daargestel is vir kommunikasie tussen passasiers en 'n dienaar wat toesig het oor of betrokke is by die loop van 'n trein;
- (b) wetende of in staat synde om te weet dat 'n spoorwegwa, kompartement of ander plek deur die Administrasie vir die uitsluitlike gebruik van mans of vrouens, of persone van bepaalde rasse of verskillende klasse van persone, of naturelle, aangewys is, in stryd met

Strawwe op sekere ander soorte oortredings.

compartment or other place in contravention of a regulation and without lawful excuse, or having so entered it remains therein after having been desired by a servant to leave it;

- (c) pulls down or wilfully injures any board or document set up or posted by order of the Administration on a railway or on any rolling-stock;
- (d) gives or offers to a servant any money or anything of value for the purpose of evading payment of any sum due under this Act;
- (e) being a passenger who to his knowledge is suffering from any infectious or contagious disease, enters or travels upon a railway in contravention of the regulations;
- (f) being a servant and knowing that a person is a lunatic or suffering from an infectious or contagious disease, wilfully causes that person to travel upon a railway without arranging for his separation from other passengers;
- (g) fails to deliver at the earliest possible opportunity to a servant any article found on the railway or on any train or removes from any railway or from any train any article which he has no right to remove therefrom;
- (h) wilfully obstructs or impedes a servant in the discharge of his duty;
- (i) discharges any firearm, or throws stones, metal, bricks, gravel, timber, glass, bottles, or other articles likely to obstruct or injure anyone engaged in working on or near the railway;
- (j) removes from a railway or any railway premises any rolling-stock, tarpaulins, tools, appliances or property of any kind, or permits any such rolling-stock, tarpaulins, tools, appliances or property to be unlawfully in his possession or on his premises;
- (k) permits or allows any animal to stray on a railway provided with fences, subject to such fences being in a proper state of repair;
- (l) drives or knowingly permits any animal to be on any railway otherwise than for the purpose of lawfully crossing the railway, whether he be the owner of the animal or only in charge thereof, provided that such railway be properly fenced,

shall be liable on conviction to a fine not exceeding twenty pounds or, in default of payment, to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

Penalties for grave offences.

37. Any person who does, or causes or procures to be done, any of the following acts, namely, who—

- (a) does any act which obstructs or might obstruct the working of a railway or endangers or might endanger the lives of persons travelling thereon;
- (b) without lawful authority, moves any part of the rolling-stock on a railway or places or leaves the same on any part of a railway;
- (c) without lawful authority moves any signals, indicators, points, rods, wires, sleepers, rails, stop blocks or machinery on a railway, or shows any signal likely to mislead;
- (d) without lawful authority cuts down, breaks, removes, destroys or injures any fence, building, subway, bridge, overhead structure or other property in or upon any railway;
- (e) attempts or counsels the doing of, or assists or aids in doing, any of the acts mentioned in this section,

shall be liable on conviction to a fine not exceeding two hundred pounds or, in default of payment, to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

General.

Compensation for stock killed or injured by trains.

38. (1) The Administration shall make compensation to the owner of any stock killed or injured by any train: Provided that no compensation shall be payable in respect of any stock killed or injured where the killing or injury is due to the want of ordinary care or diligence of the owner or his servant.

(2) No person shall be entitled to recover any sum of money under this section for the killing or injury of any stock who, within seventy-two hours after the stock has been killed or injured, fails to give notice to the nearest officer in charge of a station, or platelayer in charge of a section, of the killing or

- 'n regulasie en sonder wettige verontskuldiging daardie wa, kompartement of ander plek binnegaan, of nadat hy dit aldus binnegegaan het, daarin bly nadat hy deur 'n dienaar versoek is om dit te verlaat;
- (c) 'n bord of dokument wat op las van die Administrasie op 'n spoorweg of op rollende materiaal aangebring of aangeplak is, afhaal of opsetlik beskadig;
- (d) aan 'n dienaar geld of geldswaarde gee of aanbied ten einde betaling van 'n kragtens hierdie Wet ver-skuldigde som te ontduik;
- (e) as hy 'n passasier is wat weet dat hy aan 'n besmetlike of aansteeklike siekte ly, in stryd met die regulasies 'n spoorweg betree of daarop reis;
- (f) as hy 'n dienaar is en weet dat 'n persoon kranksinnig is of aan 'n besmetlike of aansteeklike siekte ly, opsetlik daardie persoon op 'n spoorweg laat reis sonder om te sorg dat hy van ander passasiers afge-sonder word;
- (g) versuim om so spoedig moontlik 'n artikel wat op die spoorweg of op 'n trein gevind is, aan 'n dienaar te oorhandig, of 'n artikel van 'n spoorweg of 'n trein verwyder wat hy nie reg het om te verwyder nie;
- (h) opsetlik 'n dienaar by die uitvoering van sy diens-pligte belemmer of hinder;
- (i) 'n vuurwapen afskiet, of klippe, metaal, bakstene, gruis, hout, glas, bottels of ander artikels gooi wat iemand wat op of naby die spoorweg werksaam is, allig kan belemmer of beseer;
- (j) rollende materiaal, boksele, gereedskap, toestelle of goed van watter aard ook, van 'n spoorweg of 'n spoorwegperseel verwyder, of toelaat dat sodanige rollende materiaal, boksele, gereedskap, toestelle of goed wederregtelik in sy besit of op sy perseel is;
- (k) toelaat dat 'n dier op 'n spoorweg loop wat van omheinings voorsien is, mits sodanige omheinings in 'n goeie toestand van reparasie verkeer;
- (l) 'n dier op 'n spoorweg drywe 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, mits daardie spoorweg behoorlik omhein is,

is by skuldigbevinding strafbaar met 'n boete van hoogstens twintig pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande, of met sodanige boete sowel as sodanige gevangenisstraf.

37. Iemand wat een van die volgende handelings verrig, laat verrig of bewerkstellig, naamlik—

Strawwe op ernstige oortredings.

- (a) 'n handeling verrig wat die eksploitasie van 'n spoorweg belemmer of kan belemmer, of die lewens van persone wat daarop reis in gevaar stel of in gevaar kan stel;
- (b) sonder wettige magtiging 'n deel van die rollende materiaal op 'n spoorweg beweeg of dit op 'n gedeelte van 'n spoorweg plaas of dit daar laat;
- (c) sonder wettige magtiging sinjale, aanwysers, wissels, stange, drade, dwarslêers, spoorstawe, stopblokke of masjinerie op 'n spoorweg beweeg, of 'n sein vertoon wat allig kan mislei;
- (d) sonder wettige magtiging 'n heining, gebou, duikweg, brug, bobou of ander eiendom in of op 'n spoorweg afkap, breek, verwyder, vernietig of beskadig;
- (e) een van die in hierdie artikel vermelde handelings poog te verrig of iemand daartoe aanset of daarmee help of behulpsaam is,

is by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met sodanige boete sowel as sodanige gevangenisstraf.

Algemene Bepalings.

38. (1) Die Administrasie betaal vergoeding aan die eienaar van vee wat deur 'n trein gedood of beseer word: Met dien verstande dat geen vergoeding ten opsigte van gedode of beseerde vee betaalbaar is nie waar die dood of besering te wyte is aan gebrek aan gewone sorg of vlyt van die eienaar of sy dienaar.

Vergoeding weens dood of besering van vee deur treine.

(2) Niemand is geregtig op vergoeding ingevolge hierdie artikel op grond van die dood of besering van vee nie as hy binne twee-en-sewentig uur nadat die vee gedood of beseer is, in gebreke bly om aan die naaste amptenaar in beheer van 'n stasie of baanmeester in beheer van 'n baanvak, kennis te

injury and of the number and kind of the stock so killed or injured in respect of which compensation is claimed: Provided that if a servant of the Administration was aware of the killing or injury, it shall be sufficient compliance with this section if such notice be given a reasonable time after such killing or injury.

(3) The carcases or remains of all stock killed and all injured stock in respect of which any claim is made under this section 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 killing or injury took place or until such time as the carcases or remains have been inspected by a person appointed to ascertain the value of the stock killed or injured: Provided that if any stock is seriously injured or maimed, and the owner, his servant or a servant of the Administration, considers it advisable, he may kill such stock without in any way thereby affecting the question of the liability or otherwise of the Administration for the value of such stock.

(4) A person who fails diligently and to the best of his ability to keep and preserve the carcase and remains of stock killed or injured as aforesaid or a person who makes under this section any claim for compensation determined by a court of competent jurisdiction to be fraudulent or grossly excessive shall not be entitled to any of the benefits of this section. A person who makes any such claim with intent to defraud shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of fraud.

(5) "Stock" shall, for the purposes of this section, include a horse, mule, donkey, bull, ox, cow, calf, sheep, goat, pig and ostrich.

(6) Compensation under this section to the owner of any stock killed or injured shall in no case be payable at a higher rate than as follows:

For any cattle, per head	..	..	Twenty-five pounds.
For any horse	..	..	Twenty pounds.
For any mule	..	..	Fifteen pounds.
For any pig	..	..	Six pounds.
For any sheep	..	..	Three pounds.
For any ostrich	..	..	Three pounds.
For any goat	..	..	Two pounds.
For any donkey	..	..	Two pounds.

(7) The provisions of the preceding sub-sections of this section shall not apply to the Administration's road motor transport services.

Powers of entry upon adjoining land.

39. (1) In case of a washaway upon the line or of any similar accident, the Administration may, without previous permission, enter upon the adjoining lands and may take therefrom such reasonable quantity of earth, rock, or other material as may be necessary for the purpose of effecting the necessary repairs, and construct and use thereon such temporary deviations of the line as the Administration may deem necessary.

(2) Whenever, in the opinion of the Administration, the existence upon any land adjoining any line of railway of any tree, bush, growth, fence, embankment or other obstruction is likely to endanger or impede the safe and proper working of such line, or the telegraph or telephone route established in connection therewith, the Administration may, after reasonable notice to the owner or occupier of such private land, remove so much of such tree, bush, growth, fence, embankment or other obstruction as, in the Administration's opinion, endangers or impedes such proper working: Provided that where, in the opinion of the Administration, such safe and proper working is actually interfered with or endangered by any such tree, bush, growth, fence, embankment or other obstruction, the Administration may cause the work which is immediately necessary for the removal of the interference or danger to be undertaken without any such notice as aforesaid.

(3) The Administration shall pay compensation to the owner or occupier of the land referred to in sub-sections (1) and (2) for any damage which may be done thereto.

(4) Should any dispute arise as to the amount of such compensation, the matter shall be settled, at the option of the owner or occupier of such land, either—

- (a) by arbitration in accordance with the provisions of the law in force in the province in which the land is situated, relating to the expropriation of land by the Government for public purposes; or
- (b) by action instituted by the owner or occupier, if the amount claimed be less than seven hundred and fifty pounds, in the magistrate's court for the district

gee van die dood of besering en van die aantal en soort van die aldus gedode of beseerde vee waarvoor vergoeding geëis word: Met dien verstande dat as 'n dienaar van die Administrasie kennis gedra het van die dood of besering, hierdie artikel voldoende nagekom word indien sodanige kennisgewing binne 'n redelike tyd na die dood of besering geskied.

(3) Die karkasse of oorblyfsels van alle gedode vee en alle beseerde vee ten opsigte waarvan vergoeding ingevolge hierdie artikel 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 vee 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 vee vas te stel: Met dien verstande dat as vee ernstig beseer of vermink is, en die eienaar, sy dienaar of 'n dienaar van die Administrasie dit raadsaam ag, hy sodanige vee vankant kan maak sonder dat die kwessie aangaande die aanspreeklikheid of andersins van die Administrasie vir die waarde van sodanige vee op enigerlei wyse daardeur geraak word.

(4) Iemand wat versuim om soos voormeld die karkasse en oorblyfsels van vee wat gedood of beseer is, sorgvuldig en so goed hy kan te behou en te bewaar, of iemand wat ingevolge hierdie artikel 'n eis om vergoeding instel wat volgens beslissing van 'n bevoegde hof bedrieglik of verregaande oordrewe is, is nie op die voordele van hierdie artikel geregtig nie. Iemand wat so 'n eis instel met die oogmerk om te bedrieg, begaan 'n misdryf en is by skuldigbevinding strafbaar met die strawwe waarmee die misdaad van bedrog volgens wet strafbaar is.

(5) By die toepassing van hierdie artikel word 'n perd, muil donkie, bul, os, koei, kalf, skaap, bok, vark en volstruis onder „vee” inbegryp.

(6) Die vergoeding wat ingevolge hierdie artikel aan die eienaar van gedode of beseerde vee betaalbaar is, gaan in geen geval die volgende bedrae te bowe nie:

Vir 'n bees	..	..	..	..	Vyf-en-twintig pond.
Vir 'n perd	..	..	..	..	Twintig pond.
Vir 'n muil	..	..	..	..	Vyftien pond.
Vir 'n vark	..	..	..	..	Ses pond.
Vir 'n skaap	..	..	..	..	Drie pond.
Vir 'n volstruis	..	..	..	..	Drie pond.
Vir 'n bok	..	..	..	..	Twee pond.
Vir 'n donkie	..	..	..	..	Twee pond.

(7) Die bepalinge van die voorafgaande sub-artikels van hierdie artikel is nie op die Administrasie se padmotorvervoerdienste van toepassing nie.

39. (1) In geval van 'n verspoeling van die lyn of 'n soortgelyke ongeval, kan die Administrasie sonder voorafgaande verloop die aangrensende gronde betree en daarvan so 'n redelike hoeveelheid grond, rots of ander materiaal neem as wat nodig mag wees om die nodige herstellings aan te bring, en daarop sulke tydelike verleggings van die lyn aanbring en gebruik as wat die Administrasie nodig ag.

Bevoegdheid om aangrensende grond te betree.

(2) As 'n boom, bos, gewas, heining, wal of ander versperring op aan 'n spoorlyn grensende grond volgens oordeel van die Administrasie die veilige en behoorlike eksplorasie van daardie lyn of die telegraaf- of telefoonlyn in verband daarmee ingerig, allig in gevaar kan stel of belemmer, kan die Administrasie na redelike kennisgewing aan die eienaar of okkupeerder van sodanige private grond, soveel van daardie boom, bos, gewas, heining, wal of ander versperring verwyder as wat volgens oordeel van die Administrasie bedoelde behoorlike eksplorasie in gevaar stel of belemmer: Met dien verstande dat waar sodanige veilige en behoorlike eksplorasie volgens oordeel van die Administrasie werklik deur so 'n boom, bos, gewas, heining, wal of ander versperring belemmer of in gevaar gestel word, die Administrasie die werk wat onmiddellik nodig is om die belemmering of gevaar te verwyder, sonder sodanige voormelde kennisgewing kan laat onderneem.

(3) Die Administrasie betaal vergoeding aan die eienaar of okkupeerder van die in sub-artikels (1) en (2) bedoelde grond vir skade wat aan daardie grond aangerig mag word.

(4) As daar 'n geskil ontstaan aangaande die bedrag van sodanige vergoeding, word die saak volgens keuse van die eienaar of okkupeerder van sodanige grond besleg of—

(a) deur arbitrasie ooreenkomstig die wetsbepalinge van krag in die provinsie waarin die grond geleë is, betreffende die onteining van grond deur die Regering vir openbare doeleindes; of

(b) deur middel van 'n aksie ingestel deur die eienaar of okkupeerder in die magistratshof vir die distrik

in which the land is situated, or if the amount claimed be seven hundred and fifty pounds or more, in the Division of the Supreme Court within whose area of jurisdiction the land is situated.

Freight and fares to be charged equally to all persons.

40. (1) All freight and fares for goods and passenger traffic shall at all times be charged equally to all persons, and at the same rate whether per ton, per mile or otherwise in respect of all passengers and of all goods of the same description and conveyed or transported by like conveyance or engine passing only over the same portion of the line of railway under the same circumstances and conditions, and no reduction or advance in any such rates and fares shall be made directly or indirectly in favour of or against any particular person travelling upon or using a railway or harbour except where otherwise provided in this Act.

(2) Notwithstanding the provisions of sub-section (1) the Administration may prescribe differential rates of freight for transport of goods for the purpose of stimulating traffic or the development of agriculture or industry or trade, or for any other similar purpose.

CHAPTER III.

HARBOURS.

Harbour Advisory Boards.

41. (1) (a) The Governor-General may constitute an advisory board for each of the harbours of Table Bay, Mossel Bay, Port Elizabeth, East London and Durban, or any other harbour, and may appoint persons who are South African citizens to be members thereof.

(b) An advisory board shall consist of not less than eight and not more than nine members, who shall be nominated as follows:

- (i) One by the municipal council of the town at which the harbour is situated;
- (ii) one by the local chamber of industries;
- (iii) one by the local trade union or, if there are two or more such unions, by the local trade unions jointly;
- (iv) one by the local chamber of commerce;
- (v) one by the local "Afrikaanse Sakekamer" if there is such a "sakekamer" at the town in question;
- (vi) four by the Governor-General.

(c) If there is no such chamber of industries or trade union at the town in question, or if no member is nominated by such chamber or by such trade union or trade unions, one or two additional members, as the case may be, shall be nominated by the said chamber of commerce, or if an "Afrikaanse Sakekamer" exists at the town in question, by such chamber of commerce and such "Afrikaanse Sakekamer" jointly.

(d) In the nomination of the members referred to in subparagraph (vi) of paragraph (b) regard shall be had, as to one of them, to representation of the shipping interest; as to one of them, to representation of the persons paying wharfage or landing, shipping or transshipping dues at the harbour, and as to one of them, to representation of the agricultural interest.

(2) The Governor-General may at his discretion refuse to appoint any person nominated for membership to an advisory board and may at any time remove any member of an advisory board from office. Upon removal or retirement of a member, the Governor-General may appoint any person to be a member, always observing the method of nomination hereinbefore provided, and upon a refusal to appoint any person nominated for membership the Governor-General shall invite the interest concerned to nominate one or more other persons, and upon a refusal to appoint one person so nominated, he may appoint any person to be a member from and to represent that interest.

(3) There shall be a chairman of each Advisory Board, who shall be appointed by the members at the first meeting of the Board. If at any meeting the chairman is not present at the time appointed for holding the same, the members present shall choose someone of their number to be chairman of such meeting.

waarin die grond geleë is, as die gevorderde bedrag minder as sewehonderd-en-vyftig pond is, of in die Afdeling van die Hooggeregshof binne wie se regsgebied die grond geleë is, as die gevorderde bedrag sewehonderd-en-vyftig pond of meer is.

40. (1) Dieselfde spoorvrag en reisgeld vir goedere- en passasiersverkeer word te alle tye vir alle persone bereken, en teen dieselfde tarief, hetsy per ton, per myl of andersins ten opsigte van alle passasiers en alle goedere van dieselfde soort en deur soortgelyke vervoermiddel of lokomotief vervoer wat slegs oor dieselfde gedeelte van die spoorlyn onder dieselfde omstandighede en voorwaardes loop, en geen vermindering of vermeerdering in sulke tariewe en reisgelde word regstreeks of onregstreeks ten gunste of tot nadeel van 'n bepaalde persoon wat op 'n spoorweg reis of daarvan of van 'n hawe gebruik maak, toegestaan nie behalwe waar hierdie Wet anders bepaal.
- (2) Nieteenstaande die bepalinge van sub-artikel (1), kan die Administrasie voorkeurtariewe vir die vervoer van goedere voorskryf met die doel om verkeer of die ontwikkeling van die landbou, nywerheid of handel te bevorder, of ter bereiking van enige ander soortgelyke doel.

Dieselfde spoorvrag en reisgeld word vir alle persone bereken.

HOOFTUK III.

HAWENS.

41. (1) (a) Die Goewerneur-generaal kan 'n adviesraad vir elk van die hawens Tafelbaai, Mosselbaai, Port Elizabeth, Oos-Londen en Durban, of enige ander hawe, instel, en kan persone wat Suid-Afrikaanse burgers is as lede daarvan aanstel.
- (b) 'n Adviesraad bestaan uit minstens agt en hoogstens nege lede, wat as volg benoem word:
- (i) Een deur die munisipale raad van die stad waar die hawe geleë is;
 - (ii) een deur die plaaslike kamer van nywerhede;
 - (iii) een deur die plaaslike vakvereniging of, indien daar twee of meer sodanige verenigings is, deur die plaaslike vakverenigings gesamentlik;
 - (iv) een deur die plaaslike kamer van koophandel;
 - (v) een deur die plaaslike Afrikaanse Sakekamer, indien daar so 'n sakekamer in die betrokke stad is;
 - (vi) vier deur die Goewerneur-generaal.
- (c) Indien daar geen sodanige kamer van nywerhede of vakvereniging in die betrokke stad is nie, of indien geen lid deur so 'n kamer of deur so 'n vakvereniging of vakverenigings benoem word nie, word een of twee addisionele lede, na gelang van die geval, benoem deur bedoelde kamer van koophandel of, indien daar 'n Afrikaanse Sakekamer in die betrokke stad bestaan, deur sodanige kamer van koophandel en sodanige Afrikaanse Sakekamer gesamentlik.
- (d) By die benoeming van die lede in sub-paragraaf (vi) van paragraaf (b) bedoel, moet daar gelet word, ten aansien van een van hulle, op die verteenwoordiging van die skeepvaartbelange; ten aansien van een van hulle, op die verteenwoordiging van die persone wat kaai- of landings-, verskepings- of oorskepingsgelde by die hawe betaal, en ten aansien van een van hulle, op die verteenwoordiging van die landboubelange.
- (2) Die Goewerneur-generaal kan volgens goeë dunde weier om iemand wat vir lidmaatskap van 'n adviesraad benoem is, aan te stel, en kan te eniger tyd 'n lid van 'n adviesraad van sy amp onthef. As 'n lid van sy amp onthef word of bedank, kan die Goewerneur-generaal enigiemand as lid aanstel, met inagneming steeds van die metode van benoeming wat hierin voorgeskryf word, en wanneer hy weier om iemand wat vir lidmaatskap benoem is, aan te stel, moet die Goewerneur-generaal die betrokke belanghebbendes uitnooi om een of meer ander persone te benoem, en indien hy weier om een van die aldus benoemde persone aan te stel, kan hy enigiemand uit daardie belanghebbendes as lid aanstel om hulle te verteenwoordig.
- (3) Elke adviesraad het 'n voorsitter wat deur die lede by die eerste raadsvergadering verkies word. As die voorsitter nie aanwesig is op die tyd wat vir 'n vergadering bepaal is nie, kies die aanwesige lede een van hul getal tot voorsitter van daardie vergadering.

Hawe-adviesrade.

(4) The Governor-General may make regulations prescribing—

- (a) the period during which members of an Advisory Board shall hold office;
- (b) the manner in which the meetings of a Board shall be convened, when meetings shall be held, and the notice to be given convening such meetings;
- (c) the attendance of members at meetings, the quorum necessary to constitute a meeting, the procedure at meetings, the manner in which minutes of meetings and other records shall be kept, and the manner in which the results of the Board's deliberations shall be conveyed to the Administration;
- (d) the powers which shall be vested in such Boards to enable them to obtain such information and to perform such acts as may be necessary for the determination of any matter under consideration, or for the due and proper fulfilment of the duties and functions conferred upon them,

and generally as to all such other matters as may be necessary for the effective carrying out of the object and purposes of this section.

Simonstown and
Mossel Bay
Harbours.

42. (1) All property and rights relating to the Simonstown harbour which were vested in the Governor-General by sub-section (1) of section *forty-two* of the Railways and Harbours Regulation, Control and Management Act, 1916 (Act No. 22 of 1916) shall remain so vested, subject to such liabilities, if any, as the said property or rights may lawfully be subject to, and the Simonstown harbour shall be controlled and managed by the Administration as one of the harbours of the Union: Provided that nothing herein contained shall derogate from the rights and powers by any law conferred upon the Lord High Admiral of the United Kingdom or the Lords Commissioners for executing the office of Lord High Admiral.

(2) All property and rights previously vested in the Mossel Bay Harbour Board, which were vested in the Governor-General by sub-section (2) of section *forty-two* of the Railways and Harbours Regulation, Control and Management Act, 1916 (Act No. 22 of 1916), shall remain so vested, subject to all the liabilities in respect of contracts or otherwise to which the said property or rights may lawfully be subject, and the Mossel Bay Harbour shall be controlled and managed by the Administration as one of the harbours of the Union.

Compulsory
pilotage harbours.

43. The East London harbour (within the Buffalo River and the entrance thereto) and the Durban harbour are hereby declared to be compulsory pilotage harbours (together with such other harbours as may from time to time be declared by the Governor-General by proclamation in the *Gazette* to be compulsory pilotage harbours) save and except in respect of such ships as may be exempted by statute or regulation: Provided that the Administration and a pilot who is a servant thereof shall be exempt from liability for any loss or damage that may arise or be caused through the act, omission, or default of such pilot.

Ship's papers, etc.,
to be produced.

44. The master of every merchant ship arriving in a harbour shall, upon demand, produce and show the ship's register and ship's papers to the port captain or other authorized officer for his inspection, and shall deliver a list of his passengers with a description of their rank, sex, and occupation, together with a list of any deaths or removals that may have occurred during the voyage, and shall report, in writing, if any person has stowed himself away or concealed himself on board of any such ship without the knowledge or consent of the master; and any master who fails duly to account for every such individual, or who falsely accounts for any of them, or who refuses to deliver the list when thereto required as aforesaid, shall be liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding three months.

Clearance outward
may be refused
until regulations
have been
complied with and
charges paid.

45. The Commissioner or other proper officer of customs at any of the harbours of the Union, may refuse to give the master of any ship in a harbour clearance outward until he has paid the dock or harbour dues, duties or charges of all kinds which may be due from him or his ship at the harbour at which his ship is lying, and has received from the authorized officer a

(4) Die Goewerneur-generaal kan regulasies uitvaardig tot reëling van—

- (a) die tydperk gedurende welke lede van 'n adviesraad hul amp beklee;
- (b) die wyse waarop die vergaderings van 'n raad belê word, wanneer vergaderings gehou word, en die kennisgewing wat vir die belegging van sulke vergaderings nodig is;
- (c) die bywoning van vergaderings deur lede, die kworum wat vir 'n vergadering nodig is, die prosedure wat op vergaderings gevolg moet word, die manier waarop notule van vergaderings en ander aantekeninge gehou word, en die wyse waarop die besluite van die raad aan die Administrasie oorgedra moet word;
- (d) die bevoegdhede wat by sulke rade berus ten einde hulle in staat te stel om sodanige inligting te verkry en sulke handelings te verrig as wat nodig mag wees vir die beslissing van 'n saak onder oorweging, of vir die behoorlike vervulling van die pligte en werksaamhede wat aan hulle opgedra word,

en oor die algemeen tot reëling van alle ander aangeleenthede wat vir die doeltreffende verwesenliking van die oogmerk en doeleindes van hierdie artikel nodig mag wees.

42. (1) Alle eiendom en regte met betrekking tot die hawe Die hawens Simonstad en Mosselbaai. Simonstad wat ingevolge sub-artikel (1) van artikel twee-en-veertig van die „Spoorwegaan en Havens Reglement, Bestuur en Beheer Wet” (Wet No. 22 van 1916) op die Goewerneur-generaal oorgegaan het, bly by hom berus, onderworpe aan sodanige verbintenisse, as daar is, waaraan bedoelde eiendom of regte wettig onderworpe mag wees, en die hawe Simonstad word as een van die hawens van die Unie deur die Administrasie beheer en bestuur: Met dien verstande dat die bepalinge van hierdie Wet geen afbreuk doen aan die regte en bevoegdhede wat kragtens wet aan die „Lord High Admiral” van die Verenigde Koninkryk of die „Lords Commissioners” vir die uitvoering van die amp van „Lord High Admiral” verleen is nie.

(2) Alle eiendom en regte wat voorheen by die Haweraad van Mosselbaai berus het, en wat ingevolge sub-artikel (2) van artikel twee-en-veertig van die „Spoorwegaan en Havens Reglement, Bestuur en Beheer Wet, 1916” (Wet No. 22 van 1916), op die Goewerneur-generaal oorgegaan het, bly by hom berus, onderworpe aan al die verbintenisse, ten opsigte van kontrakte of andersins, waaraan bedoelde eiendom of regte wettig onderworpe mag wees, en die hawe Mosselbaai word deur die Administrasie as een van die hawens van die Unie beheer en bestuur.

43. Die hawe Oos-Londen (binne die Buffelsrivier en sy toegang), en die hawe Durban word hierby tot verpligte loodshawens verklaar (tesame met sodanige ander hawens wat van tyd tot tyd deur die Goewerneur-generaal by proklamasie in die Staatskoerant tot verpligte loodshawens verklaar mag word) behalwe ten opsigte van sulke skepe as wat by wet of regulasie daarvan vrygestel is: Met dien verstande dat die Administrasie en 'n loods wat sy dienaar is, onthef is van aanspreeklikheid vir verlies of skade wat voortspruit uit of veroorsaak word deur die handeling, nalating of versuim van sodanige loods. Verpligte loodshawens.

44. Die gesagvoerder van 'n koopvaardyskip wat 'n hawe Skeepsdokumente binnekom, moet op aanvraag die skeepsregister en skepsdokumente aan die hawekaptein of ander gemagtigde amptenaar ens., moet voorgeleë word. ter insae oorlê en vertoon, en 'n lys van sy passasiers oorhandig met opgawe van hul rang, geslag en beroep, tesame met 'n lys van alle sterfgevälle of verwyderings wat gedurende die reis plaasgevind het, en moet skriftelik verslag doen as iemand hom aan boord van sodanige skip sonder die medewete of toestemming van die gesagvoerder versteek of verberg het; en elke gesagvoerder wat versuim om behoorlik rekenskap te gee van elke sodanige persoon of aangaande sodanige persoon 'n valse verklaring gee, of wat weier om die lys op aanvraag soos voormeld te oorhandig, is by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

45. Die Kommissaris of ander bevoegde doeanbeampte by een van die hawens van die Unie kan weier om aan die gesagvoerder van 'n skip in 'n hawe uitklaring te gee tot tyd en wyl hy die dok- of hawegelde, regte of koste van enige soort wat deur hom of sy skip verskuldig mag wees in die hawe waarin sy skip lê, betaal het, en van die bevoegde amptenaar 'n sertifikaat Uitklaring kan geweier word totdat aan die regulasies voldoen en koste betaal is.

certificate setting forth that he has complied with the requirements of this Act and with the regulations of the harbour, and every such ship shall be subject to a lien in favour of the Administration in respect of the amount so due.

Responsibility of shipmaster for contraventions.

46. In the case of any contraventions of this Act or of any regulation on board any ship within a harbour, the master of the ship may be proceeded against in respect thereof and may be held liable for the contravention.

Administration, after notice, may retain goods until charges paid.

47. If, at the time of landing and delivery at a harbour of goods to the Administration for transit or delivery to the consignees, the shipowner notifies the Administration in writing that freight or other charges to the amount specified in the notice remain unpaid in respect of those goods, the Administration is hereby empowered to retain and refuse delivery of the goods to the owner or any other person until—

- (a) production of a receipt for the amount, notified as aforesaid, signed or purporting to be signed by or on behalf of the shipowner; or
- (b) production of a release from payment of the amount notified as aforesaid, signed or purporting to be signed by or on behalf of the shipowner; or
- (c) payment of the sum claimed together with any charges and duty in respect of the said goods, has been made to the Administration.

Action which may be taken by the Administration in respect of the goods.

48. (1) If the Administration on production of a receipt or release or on payment, as aforesaid, delivers the goods to the party producing the receipt or release or making the payment, no liability whatsoever shall attach to the Administration in respect of the goods either to the shipowner, the consignee, the owners, or any person whatsoever.

(2) If no payment or no release as aforesaid be made or produced, the Administration may, and, if required by the shipowner, shall, at the expiration of ninety days from the time when the goods were placed in its custody, or, if the goods be of a perishable nature, at such earlier period as in its discretion it thinks fit, sell by public auction either for home use or for exportation the goods, or so much thereof as may be necessary to satisfy the charges hereinafter mentioned.

(3) Before effecting the sale the Administration shall give reasonable notice thereof by advertisement in two newspapers circulating in the neighbourhood or in one daily newspaper published at the harbour of discharge, or at the town in which the harbour is situated, and shall also, if the address of the owner or the goods has been stated on the manifest of the cargo or on any of the documents which have come into the possession of the Administration or if the said address be otherwise known to it, send notice of the sale to the owner of the goods by registered letter.

(4) The title of a *bona fide* purchaser of the goods shall not be invalidated by reason of the omission to send the notice required by this section, nor shall any such purchaser be bound to enquire whether the notice has been sent.

Appropriation of proceeds of sale.

49. The proceeds of sale shall be applied by the Administration in the following manner and order—

- (a) If the goods be sold for use within the Union, in payment of any customs duties owing in respect thereof;
- (b) in payment of the expenses of the sale and advertising;
- (c) in payment of the rent, rates, and other charges due to the Administration in respect of the said goods;
- (d) in payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said goods,

and the surplus, if any, shall be paid to the owner of the goods.

Administration entitled to charge for rent and necessary expenses.

50. Whenever any goods are placed in the custody of the Administration under the authority of section *forty-seven*, the Administration shall be entitled to rent in respect of the same, and shall also have power at the expense of the owner of the goods to do all such reasonable acts as in the judgment of the

ontvang het dat hy aan die vereistes van hierdie Wet en aan die regulasies van die hawe voldoen het, en elke sodanige skip is onderworpe aan 'n retensiereg ten gunste van die Administrasie ten aansien van die aldus verskuldigde bedrag.

46. In die geval van 'n oortreding van hierdie Wet of van 'n regulasie wat aan boord van 'n skip in 'n hawe begaan word, kan die gesagvoerder van die skip ten opsigte daarvan vervolgd en vir die oortreding aanspreeklik gehou word.

Aanspreeklikheid van gesagvoerder vir oortredings.

47. As die skeepseienaar ten tyde van die lossing en aflewering van goedere aan die Administrasie in 'n hawe vir deurvoer of aflewering aan die geadresseerdes, aan die Administrasie skriftelik kennis gee dat daar vraggeld of ander koste van 'n in die kennisgewing genoemde bedrag ten aansien van daardie goedere nog te betaal is, word die Administrasie hierby gemagtig om die goedere terug te hou en te weier om dit aan die eienaar of enig iemand anders af te lewer totdat—

Administrasie kan na kennisgewing goedere terughou totdat koste betaal is.

- (a) 'n kwitansie geteken of heet geteken te wees deur of ten behoeve van die skeepseienaar, vir die in bedoelde kennisgewing vermelde bedrag oorgelê is; of
- (b) 'n kwytskelding van betaling van die in bedoelde kennisgewing vermelde bedrag, geteken of heet geteken te wees of ten behoeve van die skeepseienaar oorgelê is; of
- (c) die gevorderde bedrag tesame met koste en regte ten opsigte van bedoelde goedere, aan die Administrasie betaal is.

48. (1) As die Administrasie na oorlegging van 'n kwitansie of kwytskelding of by betaling, soos voormeld, die goedere aflewer aan die persoon wat die kwitansie of die kwytskelding oorgelê of die betaling doen, rus daar op die Administrasie geen aanspreeklikheid hoegenaamd jeens die skeepseienaar, die geadresseerde, die eienaars of enig iemand anders ten opsigte van die goedere nie.

Stappe wat die Administrasie ten opsigte van die goedere kan doen.

(2) As daar geen betaling of kwytskelding soos voormeld gedoen of oorgelê word nie, kan die Administrasie en, as dit deur die skeepseienaar verlang word, moet die Administrasie na verloop van negentig dae nadat die goedere by hom in bewaring geplaas is of, as die goedere van 'n bederfbare aard is, na verloop van sodanige korter tydperk as wat hy na goeddunke raadsaam ag, die goedere of soveel daarvan as wat nodig mag wees om ondervermelde koste te dek, by openbare veiling vir binnelandse verbruik of vir uitvoer verkoop.

(3) Alvorens die goedere te verkoop, moet die Administrasie 'n redelike tyd vooraf daarvan kennis gee by advertensie in twee nuusblaaie wat in die omgewing in omloop is of in een dagblad wat by die ontskepingshawes of in die stad waar die hawe geleë is, uitgegee word, en moet tewens, as die adres van die eienaar van die goedere aangegee is in die manifest van die skeeps-lading of in een van die dokumente wat in die besit van die Administrasie gekom het, of as die adres andersins aan hom bekend is, aan die eienaar van die goedere per aangetekende brief kennis van die verkoping gee.

(4) Die titel van 'n *bona fide*-koper van die goedere word nie ongeldig gemaak weens die versuim om die by hierdie artikel vereiste kennisgewing te stuur nie, en sodanige koper is ook nie verplig om navraag te doen of die kennisgewing wel gestuur is nie.

49. Die verkoopsopbrings word op die volgende wyse en in ondervermelde volgorde deur die Administrasie aangewend:

Aanwending van verkoopsopbrings.

- (a) As die goedere vir verbruik in die Unie verkoop is, tot betaling van doeaneregte wat ten opsigte daarvan verskuldig is;
- (b) tot betaling van die onkoste van verkoop en advertensies;
- (c) tot betaling van huur, heffings en ander koste aan die Administrasie ten opsigte van die bedoelde goedere verskuldig;
- (d) tot betaling van die bedrag wat deur die skeepseienaar as vraggeld of ander koste ten opsigte van bedoelde goedere gevorderd word;

en die oorskot, as daar is, word aan die eienaar van die goedere betaal.

50. Wanneer goedere uit kragte van artikel sewen-en-veertig in bewaring van die Administrasie gegee word, is hy op huurgeld ten opsigte daarvan geregtig, en is hy ook bevoeg om vir rekening van die eienaar van die goedere alle redelike handelings te

Administrasie is geregtig om huur en noodsaaklike onkoste te bereken.

Administration are necessary for the proper custody and preservation of the goods and shall have a lien on the goods for the rent and expenses.

Saving clause.

51. Nothing in this Chapter contained shall be construed as obliging the Administration to take charge of any goods which it would not have been liable to take charge of, if this Act had not been passed, or as binding the Administration to enquire into the validity of any claim for freight or other charges made by any shipowner.

Notice, etc., to whom given.

52. Wherever this Chapter requires that any notice shall be given, or any receipt and release shall be produced to the Administration, the notice or receipt and release shall be deemed to have been validly given or produced, if given or produced to the Administration's principal officer at the harbour.

Certain sections of Chapter II to be applicable to harbours.

53. Sections *twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, thirty-two, thirty-four*, and paragraphs (j), (k) and (l) of section *thirty-six* of this Act shall *mutatis mutandis* apply to harbours.

Limitation of Administration's liability in respect of loss of or damage to goods delivered to it in harbour.

54. The Administration shall in no case be liable for loss of or damage to any goods in its custody at a harbour, if the loss or damage be caused by the act of God or of the Queen's enemies, the perils or accidents of the sea, fire, flood, tempest, civil commotion, riots or strikes; or for—

- (a) the loss of weight or measure of goods or the deterioration by heat, decay, rust, sweat or change of character of such goods as may be handled by the Administration or deposited in its warehouses or on its premises, or be otherwise in its charge; or for any loss of contents of bags through sifting or for internal breakage, or deficiency in contents of unbroken packages; or
- (b) loss or damage to castings, machinery or other goods not protected or insufficiently protected, packed or stacked, nor for leakage arising from defective drums, tins or packages, or for the loss of or damage to goods by vermin or insect pests; or
- (c) loss of or damage to animals arising from inherent vice, or from any cause other than that arising from the negligence of the Administration or its servants; or
- (d) loss of or damage to goods caused from maintaining too high or too low a temperature in cool chambers or failure of machinery or plant not due to negligence on the part of the Administration or its servants:

Provided that this section shall not apply to goods delivered to and accepted by the Administration, in manner prescribed by regulation, for transport upon the railways and so long as the contract for transport of such goods is not fully performed.

Cartage business at Durban not to be undertaken by Administration save after notice.

55. The Administration shall not undertake the business of cartage contractors, or cartage agents to or from Durban Harbour, until after the expiration of two years from the date of a notice given by the Administration and published in the *Gazette*, stating the intention of the Administration to undertake such a business.

CHAPTER IV.

POLICE AND POWERS OF ARREST BY OFFICIALS.

Powers of Administration's officials to arrest.

56. (1) All station masters, inspectors, station foremen, conductors, ticket examiners and guards, or other duly authorized servants of the Administration, may arrest and remove from any railway train or other conveyance or any road motor vehicle or aircraft, or railway or harbour premises, any person found trespassing on the railways or harbours, or contravening any of the provisions of this Act or any regulation.

(2) The person so arresting shall, with all convenient speed, deliver the person arrested or cause him to be delivered to a policeman to be dealt with according to law.

verrig wat volgens sy oordeel nodig is vir die behoorlike bewaring en behoud van die goedere, en het hy 'n retensiereg op die goedere vir die huurgeld en onkoste.

51. Die bepalings van hierdie Hoofstuk verplig nie die Administrasie om goedere in bewaring te neem wat hy nie in bewaring sou hoef te geneem het as hierdie Wet nie aangeneem was nie, of om ondersoek te doen na die geldigheid van 'n eis wat vir vraggeld of ander koste deur 'n skeepseienaar ingestel word nie.

Voorbehoudsklausule.

52. So dikwels in hierdie Hoofstuk vereis word dat kennis gegee of 'n kwitansie en kwytskelding aan die Administrasie oorgelê moet word, word die kennis of die kwitansie en kwytskelding geag wettig gegee of oorgelê te gewees het as dit aan die hoofamptenaar van die Administrasie by die hawe gegee of oorgelê is.

Aan wie kennis, ens., gegee moet word.

53. Artikels twee-en-twintig, drie-en-twintig, vier-en-twintig, vyf-en-twintig, sewen-en-twintig, twee-en-dertig, vier-en-dertig en paragrawe (j), (k) en (l) van artikel ses-en-dertig van hierdie Wet is *mutatis mutandis* van toepassing op hawens.

Sekere artikels van Hoofstuk II is op hawens van toepassing.

54. Die Administrasie is in geen geval aanspreeklik vir verlies of beskadiging van goedere wat by 'n hawe in sy bewaring is nie, as die verlies of skade veroorsaak word deur oormag of deur vyandelike geweld, die gevare of ongevallen van die see, brand, oorstroming, storm, burgeropstand, oproer of werkstaking; of vir—

Beperking van Administrasie se aanspreeklikheid ten opsigte van verlies of beskadiging van goedere in 'n hawe aan hom afgelewer.

- (a) die verlies aan gewig of maat van goedere of die bederf deur hitte, verrotting, roes, sweet of verandering van die aard van goedere wat deur die Administrasie gehanteer of in sy pakhuis of op sy persele gebêre of andersins onder sy toesig is; of vir verlies van die inhoud van sakke weens deursifting of vir inwendige brekasie, of vir inhoudstekort van ongebreekte pakkette; of
- (b) verlies of beskadiging van gietstukke, masjinerie of ander goedere wat nie beskerm is nie of onvoldoende beskerm, verpak of gestapel is, en ook nie vir lekkasie veroorsaak deur gebrekkige dromme, blikke of pakkette, of vir die verlies of beskadiging van goedere veroorsaak deur ongedierte of insekte; of
- (c) verlies of beskadiging van diere ten gevolge van 'n fout wat aan die diere eie is, of 'n ander oorsaak as dié wat voortspruit uit die nalatigheid van die Administrasie of sy dienare; of
- (d) verlies of beskadiging van goedere veroorsaak deur 'n te hoë of te lae temperatuur in koelkamers, of weiering van masjinerie of toerusting wat nie aan die nalatigheid van die Administrasie of sy dienare te wyte is nie:

Met dien verstande dat hierdie artikel nie van toepassing is op goedere wat op die by regulasie voorgeskrewe wyse aan die Administrasie afgelewer en deur hom aangeneem is vir vervoer op die spoorweë, solank die kontrak vir die vervoer van sulke goedere nog nie ten volle uitgevoer is nie.

55. Die Administrasie onderneem nie die werk van besteldienskontraktante of -agente na of van Durban-hawe voor die verstryking van twee jaar na die datum van 'n kennisgewing deur die Administrasie uitgereik en in die *Staatkoerant* gepubliseer, waarin sy voorneme om daardie werk te onderneem, bekend gemaak word nie.

Administrasie mag nie besteldienswerk by Durban-hawe onderneem nie, behalwe na kennisgewing.

HOOFSTUK IV.

POLISIE EN BEVOEGDHEID VAN BEAMPTES OM TE ARRESTEER.

56. (1) Alle stasiemeesters, inspekteurs, stasievoormanne, kontroleurs, kaartjiesondersoekers en kondukteurs, of ander behoorlik gemagtigde dienare van die Administrasie, kan iemand wat die spoorweë of hawens wederegterlik betree of die bepalings van hierdie Wet of 'n regulasie oortree, arresteer en uit 'n spoorwegtrein of ander voertuig of 'n padmotorvoertuig of vliegtuig of van 'n spoorweg- of haweperseel verwyder.

Bevoegdhe van Administrasie se beamptes om te arresteer.

(2) Die persoon wat die arrestasie doen, moet die gearresteerde so spoedig doenlik aan 'n polisiebeampte uitlewer of laat uitlewer om volgens wet behandel te word.

(3) For the purposes of this section "policeman" means a person appointed under section *fifty-seven* or a member of the South African Police Force established under the Police Act, 1912 (Act No. 14 of 1912).

Appointment of persons to maintain law and order upon the railways and at the harbours.

57. (1) The Governor-General may, in manner provided in the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), appoint so many persons as may be deemed necessary for the duty of maintaining law and order upon the railways and at the harbours, and when any such person so appointed is carrying out that duty, he shall be capable of exercising all such powers and shall perform all such functions as are by law conferred on or are to be performed by a member of the South African Police Force established under the Police Act, 1912 (Act No. 14 of 1912), and shall be liable in respect of acts done or omitted to be done to the same extent as he would have been liable in like circumstances if he were a member of the said Force, and shall have the benefit of all the indemnities to which a member of such Force would in like circumstances be entitled.

(2) Any person who, not being a person appointed under this section, by words, conduct, or demeanour pretends that he is a person so appointed, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds, or in default of payment to imprisonment for a period not exceeding six months, or to such imprisonment without the option of a fine.

CHAPTER V.

REFRESHMENT CATERING.

Refreshment rooms and refreshment cars.

58. (1) The Administration may undertake or provide for the sale of intoxicating liquors, refreshments, smokers' requisites and any other articles which it deems desirable, in any refreshment room at any place under the control of the Administration approved by the Minister, or at any airport approved by the Minister (who shall consult the magistrate of the district in which such place or such airport is situate, if any intoxicating liquors are to be sold in such refreshment room or at such airport) and in refreshment cars, subject to the provisions of this Chapter, and to any regulation relating to any such sale or refreshment room or car. For the purposes of this Chapter the expression "refreshment car" includes any aircraft used by the Administration in connection with its air services.

(2) No intoxicating liquor may be sold in any such refreshment room—

- (a) in any area in which, in consequence of the taking of any vote under any law, the sale of intoxicating liquor is totally prohibited; or
- (b) at a place (other than a railway junction or an airport) situate outside an urban area as defined in section *one hundred and seventy-five* of the Liquor Act, 1928 (Act No. 30 of 1928); or
- (c) to any person to whom, or on any day or at any time when it may not be lawfully sold on any premises in the said district, which are licensed for the sale of intoxicating liquor for consumption thereon: Provided that, subject to any applicable regulation as aforesaid, intoxicating liquor may be sold in any such refreshment room on any day and at any time, to any traveller who spent the previous night at a place at least twenty miles distant from such refreshment room for consumption, by him, in such room: Provided further that in any area in which a licensing board established under the said Act No. 30 of 1928 has the power to extend the hours of sale of intoxicating liquor on any premises licensed under that Act for the sale of intoxicating liquor, or has the power to grant under that Act any other special right to the holder of such a licence, the Minister may exercise similar powers in respect of any such refreshment room in which intoxicating liquors may be sold.

(3) The Administration may undertake or provide for the sale of food and drink and smokers' requisites in the Houses of Parliament.

(3) By die toepassing van hierdie artikel beteken „polisie-beampte” ’n persoon aangestel kragtens artikel *sewen-en-vyftig*, of ’n lid van die Suid-Afrikaanse Polisiemag ingestel kragtens die „Politiewet, 1912” (Wet No. 14 van 1912).

57. (1) Die Goewerneur-generaal kan op die wyse wat in die „Spoorwegan en Havens Dienst Wet, 1925” (Wet No. 23 van 1925), bepaal word, soveel persone aanstel as wat nodig geag word om wet en orde op die spoorweë en by die hawens te handhaaf, en wanneer ’n aldus aangestelde persoon daardie plig uitvoer, kan hy al die bevoegdhede uitoefen, en moet hy al die werksaamhede verrig wat by wet verleen word aan of verrig moet word deur, ’n lid van die Suid-Afrikaanse Polisiemag, ingestel kragtens die „Politiewet, 1912” (Wet No. 14 van 1912), en is hy ten opsigte van sy doen of late in dieselfde mate aanspreeklik as wat hy in dieselfde omstandighede sou gewees het as hy ’n lid van bedoelde Polisiemag was, en geniet hy al die vrywarings waarop ’n lid van bedoelde mag in dieselfde omstandighede geregtig sou wees.

Aanstelling van persone om wet en orde op spoorweë en by hawens te handhaaf.

(2) Enigiemand anders as ’n kragtens hierdie artikel aangestelde persoon, wat deur woorde, gedrag of houding voorgee dat hy ’n aldus aangestelde persoon is, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens vyftig pond of, by wanbetaling, met gevangenisstraf vir ’n tydperk van hoogstens ses maande, of met sodanige gevangenisstraf sonder die keuse van ’n boete.

HOOFSTUK V.

VERVERSINGSDIENS.

58. (1) Die Administrasie kan sterk drank, verversings, rookbenodigdhede en alle ander artikels wat hy wenslik ag, verkoop of vir die verkoop daarvan sorg in ’n verversingskamer op enige plek onder die beheer van die Administrasie goedgekeur deur die Minister, of by enige lughawe goedgekeur deur die Minister (wat die magistraat van die distrik waarin so ’n plek of so ’n lughawe geleë is, moet raadpleeg indien sterk drank in so ’n verversingskamer of by so ’n lughawe verkoop gaan word) en in verversingswaens, onderworpe aan die bepalings van hierdie Hoofstuk, en van die regulasies betreffende sodanige verkoop of verversingskamer of -wa. By die toepassing van hierdie Hoofstuk omvat die uitdrukking „verversingswa” ’n vliegtuig wat deur die Administrasie in verband met sy lugdienste gebruik word.

Verversingskamers en -waens.

(2) Geen sterk drank mag in so ’n verversingskamer verkoop word nie—

- (a) in ’n gebied waarin, as gevolg van ’n stemopname ingevolge een of ander wet, die verkoop van sterk drank geheel en al verbied is; of
- (b) op ’n plek (behalwe ’n spoorwegaansluiting of ’n lughawe) geleë buite ’n stedelike gebied soos omskryf in artikel *honderd vyf-en-sewentig* van die Drankwet, 1928 (Wet No. 30 van 1928); of
- (c) aan iemand aan wie, of op ’n dag of op ’n tyd wanneer, dit nie wettig verkoop mag word nie in ’n perseel in bedoelde distrik wat vir die verkoop van sterk drank vir verbruik op die perseel gelisensieer is: Met dien verstande dat, onderworpe aan een of ander toepaslike regulasie soos voormeld, sterk drank in so ’n verversingskamer op enige dag en te eniger tyd verkoop mag word aan ’n reisiger wat die vorige nag deurgebring het op ’n plek wat ten minste twintig myl van die verversingskamer geleë is, om deur hom in daardie kamer gebruik te word: Met dien verstande voorts dat in ’n gebied waarin ’n kragtens voormelde Wet No. 30 van 1928 ingestelde lisensieraad bevoeg is om die ure vir die verkoop van sterk drank op ’n perseel wat kragtens daardie Wet vir die verkoop van sterk drank gelisensieer is, te verleng, of bevoeg is om kragtens bedoelde Wet enige ander besondere reg aan die houer van so ’n lisensie te verleen, die Minister soortgelyke bevoegdhede kan uitoefen ten opsigte van so ’n verversingskamer waarin sterk drank verkoop mag word.

(3) Die Administrasie kan eet- en drinkware en rookbenodigdhede in die Parlementsgebou verkoop of vir die verkoop daarvan sorg.

(4) The Administration may, at any airport approved by the Minister, supply to any operator of a passenger air service, intoxicating liquor for consumption on board any aircraft used on such a service while it is in flight.

Payments to be made to Treasury. 59. There shall be annually paid over to the Minister of Finance by the Administration—

- (a) in respect of all refreshment cars, one total sum of five hundred pounds;
- (b) in respect of each refreshment room in which intoxicating liquor with or without refreshments is sold under the provisions of this Chapter or the regulations, such sum as is payable in respect of a bar licence in the district in which such refreshment room is situated;
- (c) in respect of each refreshment room, in which refreshments alone without intoxicating liquors are supplied, such sum as is payable for similar privileges in the district in which such refreshment room is situated.

Closing of licensed premises by reason of riot or tumult. 60. Whenever, by reason of riot or tumult occurring or expected to occur, licensed premises in the district are closed under the law therein in force relating to the sale of intoxicating liquors, the provisions of that law so far as it relates to the closing of licensed premises under those circumstances shall also apply to railway station refreshment rooms.

Payment of customs dues. 61. Nothing in this Chapter contained shall be construed as exempting the Administration from paying customs duties on any liquors or goods imported by it for sale on the railways.

CHAPTER VI.

PRIVATE RAILWAYS.

Conditions applicable to private railways. 62. (1) Save as in this Chapter is provided, all private railways shall continue to be governed by the law or other authority under which their construction and working were authorized, but in the case of private railways in the Province of the Cape of Good Hope all reference to Act No. 19 of 1861 is hereby excluded.

The provisions of Chapter II and sections *fifty-six, sixty-seven, sixty-eight, and sixty-nine* shall apply to private railways *mutatis mutandis*.

(2) Subject to the approval of the Governor-General, the owner of a private railway may make regulations not inconsistent with this Act with respect to any of the matters referred to in section *three* of this Act in so far as they relate to railways, and in respect of the duties and conduct of servants in the employment of any owner of a private railway, and for that purpose section *three* of this Act shall *mutatis mutandis* apply to private railways.

(3) All regulations made by virtue of any law authorizing the construction and working of a private railway which may be in force at the commencement of this Act and not inconsistent with this Act shall, until altered or rescinded by the Governor-General, be deemed to be regulations under this Act.

(4) Sections *twenty, twenty-one and twenty-three* of the Railways and Harbours Service Act, 1925, shall *mutatis mutandis* apply to private railways.

Inspection of private railways by the Administration and stoppage of traffic if same be not put in repair to the satisfaction of Administration. 63. (1) The Administration may, when and so often as it thinks fit, upon information received, cause an inspection to be made by one or more competent engineers, of the lines and works of any private railway, and if from the report of any such inspection it appears that any part of such line or works is in a condition dangerous to the safety of public passenger or goods traffic, the Administration may, by written notice, require the owner of the private railway to put that part in a state of repair satisfactory to the Administration within a period to be fixed in the notice. If the terms of the said notice be not complied with in every respect the Administration may, by order under the hand of the Minister, direct that the working of the said private railway for public passenger and goods traffic shall be stopped pending the completion of certain

(4) Die Administrasie kan by enige lughawe deur die Minister goedgekeur, aan die ekspluitant van 'n passasierslugdiens sterk drank verskaf vir verbruik aan boord van 'n vliegtuig wat in so 'n diens gebruik word, terwyl dit in vlug is.

59. Die Administrasie betaal jaarliks aan die Minister van Finansies— Betalings aan die Tesourie.

- (a) ten opsigte van alle verversingswaens, 'n globale som van vyfhonderd pond;
- (b) ten opsigte van elke verversingskamer waarin sterk drank met of sonder verversings kragtens die bepalings van hierdie Hoofstuk of die regulasies verkoop word, 'n som gelyk aan dié wat betaalbaar is ten opsigte van 'n kantien-lisensie in die distrik waarin daardie verversingskamer geleë is; en
- (c) ten opsigte van elke verversingskamer waarin slegs verversings sonder sterk drank verskaf word, 'n som gelyk aan dié wat betaalbaar is vir soortgelyke voorregte in die distrik waarin daardie verversingskamer geleë is.

60. Wanneer gelisensieerde persele in 'n distrik gesluit word ingevolge die wetsbepalings wat daarin van krag is betreffende die verkoop van sterk drank, op grond van oproer of opstand wat plaasvind of verwag word, is daardie wetsbepalings vir sover dit op die sluiting van gelisensieerde persele in daardie omstandighede betrekking het, ook op verversingskamers by spoorwegstasies van toepassing. Sluiting van gelisensieerde persele op grond van oproer of opstand.

61. Die Administrasie word nie deur die bepalings van hierdie Hoofstuk onthef van die betaling van doeaneregte op drank of goedere wat vir verkoop op die spoorweë deur hom ingevoer word nie. Betaling van doeaneregte.

HOOFSTUK VI.

PRIVATE SPOORWEE.

62. (1) Behoudens die bepalings van hierdie Hoofstuk, bly alle private spoorweë onder die beheer van die wet of ander gesag uit kragte waarvan die aanleg en ekspluitasie daarvan gemagtig is, maar in die geval van private spoorweë in die Provinsie Kaap die Goeie Hoop word alle verwysings na Wet No. 19 van 1861 hierby uitgesluit. Voorwaardes van toepassing op private spoorweë.

Die bepalings van Hoofstuk II en artikels *ses-en-vyftig*, *sewen-en-sestig*, *agt-en-sestig* en *negen-en-sestig* is *mutatis mutandis* op private spoorweë van toepassing.

(2) Onderworpe aan die goedkeuring van die Goewerneur-generaal, kan regulasies wat nie met hierdie Wet in stryd is nie, deur die eienaar van 'n private spoorweg uitgevaardig word ten aansien van die in artikel *drie* van hierdie Wet bedoelde aangeleenthede vir sover hulle op spoorweë betrekking het, en ten aansien van die pligte en gedrag van dienare in diens van 'n eienaar van 'n private spoorweg, en vir daardie doel is artikel *drie* van hierdie Wet *mutatis mutandis* op private spoorweë van toepassing.

(3) Alle regulasies uitgevaardig ingevolge 'n wet waarby magtiging vir die aanleg en ekspluitasie van 'n private spoorweg verleen word en wat by die inwerkingtreding van hierdie Wet van krag is en nie met hierdie Wet in stryd is nie, word geag regulasies kragtens hierdie Wet te wees totdat hulle deur die Goewerneur-generaal gewysig of heroep word.

(4) Artikels *twintig*, *een-en-twintig* en *drie-en-twintig* van die „Spoorwega en Havens Dienst Wet, 1925”, is *mutatis mutandis* op private spoorweë van toepassing.

63. (1) Die Administrasie kan, wanneer en so dikwels hy dit goed vind, na ontvangs van inligting, die lyne en werke van 'n private spoorweg deur een of meer bevoegde ingenieurs laat ondersoek, en as dit uit die verslag omtrent so 'n ondersoek blyk dat 'n deel van sodanige lyn of werke in 'n toestand verkeer wat vir die veiligheid van openbare passasiers- of goedere-verkeer gevaarlik is, kan die Administrasie by skriftelike kennisgewing van die eienaar van die private spoorweg vereis om daardie deel binne 'n in die kennisgewing bepaalde tyd tot bevrediging van die Administrasie te herstel. As daar nie in alle opsigte aan die voorwaardes van die kennisgewing voldoen word nie, kan die Administrasie, by bevelskrif deur die Minister onderteken, gelas dat die ekspluitasie van bedoelde private spoorweg vir openbare passasiers- en goedereverkeer gestaak word totdat sekere herstellings wat met redelike noukeurigheid Inspeksie van private spoorweë deur die Administrasie en staking van verkeer daarop as hulle nie tot bevrediging van die Administrasie herstel word nie.

repairs to be specified with reasonable accuracy in the order: Provided that the owner may before the expiration of the written notice, make such representations and produce such evidence to the Minister as he may think fit for the purpose of obtaining the withdrawal of the notice or a reduction of the expenditure which it may involve. After the order has been served upon the owner or his representative, traffic upon the part of the said private railway which is the subject of the order shall be stopped and shall not be resumed until the order has been withdrawn in writing by the Minister.

(2) The owner, and, in the event of the owner being a company, every director as well as the manager or person acting as manager of the private railway, who, during the currency of the order, transports or causes or permits to be transported either passenger or goods traffic upon a part of a private railway in respect of which a Minister's order under sub-section (1) has been issued, shall each be liable on conviction to a fine not exceeding two hundred pounds for every day during which such traffic is so transported or, in default of payment, to imprisonment for a period not exceeding twelve months.

(3) Nothing in this section contained shall be construed as rendering the Administration liable for loss or damage caused on or in respect of a private railway nor shall the absence of an inspection by the Administration exempt the owner of a private railway from liability.

CHAPTER VII.

MISCELLANEOUS PROVISIONS.

Limitation of actions.

64. (1) No legal proceedings whatsoever, the cause of which shall have arisen after the commencement of the Railways and Harbours Regulation, Control and Management Act, 1916, shall be brought against the Administration unless the same be commenced within twelve months after the cause of such proceedings arose: Provided that nothing in this sub-section contained shall affect the provisions of section *thirty-two*.

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

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

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

(b) that, having regard to any special circumstances, the claimant could not reasonably have been expected to have lodged such claim within the period so required, such court may grant the claimant special leave to lodge such claim, and may make such order as to the costs of the application as may be just.

How legal proceedings to be brought by and against the Administration.

65. Anything to the contrary notwithstanding in the State Liability Act, 1957 (Act No. 20 of 1957), contained, all legal proceedings to which the Administration is a party shall be brought by or against the Administration in the name of the "South African Railways and Harbours", and the necessary services therein may be effected on the General Manager or any System Manager in the Province in which such proceedings are brought.

Examination by medical practitioner.

66. Whenever any person claims damages or compensation from the Administration in respect of an alleged personal injury, any judge of the Supreme Court or any court having jurisdiction to determine the claim, may, at any time before or after the proceedings to recover such damages or compensation have been commenced, order that the person injured be exam-

in die bevelskrif omskryf moet word, aangebring is: Met dien verstande dat die eienaar vóór die verstryking van die skriftelike kennisgewing sodanige verhoë en bewyse aan die Minister kan voorlê as wat hy goedvind ten einde die intrekking van die kennisgewing of 'n vermindering van die uitgawe wat daaraan verbonde is, te verkry. Nadat die bevelskrif op die eienaar of sy verteenwoordiger gedien is, word verkeer oor daardie deel van bedoelde private spoorweg waarop die bevelskrif betrekking het, gestaak en nie hervat nie totdat die bevel skriftelik deur die Minister ingetrek is.

(2) Die eienaar en, as die eienaar 'n maatskappy is, elke direkteur sowel as die bestuurder of die persoon wat as bestuurder van die private spoorweg optree, wat gedurende die bestaan van die bevel passasiers of goedere oor 'n gedeelte van 'n private spoorweg ten aansien waarvan 'n bevel van die Minister ingevolge sub-artikel (1) uitgereik is, vervoer of laat vervoer of toelaat dat dit vervoer word, is elk by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd pond vir elke dag waarop sodanige verkeer aldus vervoer word of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.

(3) Die Administrasie is nie uit kragte van die bepalinge van hierdie artikel aanspreeklik vir verlies of skade wat op of ten opsigte van 'n private spoorweg veroorsaak word nie, en die eienaar van 'n private spoorweg word nie van aanspreeklikheid onthef as die Administrasie in gebreke bly om ondersoek in te stel nie.

HOOFSTUK VII.

DIVERSE BEPALINGS.

64. (1) Geen regsgeging hoegenaamd, waarvan die oorsaak na die inwerkingtreding van die „Spoorwega en Havens Reglement, Bestuur en Beheer Wet, 1916”, ontstaan het, word teen die Administrasie ingestel nie, tensy daarmee 'n aanvang gemaak word binne twaalf maande nadat die oorsaak van sodanige regsgeging ontstaan het: Met dien verstande dat die bepalinge van hierdie sub-artikel nie aan die bepalinge van artikel *twee-en-dertig* afbreuk doen nie.

Verjaring van
vorderingsregte.

(2) Geen regsgeging hoegenaamd word teen die Administrasie ingestel nie voordat ten minste een maand verloop het nadat skriftelike kennisgewing van die voorneme om sodanige regsgeging in te stel, deur die eiser of sy prokureur of agent op die Administrasie gedien is. In daardie kennisgewing moet die oorsaak van sodanige regsgeging en besonderhede van die eis duidelik en uitdruklik uiteengesit word.

(3) Onderworpe aan die bepalinge van artikel *twee-en-dertig* en van sub-artikel (2) van artikel *agt-en-dertig* word geen eis teen die Administrasie afgedwing nie, tensy 'n skriftelike eis binne 'n redelike tyd, en in elk geval binne vier maande na die datum waarop die oorsaak van die eis na bewering ontstaan het, by die Administrasie ingedien is: Met dien verstande dat as 'n bevoegde hof, by aansoek aan hom gerig daarvan oortuig is—

- (a) dat die Administrasie geensins benadeel word uit hoofde van versuim om sodanige eis binne die by hierdie Wet vereiste tyd in te dien; of
- (b) dat, met inagneming van besondere omstandighede, dit nie redelikerwys van die eiser verwag kon gewees het om sodanige eis binne die aldus vereiste tyd in te dien nie,

daardie hof aan die eiser spesiale verlof kan toestaan om so 'n eis in te stel, en so 'n bevel betreffende die koste van die aansoek kan verleen as wat billik geag word.

65. Nieteenstaande andersluidende bepalinge in die Wet op Staatsaanspreeklikheid, 1957 (Wet No. 20 van 1957), word alle regsgeginge waarin die Administrasie as party optree, deur of teen die Administrasie in die naam van die „Suid-Afrikaanse Spoorweë en Hawens” ingestel, en kan die daarby betrokke prosesstukke gedien word op die Hoofbestuurder of 'n afdelingsbestuurder in die Provinsie waarin so 'n geding ingestel word.

Wyse waarop
regsgeginge deur
of teen die
Administrasie
gevoer word.

66. Wanneer iemand van die Administrasie vergoeding of skadeloosstelling eis ten opsigte van 'n beweende liggaamlike besering, kan 'n regter van die Hooggeregshof of 'n hof wat regsbevoegdheid het om die eis te beslis, te eniger tyd voor- of nadat die regsgeging tot verhaal van sodanige vergoeding of skadeloosstelling 'n aanvang geneem het, beveel dat die be-

Geneeskundige
ondersoek.

ined on behalf of the Administration by one or more duly registered medical practitioners named in the order, and may make such order with respect to the manner, time and place of conducting the examination, and the costs of the application for such order and of such examination, as he or it may think fit.

Reports of accidents.

67. (1) When any of the following accidents occur in the course of working a railway (excluding the Administrations' road transport services) or a harbour—

- (a) any accident attended with loss of human life or with grievous bodily harm or with serious injury to property; or
- (b) any collision of trains of which one is a train carrying passengers; or
- (c) the derailment of any train carrying passengers or any part of such train; or
- (d) any other accident that has caused or was likely to cause loss of human life or grievous bodily harm or serious injury to property,

the Administration shall, without unnecessary delay, send notice of the accident to the Minister of Justice, who may appoint one or more persons, hereinafter referred to as "the board" (one of whom at least shall not be in the employ of the Administration) to make a public enquiry into the cause of the accident and report to him thereon. The holding of the enquiry shall not exempt any magistrate or justice of the peace having jurisdiction from holding any such inquest as is prescribed by any law providing for the holding of inquests, but where an accident involving loss of life is enquired into under this section by a magistrate or a board of which a magistrate is a member, the enquiry held under this Act may be a joint enquiry of the board and inquest by the magistrate.

(2) The Board shall have power to examine witnesses on oath and (through its chairman if the board consists of more than one member) to summon witnesses, to administer the oath to witnesses, and to call for the production and grant inspection of books and documents. The laws and rules obtaining in magistrates' courts shall *mutatis mutandis* apply to procuring the attendance of witnesses, their examination, the production of books and documents, and the like; and for that purpose the person appointed to hold the enquiry or the chairman of the board of enquiry, shall have power to sign such documents as may be necessary for the purpose of the enquiry, in the same manner as the magistrate or his clerk has power so to do under the rules of the magistrate's court. Any process to be served for purposes of such an enquiry shall be served by the messenger of the magistrate's court of the district in which the person upon whom service is to be made resides, or any person appointed under section *fifty-seven*.

Submission of return of accidents.

68. The Administration shall send to the Governor-General in such form and manner and at such intervals as he may direct, a return of accidents, whether attended with personal injury or not, occurring upon its railways (excluding its road transport services) or at the harbours, and such return shall be laid by the Minister upon the Tables of both Houses of Parliament within fourteen days after the commencement of each session thereof.

Proof of negligence in claims arising from fires.

69. In any action for the recovery of damages sustained in consequence of a fire occasioned by a locomotive engine upon a railway, it shall not be incumbent upon the plaintiff to prove that such fire was occasioned by the negligence of the Administration or of the owner of any private railway, but such negligence shall be presumed, unless rebutted by the defendant.

Payment of limited compensation for certain fire damage.

70. (1) When any property has been destroyed or damaged (whether as a result of negligence on the part of the Administration, or without such negligence) by a fire caused by a burning object which emanated from a railway locomotive engine or railway train operated by the Administration (whether directly, by coming into contact with, and igniting, inflammable material on the land on which the destruction or damage occurred, or indirectly by setting fire to inflammable material at any place from where the fire spread to the said land), the Administration shall, subject to the provisions of subsections (2), (3) and (4), pay to any person who has suffered

seerde ten behoeve van die Administrasie ondersoek word deur een of meer behoorlik geregistreerde en in die bevel genoemde geneeskundige praktisyns, en kan ten aansien van die wyse, tyd en plek van die ondersoek, en die koste van die aansoek om sodanige bevel en van sodanige ondersoek, so 'n bevel verleen as wat hy goed vind.

67. (1) Wanneer een van die volgende ongevale in die loop van die eksploitasie van 'n spoorweg (uitgesonderd die Administrasie se padvervoerdienste) of 'n hawe plaasvind, naamlik—

Kennisgewing van ongevale.

- (a) 'n ongeluk wat gepaard gaan met verlies van menselewens of met ernstige liggaamlike letsel of ernstige beskadiging van goed; of
- (b) 'n botsing van treine waarvan een passasiers vervoer; of
- (c) die ontsporing van 'n trein wat passasiers vervoer, of 'n deel van so 'n trein; of
- (d) enige ander ongeval wat verlies van menselewens of ernstige liggaamlike letsel of ernstige beskadiging van goed ten gevolge gehad het of allig kon gehad het.

moet die Administrasie sonder onnodige versuim aan die Minister van Justisie kennis van die ongeval gee. Bedoelde Minister kan een of meer persone, hieronder genoem „die raad” (minstens een van wie nie in diens van die Administrasie is nie) benoem om 'n openbare ondersoek in te stel na die oorsaak van die ongeval en daarvoor aan hom verslag te doen. Die instelling van die ondersoek onthef nie 'n bevoegde magistraat of vrederechter van die verpligting om 'n by 'n wet op geregtelike ondersoeke voorgeskrewe geregtelike ondersoek te hou nie, maar wanneer daar kragtens hierdie artikel deur 'n magistraat of deur 'n raad waarvan 'n magistraat 'n lid is, ondersoek ingestel word na 'n ongeval wat met lewensverlies gepaard gegaan het, kan die ondersoek wat kragtens hierdie Wet ingestel word tegelykertyd 'n ondersoek deur die raad en 'n geregtelike ondersoek deur die magistraat wees.

(2) Die raad is bevoeg om getuies onder eed te ondervra en om (deur middel van sy voorsitter, as die raad uit meer as een lid bestaan) getuies te dagvaar, 'n eed van getuies af te neem, die oorlegging van boeke en dokumente te vorder en insae daarvan te verleen. Die wette en reëls wat in magistraatshowe van krag is, is *mutatis mutandis* van toepassing op die oproeping van getuies, hul ondervraging, die oorlegging van boeke en dokumente en dergelike dinge; en vir daardie doel het die persoon wat met die ondersoek belas is, of die voorsitter van die raad van ondersoek, dieselfde bevoegdheid om dokumente te teken wat vir die doel van die ondersoek nodig mag wees, as wat die magistraat of sy klerk ingevolge die reëls van die magistraatshof het. Alle prosesstukke wat vir die doeleindes van so 'n ondersoek gedien moet word, word gedien deur die bode van die magistraatshof van die distrik waarin die persoon op wie die bediening moet geskied, woonagtig is, of deur 'n persoon wat ingevolge artikel *sewen-en-vyfzig* aangestel is.

68. Die Administrasie stuur aan die Goewerneur-generaal, in die vorm en op die wyse en tye deur hom bepaal, 'n opgawe van ongevale wat op sy spoorweë (uitgesonderd sy padvervoerdienste) of by die hawens plaasgevind het, hetsy sulke ongevale met liggaamlike letsel gepaard gegaan het al dan nie, en daardie opgawe word deur die Minister binne veertien dae na die aanvang van elke sitting in beide Huise van die Parlement ter Tafel gelê.

Insending van opgawe van ongevale.

69. In 'n regsgeding ter verhaal van skade wat opgedoen is ten gevolge van 'n brand veroorsaak deur 'n lokomotief op 'n spoorweg, is die eiser nie verplig om te bewys dat daardie brand deur nalatigheid van die Administrasie of van die eienaar van 'n private spoorweg veroorsaak is nie, maar word sodanige nalatigheid veronderstel tensy teenbewys deur die verweerder gelewer word.

Bewys van nalatigheid in eise wat uit brande ontstaan.

70. (1) Wanneer eiendom vernietig of beskadig is (hetsy as gevolg van of sonder nalatigheid van die Administrasie) deur 'n brand wat veroorsaak is deur 'n brandende voorwerp afkomstig uit 'n spoorweglokomotief of spoorwegtrein wat deur die Administrasie gebruik word (hetsy regstreeks, deur in aanraking te kom met, en die ontsteking te veroorsaak van, ontvlambare materiaal op die grond waarop die vernietiging of skade plaasgevind het, of onregstreeks deur ontsteking van ontvlambare materiaal op 'n plek vanwaar die brand na die genoemde grond versprei het) moet die Administrasie, onderworpe aan die bepalinge van sub-artikels (2), (3) en (4), aan

Betaling van beperkte vergoeding vir sekere brandskade.

any loss by reason of that destruction or damage, compensation for that loss, if the said person was, at the time when the destruction or damage occurred, the owner or occupier of the land on which the destruction or damage occurred.

(2) The amount of any compensation payable under sub-section (1)—

- (a) to any one person for any such loss which resulted from any one such fire shall not exceed the sum of two hundred and fifty pounds;
- (b) to two or more persons (whether jointly or severally) who have, as a result of any one such fire, suffered any such loss by reason of the destruction of or damage to, any property which they owned or occupied jointly, shall not exceed in the aggregate the said sum:

Provided that any person who owns any land jointly with any other person and who, by agreement with that other person, has the exclusive occupation or use of that land or any part thereof, shall, for the purposes of this sub-section be deemed to be the sole owner of the land which he is entitled to occupy or use under that agreement.

(3) No compensation shall be payable to any person under sub-section (1)—

- (a) if he or his servant or agent contributed in any way towards the destruction or damage in question or failed to take all reasonable steps to prevent or mitigate that destruction or damage; or
- (b) if the land on which the destruction or damage occurred was not fully protected against any such fire by a firebreak as defined in sub-section (5); or
- (c) if the said land was protected by means of a firebreak as defined in sub-section (5), which, in so far as it was made specially for the purpose of preventing destruction of, or damage to property by such a fire, was made entirely by the Administration at its own cost, at the request or with the consent of the owner or occupier of the land on which the destruction or damage in question occurred.

(4) The Administration may notwithstanding the provisions of paragraph (b) of sub-section (3), in determining the amount of compensation payable to any person under sub-section (1) in respect of any land, take into account, subject to the provisions of sub-section (2), also any destruction or damage which occurred as a result of the same fire on land owned or occupied by the said person which is situated between the firebreak whereby such first-mentioned land was protected and the railway line from which the fire emanated.

(5) In this section "firebreak" means an area or areas devoid of inflammable material, which is or are of such an extent and situated in such a position in relation to the land in question, that the said area or areas can reasonably be expected—

- (a) to prevent any such burning object as aforesaid from reaching and igniting any inflammable material on the said land; and
- (b) to prevent any fire lit anywhere, by any such burning object, from spreading to any inflammable material on the said land.

(6) The preceding provisions of this section shall not deprive any person of any right which he may have, apart from this section, to recover compensation from the Administration for any loss which he may have suffered as a result of such a fire as is mentioned in sub-section (1).

Saving as to
defence works,
etc.

71. Nothing in this Act contained shall affect or diminish the rights and powers conferred upon any authority acting in pursuance of the South Africa Defence Act, 1912 (Act No. 13 of 1912), nor shall any powers conferred upon the Administration by this Act be exercised in respect of any defence works or approaches thereto.

Saving as to
construction of
wires, pipes, and
other appliances
by local authority
at certain level
crossings.

72. Nothing in this Act contained shall affect the right of any local authority to construct and maintain at any level crossing within the limits of its jurisdiction, such wires, pipes or other appliances either overhead or underground as may be required for the proper working of any tramway or other public service: Provided that no excavation on railway or

iemand wat ten gevolge van daardie vernietiging of skade, verlies gely het, vergoeding vir daardie verlies betaal, indien so iemand ten tyde van die vernietiging of skade die eienaar of okkupeerder was van die grond waarop die vernietiging of skade plaasgevind het.

(2) Die bedrag van die skadevergoeding wat kragtens sub-artikel (1) betaalbaar is—

- (a) aan een persoon weens sodanige verlies wat die gevolg is van een sodanige brand, is hoogstens tweehonderden-vyftig pond;
- (b) aan twee of meer persone, hetsy gesamentlik of afsonderlik, wat as gevolg van een sodanige brand sodanige verlies gely het uit hoofde van die vernietiging of beskadiging van eiendom waarvan hulle gesamentlik die eienaars of okkupeerders was, gaan in die geheel bedoelde som nie te bowe nie:

Met dien verstande dat 'n persoon wat gesamentlik met 'n ander persoon die eienaar van grond is en wat kragtens ooreenkoms met daardie ander persoon die uitsluitlike okkupasie of gebruik van daardie grond of 'n deel daarvan het, by die toepassing van hierdie sub-artikel geag word die alleeneienaar te wees van die grond wat hy uit kragte van daardie ooreenkoms geregtig is om te okkupeer of te gebruik.

(3) Geen skadevergoeding word ingevolge sub-artikel (1) aan iemand betaal nie—

- (a) as hy of sy dienaar of agent op enigerlei wyse tot die betrokke vernietiging of skade bygedra het, of in gebreke gebly het om alle redelike stappe te doen om daardie vernietiging of skade te verhoed of te verminder; of
- (b) as die grond waarop die vernietiging of skade plaasgevind het, nie ten volle deur 'n in sub-artikel (5) omskrewe voorbrand teen so 'n brand beskerm was nie; of
- (c) as bedoelde grond beskerm was deur middel van 'n in sub-artikel (5) omskrewe voorbrand wat, vir sover dit bepaaldelik gemaak is ten einde vernietiging of beskadiging van eiendom deur so 'n brand te voorkom, uitsluitlik deur die Administrasie op eie koste gemaak is op versoek of met toestemming van die eienaar of okkupeerder van die grond waarop die betrokke vernietiging of skade plaasgevind het.

(4) Ondanks die bepalinge van paragraaf (b) van sub-artikel (3), kan die Administrasie by die vasstelling van die bedrag van die skadevergoeding wat ingevolge sub-artikel (1) ten aansien van een of ander stuk grond aan iemand betaalbaar is, ook vernietiging of skade in aanmerking neem wat as gevolg van dieselfde brand plaasgevind het op grond waarvan so iemand die eienaar of okkupeerder is en wat geleë is tussen die voorbrand waardeur sodanige eersgenoemde grond beskerm is, en die spoorlyn vanwaar die brand afkomstig was, onderworpe egter aan die bepalinge van sub-artikel (2).

(5) In hierdie artikel beteken „voorbrand” 'n oppervlakte of oppervlaktes wat ontbloot is van ontvlambare materiaal, en van sodanige omvang en sodanig geleë in verhouding tot die betrokke grond, dat redelikerwys verwag kan word dat daardie oppervlakte of oppervlaktes—

- (a) sal verhinder dat 'n brandende voorwerp soos voormeld, ontvlambare materiaal op bedoelde grond bereik en aan brand steek; en
- (b) sal verhinder dat 'n brand wat op een of ander plek deur so 'n brandende voorwerp aangesteek is, na ontvlambare materiaal op bedoelde grond spreid.

(6) Die voorgaande bepalinge van hierdie artikel ontnem aan niemand 'n reg nie wat hy afgesien van hierdie artikel, mag hê om skadevergoeding op die Administrasie te verhaal weens verlies wat hy as gevolg van 'n in sub-artikel (1) bedoelde brand gely het.

71. Die bepalinge van hierdie Wet het geen invloed op en doen geen afbreuk aan die regte en bevoegdhede verleen aan 'n gesag wat ingevolge die „Zuid-Afrika Verdedigingswet, 1912” (Wet No. 13 van 1912), handel nie, en die bevoegdhede wat deur hierdie Wet aan die Administrasie verleen word, mag nie ten opsigte van verdedigingswerke of toegange daartoe uitgeoefen word nie.

Voorbehoud
betreffende ver-
dedigingswerke,
ens.

72. Die bepalinge van hierdie Wet doen geen afbreuk aan die reg van 'n plaaslike bestuur om by 'n gelykgrondse oorgang binne die grense van sy regsgebied sodanige drade, pype of ander toestelle, hetsy bogronds of ondergronds, as wat vir die behoorlike bediening van 'n trem- of ander openbare diens nodig mag wees, aan te bring en in stand te hou nie: Met dien verstande

Voorbehoud
betreffende die
aanbring van
drade, pype en
ander toestelle
deur plaaslike
bestuur by sekere
gelykgrondse
oorgange.

harbour premises for any such purpose shall be made without the consent of the Administration, and no such wires, pipes or other appliances shall be laid or constructed without due notice thereof to the Administration, and the adoption by the local authority at its expense of such measures for the safety of the railways and the persons travelling thereon and at the harbours as may be necessary owing to the construction of such wires, pipes or other appliances.

Payment of transfer duty on property acquired under paragraph (22) of section two.

73. The Administration may pay the whole or any portion of the transfer duty payable in respect of any property acquired by any servant under the provisions of paragraph (22) of section two and may recover any amount so paid from the servant concerned.

Alienation of immovable property under paragraph (22) of section two. Approval by Governor-General.

74. If the Governor-General has, in general terms, signified his approval of the disposal to servants of the Administration of immovable property vested in the Administration, pursuant to a deed of purchase and sale entered into between the Administration and any such servant under paragraph (22) of section two, such general approval shall, notwithstanding the provisions of the Crown Land Disposal (Execution of Deeds) Act, 1911 (Act No. 2 of 1911), or of any other law, be deemed to be sufficient authority for the disposal, as aforesaid, of any such immovable property to any particular servant, and for the registration, in the proper deeds registry, of the deed of grant relating thereto.

Administration may waive its right to recover certain debts.

75. (1) Whenever any servant or former servant of the Administration has, in the ordinary course of, or arising out of, his employment with the Administration—

- (a) received payment, whether in money or in kind, from the Administration in excess of what was legally due to him in terms of any law or any agreement, express or implied, governing his employment; or
- (b) become indebted to the Administration (otherwise than under the circumstances mentioned in paragraph (a)) by virtue of any agreement, express or implied, with regard to any matter affecting or incidental to his employment, and through some error or omission on the part of the Administration or its servants, was not required to discharge or satisfy such indebtedness at the time when it arose,

the Administration may, if it is satisfied that—

- (i) the servant or former servant concerned acted in good faith and without knowledge that he was not entitled to receive such payment, or that he was indebted to the Administration as aforesaid; and
- (ii) the case is one where the servant or former servant concerned should on equitable grounds be granted some relief,

waive its right to recover the whole or any portion of the amount overpaid or outstanding, as the case may be, notwithstanding that such amount may be legally recoverable from the person concerned: Provided that the Administration shall not waive its rights under this sub-section in respect of any amount which was overpaid during, or which became due in respect of, the twelve months immediately preceding the month in which the overpayment or the omission to discharge or satisfy the indebtedness, as the case may be, is officially brought to notice.

(2) Any reference to the Administration in paragraphs (a) and (b) of sub-section (1), shall be deemed to include a reference to any Superannuation or Sick Fund controlled by the Administration.

(3) The Administration may, on such conditions as it may deem fit, delegate to the General Manager and to one or more other officers of the Administration, authority to exercise on its behalf the powers conferred upon it by this section.

Establishment and administration of Railways and Harbours House Ownership Fund.

76. (1) With effect from the first day of April, 1956, there shall be established a fund to be known as the Railways and Harbours House Ownership Fund (hereinafter in this section referred to as "the Fund").

(2) There shall be paid to the Fund—

- (a) any moneys from time to time appropriated to the Fund by Parliament from loan funds;
- (b) any capital sums that may be received from servants or from other sources on or after the first day of

dat geen uitgraving op 'n spoorweg- of haweterrein vir so 'n doel sonder toestemming van die Administrasie gemaak mag word nie, en geen sodanige drade, pype of ander toestelle word gelê of aangebring sonder dat daarvan behoorlik aan die Administrasie kennis gegee is en sonder dat daar deur die plaaslike bestuur op eie koste sodanige maatreëls vir die veiligheid van die spoorweë en die publiek wat daarop en in die hawens reis, getref is as wat ten gevolge van die aanbring van sodanige drade, pype of ander toestelle vereis mag word nie.

73. Die Administrasie kan die hereregte wat verskuldig is ten opsigte van eiendom verkry deur 'n dienaar kragtens die bepalinge van paragraaf (22) van artikel twee in geheel of ten dele betaal, en enige aldus betaalde bedrag op die betrokke dienaar verhaal.

Betaling van hereregte op eiendom verkry kragtens paragraaf (22) van artikel twee.

74. Indien die Goewerneur-generaal in algemene bewoording sy goedkeuring geheg het aan die vervreemding, aan dienare van die Administrasie, van onroerende goed die eiendomsreg waarop by die Administrasie berus, ingevolge 'n koop- en verkoopkontrak tussen die Administrasie en so 'n dienaar aangegaan kragtens paragraaf (22) van artikel twee, word sodanige algemene goedkeuring ondanks die bepalinge van die „Kroonland Vervreemding (Inrichting van Akten) Wet, 1911” (Wet No. 2 van 1911), of enige ander wetsbepaling, geag voldoende magtiging te wees vir die van-die-hand-sit, soos voormeld, van sodanige onroerende goed aan 'n bepaalde dienaar, en vir die registrasie, in die betrokke registrasiekantoor van aktes, van die kroongrondbrief wat daarop betrekking het.

Vervreemding van onroerende goed kragtens paragraaf (22) van artikel twee. Goedkeuring deur Goewerneur-generaal.

75. (1) Wanneer 'n dienaar of voormalige dienaar van die Administrasie in die gewone loop of uit oorsake van sy diensbetrekking by die Administrasie—

Administrasie kan afstand doen van sy reg om sekere skulde te verhaal.

(a) betaling van die Administrasie ontvang het, hetsy in geld of in natura, van meer as wat wettig aan hom verskuldig was uit hoofde van 'n wetsbepaling of 'n uitdruklike of stilswyende ooreenkoms wat sy diensbetrekking beheers; of

(b) aan die Administrasie iets verskuldig geword het (behalwe onder die omstandighede in paragraaf (a) vermeld) uit hoofde van 'n uitdruklike of stilswyende ooreenkoms betreffende 'n aangeleentheid wat op sy diens betrekking het of daarmee in verband staan, en as gevolg van 'n fout of versuim aan die kant van die Administrasie of sy dienare, daar nie van hom verlang is om sodanige skuld te vereffen of af te los toe dit ontstaan het nie,

kan die Administrasie, indien hy oortuig is dat—

- (i) die betrokke dienaar of voormalige dienaar te goeder trou gehandel het en sonder te geweet het dat hy nie op sodanige betaling geregtig was of dat hy iets soos voormeld aan die Administrasie verskuldig was nie; en
- (ii) dit 'n geval is waar daar op billikheidsgronde tegevoerkoming aan die betrokke dienaar of voormalige dienaar betoon behoort te word,

afstand doen van sy reg om die bedrag wat te veel betaal of verskuldig is, na gelang van die geval, in geheel of ten dele te verhaal, niesteenstaande dat sodanige bedrag wettig op die betrokke persoon verhaal kan word: Met dien verstande dat die Administrasie nie kragtens hierdie artikel afstand mag doen nie van sy regte ten aansien van 'n bedrag wat te veel betaal is gedurende, of wat verskuldig geword het ten opsigte van, die twaalf maande onmiddellik voorafgaande aan die maand waarin die oorbetalings of die versuim om die skuld te vereffen of af te los, na gelang van die geval, amptelik onder die aandag gebring word.

(2) 'n Verwysing na die Administrasie in paragrafe (a) en (b) van sub-artikel (1) word geag 'n verwysing in te sluit na 'n superannuasie- of siekefonds wat deur die Administrasie beheer word.

(3) Die Administrasie kan op sulke voorwaardes as wat hy goed vind, aan die Hoofbestuurder of aan 'n ander amptenaar of ander amptenare van die Administrasie magtiging oordra om namens hom die bevoegdhede deur hierdie artikel aan hom verleen, uit te oefen.

76. (1) Met ingang van die eerste dag van April 1956, word daar 'n Fonds ingestel wat bekend sal staan as die Huiseienaar-fonds vir Spoorweë en Hawens (hieronder in hierdie artikel „die Fonds” genoem).

Instelling en beheer van Huiseienaar-fonds vir Spoorweë en Hawens.

(2) Daar word in die Fonds gestort—

- (a) alle gelde wat van tyd tot tyd deur die Parlement uit leningsfondse aan die Fonds bewillig word;
- (b) alle kapitaalsomme wat op of na die eerste dag van April 1956, van dienare of uit ander bronne ontvang

April, 1956, in repayment or discharge of loans made by the Administration to servants pursuant to the provisions of paragraph (22) of section *two*, whether such loans were made before or after the said date or in repayment or discharge of the purchase price of dwelling-houses sold by it to servants pursuant to the provisions of the said paragraph;

(c) any amounts paid to the Administration by servants in terms of sub-section (3).

(3) (a) The Administration may, subject to such conditions as may be prescribed by regulations made under sub-section (6), permit any servant who is in terms of such conditions eligible to do so, to make periodic payments to the Administration with the object of establishing a capital credit to be used for the purpose of augmenting any loan which may thereafter be granted or in part payment of the purchase price of any dwelling-house which may thereafter be sold to him by the Administration pursuant to the provisions of the said paragraph (22).

(b) The Administration shall pay interest on any amounts received by it in terms of paragraph (a), in accordance with the conditions and at the rate prescribed by regulations made under sub-section (6).

(4) The Administration may from time to time withdraw from the Fund, without appropriation by law, such moneys as may be required—

(a) for the purpose of meeting any expenditure incidental to the exercise of its powers under paragraph (22) of section *two*;

(b) for the repayment, in accordance with the conditions prescribed by regulations made under sub-section (6), of any amount paid to the Administration by a servant in terms of sub-section (3).

(5) If at any time the moneys in the Fund exceed the amount reasonably required for the purpose mentioned in paragraph (a) of sub-section (4), the Administration may, subject to an appropriation by Parliament, withdraw from the Fund so much of any moneys paid to the Fund in terms of paragraphs (a) and (b) of sub-section (2) as may be required for other railway purposes.

(6) The Administration may, subject to the approval of the Governor-General, make regulations prescribing the conditions governing—

(a) the payment of moneys to the Administration by servants in terms of sub-section (3), and the eligibility of servants to make such payments;

(b) the discontinuance of such payments;

(c) the utilization of such moneys, in conjunction with any loan granted to the servant concerned under paragraph (22) of section *two*, for the purposes contemplated in that paragraph;

(d) the repayment of such moneys to the servant concerned or, in the event of his death, to his estate;

(e) the payment of interest on such moneys, and the rate thereof;

(f) the preference, in relation to the granting of loans under paragraph (22) of section *two*, that will be accorded to servants by whom such payments are made, and

generally prescribing any other matter affecting the payment of and accounting for such moneys as the Administration may deem necessary.

Repeal of laws.

77. The laws mentioned in the First Schedule to this Act are hereby repealed to the extent set forth in the third column of that Schedule.

Saving of existing regulations, etc.

78. Any proclamation, regulation, notice, approval or appointment published, issued, given or made, and any other action validly taken under any provision of a law repealed by section *seventy-seven*, shall be deemed to have been published, issued, given, made or taken under the corresponding provision of this Act.

Application of Act to South-West Africa.

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

Short title.

80. This Act shall be called the Railways and Harbours Control and Management (Consolidation) Act, 1957.

word ter terugbetaling of aflossing van lenings deur die Administrasie aan dienare toegestaan ingevolge die bepalings van paragraaf (22) van artikel *twee*, hetsy sodanige lenings vóór of ná bedoelde datum toegestaan is, of ter terugbetaling of aflossing van die koopprys van wonings wat ingevolge die bepalings van daardie paragraaf deur die Administrasie aan dienare verkoop is;

- (c) alle bedrae wat ingevolge sub-artikel (3) deur dienare aan die Administrasie betaal is.
- (3) (a) Onderworpe aan die voorwaardes wat voorgeskryf word deur regulasies kragtens sub-artikel (6) uitgevaardig, kan die Administrasie aan 'n dienaar wat ingevolge daardie voorwaardes daartoe bevoeg is, vergunning verleen om periodieke betalings aan die Administrasie te doen met die doel om 'n kapitaalsom beskikbaar te stel om aangewend te word ter aanvulling van 'n lening wat daarna ingevolge die bepalings van bedoelde paragraaf (22) deur die Administrasie aan hom toegestaan mag word, of ter gedeeltelike afbetaling van die koopprys van 'n woning wat daarna deur die Administrasie ingevolge bedoelde bepalings aan hom verkoop mag word;
- (b) Die Administrasie betaal rente op bedrae wat ingevolge paragraaf (a) deur hom ontvang is, ooreenkomstig die voorwaardes en teen die koers voorgeskryf deur regulasies kragtens sub-artikel (6) uitgevaardig.
- (4) Die Administrasie kan van tyd tot tyd sonder bewilliging deur die Parlement sodanige gelde aan die Fonds onttrek as wat benodig word—
 - (a) ter bestryding van uitgawe wat in verband staan met die uitoefening van sy bevoegdhede kragtens paragraaf (22) van artikel *twee*;
 - (b) vir die terugbetaling, ooreenkomstig die voorwaardes voorgeskryf deur regulasies kragtens sub-artikel (6) uitgevaardig, van 'n bedrag wat ingevolge sub-artikel (3) deur 'n dienaar aan die Administrasie betaal is.
- (5) Indien die gelde in die Fonds te eniger tyd die bedrag oorskry wat redelikerwys vir die in paragraaf (a) van sub-artikel (4) vermelde doel benodig word, kan die Administrasie, onderworpe aan 'n bewilliging deur die Parlement, aan die Fonds soveel van die gelde wat ingevolge paragrafe (a) en (b) van sub-artikel (2) daarin gestort is, onttrek as wat vir ander spoorweggdoeleindes benodig word.
- (6) Onderworpe aan die goedkeuring van die Goewerneur-generaal kan die Administrasie regulasies uitvaardig waardeur voorgeskryf word die voorwaardes met betrekking tot—
 - (a) die betaling van gelde aan die Administrasie deur dienare ingevolge sub-artikel (3), en die bevoegdheid van dienare om sulke betalings te doen;
 - (b) die staking van sodanige betalings;
 - (c) die aanwending van sulke gelde, tesame met 'n lening kragtens paragraaf (22) van artikel *twee* aan die betrokke dienaar toegestaan, vir die doeleindes wat in daardie paragraaf beoog word;
 - (d) die terugbetaling van sulke gelde aan die betrokke dienaar of, in geval van sy dood, aan sy boedel;
 - (e) die betaling van rente op sulke gelde, en die rentekoers;
 - (f) die voorkeur, met betrekking tot die toestaan van lenings kragtens paragraaf (22) van artikel *twee*, wat verleen sal word aan dienare deur wie sulke betalings gedoen word, en

waardeur oor die algemeen alle ander aangeleenthede betreffende die betaling en verantwoording van sulke gelde, wat die Administrasie nodig ag, voorgeskryf word.

77. Die Wette wat in die Eerste Bylae by hierdie Wet opgenoem word, word hiermee herroep vir sover in die derde kolom van daardie Bylae aangedui word. Herroeping van Wette.

78. Alle proklamasies, regulasies, kennisgewings, goedkeurings of aanstellings gepubliseer, uitgevaardig, verleen of gedoen, en alle ander handelings wettig verrig ingevolge een of ander bepaling van 'n wet wat deur artikel *sewen-en-sewentig* herroep word, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet gepubliseer, uitgevaardig, verleen, gedoen of verrig te gewees het. Bestaande regulasies, ens. bly van krag.

79. Hierdie Wet is van toepassing op die Gebied Suidwes-Afrika. Toepassing van Wet op Suidwes-Afrika.

80. Hierdie Wet heet die Konsolidasiewet op die Beheer en Bestuur van Syoorweë en Hawens. 1957. Kort titel.

First Schedule.**LAWS REPEALED.**

No. and Year of Law.	Short Title.	Extent of Repeal.
Act No. 22 of 1916.	Railways and Harbours Regulation, Control and Management Act, 1916.	The whole.
Act No. 32 of 1920.	Railways and Harbours Regulation, Control and Management Act Amendment Act, 1920.	The whole.
Act No. 31 of 1927.	Railways and Harbours Regulation, Control and Management Act, 1916, Further Amendment Act, 1927.	The whole.
Act No. 40 of 1930.	Railways and Harbours Regulation, Control and Management Act, 1916, Further Amendment Act, 1930.	The whole.
Act No. 21 of 1931.	Railways and Harbours Regulation, Control and Management (Further Amendment) Act, 1931.	The whole.
Act No. 41 of 1934.	Liquor Amendment Act, 1934	Sections <i>thirty-eight</i> and <i>thirty-nine</i> .
Act No. 13 of 1937.	Railways and Harbours Management Amendment Act, 1937.	The whole.
Act No. 18 of 1938.	Railways and Harbours Acts Amendment Act, 1938.	Sections <i>two</i> and <i>three</i> .
Act No. 36 of 1939.	Railways and Harbours Regulation, Control and Management Amendment Act, 1939.	The whole.
Act No. 20 of 1942.	Railways and Harbours Management Amendment Act, 1942.	The whole.
Act No. 14 of 1943.	Railway Fire Damage Compensation Act, 1943.	The whole.
Act No. 16 of 1944.	Railways and Harbours Management Amendment Act, 1944.	The whole.
Act No. 57 of 1946.	Finance Act, 1946	Section <i>thirty-three</i> .
Act No. 49 of 1949.	Railways and Harbours Acts Amendment Act, 1949.	Sections <i>two, three, four, five, six, seven, eight</i> and <i>nine</i> .
Act No. 54 of 1949.	General Law Amendment Act, 1949.	Section <i>six</i> .
Act No. 63 of 1951.	Railways and Harbours Acts Amendment Act, 1951.	Sections <i>five</i> and <i>six</i> .
Act No. 45 of 1952.	Railways and Harbours Acts Amendment Act, 1952.	Section <i>two</i> .
Act No. 40 of 1953.	Railways and Harbours Acts Amendment Act, 1953.	Sections <i>one, two</i> and <i>three</i> .
Act No. 37 of 1955.	Railway Expropriation Act, 1955	Section <i>sixteen</i> .
Act No. 49 of 1955.	Railways and Harbours Acts Amendment Act, 1955.	Sections <i>one, two</i> and <i>three</i> .
Act No. 39 of 1956.	Railways and Harbours Acts Further Amendment Act, 1956.	Sections <i>two</i> and <i>three</i> .
Act No. 34 of 1957.	Railways and Harbours Acts Amendment Act, 1957.	Sections <i>one, two</i> and <i>three</i> .

Second Schedule.**TABLE BAY.**

The area within which the Administration has jurisdiction at this harbour is bounded:—

Westwards by a straight line between Green Point and Robben Island lighthouses, and northwards by a straight line from Robben Island lighthouse, east (true) to the eastern shore of Table Bay, thence southwards along high water mark, so as to include the foreshore to the Castle, thence back to Green Point lighthouse, together with the foreshore, the wharves, docks, basins, jetties, piers and harbour works, and all harbour and dock lands vested in the Government of the Union of South Africa.

PORT ELIZABETH.

The area within which the Administration has jurisdiction at this harbour is bounded on the southward by a line drawn from Cape Recife,

Eerste Bylae.**WETTE HERROEP.**

No. en jaar van Wet.	Kort Titel.	Omvang van herroeping.
Wet No. 22 van 1916.	„Spoorwegen en Havens Reglement, Bestuur en Beheer Wet, 1916.”	In die geheel.
Wet No. 32 van 1920.	„Spoorwegen en Havens Reglement, Bestuur en Beheer Wet Wijzigingswet, 1920.”	In die geheel.
Wet No. 31 van 1927.	Spoorweë en Hawens Reglement, Bestuur en Beheer Wet, 1916, Verdere Wysigings Wet, 1927.	In die geheel.
Wet No. 40 van 1930.	Spoorweë en Hawens Reglement, Bestuur en Beheer Wet, 1916, Verdere Wysigings Wet, 1930.	In die geheel.
Wet No. 21 van 1931.	Spoorweë en Hawens Reglement, Bestuur en Beheer Verdere Wysigingswet, 1931.	In die geheel.
Wet No. 41 van 1934.	Drank-Wysigingswet, 1934	Artikels <i>agt-en-dertig</i> en <i>negen-en-dertig</i> .
Wet No. 13 van 1937.	Wysigingswet op die Beheer van Spoorweë en Hawens, 1937.	In die geheel.
Wet No. 18 van 1938.	Wysigingswet op die Wette op Spoorweë en Hawens, 1938.	Artikels <i>twee</i> en <i>drie</i> .
Wet No. 36 van 1939.	Spoorweë en Hawens Reglement, Bestuur en Beheer Wysigingswet, 1939.	In die geheel.
Wet No. 20 van 1942.	Wysigingswet op die Bestuur van Spoorweë en Hawens, 1942.	In die geheel.
Wet No. 14 van 1943.	Wet op Vergoeding weens Spoorwegbrandskade, 1943.	In die geheel.
Wet No. 16 van 1944.	Wysigingswet op Bestuur van Spoorweë en Hawens, 1944.	In die geheel.
Wet No. 57 van 1946.	Finansiewet, 1946	Artikel <i>drie-en-dertig</i> .
Wet No. 49 van 1949.	Wysigingswet op Spoorweg- en Hawewette, 1949.	Artikels <i>twee</i> , <i>drie</i> , <i>vier</i> , <i>vyf</i> , <i>ses</i> , <i>sewe</i> , <i>agt</i> en <i>nege</i> .
Wet No. 54 van 1949.	Algemene Regswysigingswet, 1949	Artikel <i>ses</i> .
Wet No. 63 van 1951.	Wysigingswet op Spoorweg- en Hawewette, 1951.	Artikels <i>vyf</i> en <i>ses</i> .
Wet No. 45 van 1952.	Wysigingswet op Spoorweg- en Hawewette, 1952.	Artikel <i>twee</i> .
Wet No. 40 van 1953.	Wysigingswet op Spoorweg- en Hawewette, 1953.	Artikels <i>een</i> , <i>twee</i> en <i>drie</i> .
Wet No. 37 van 1955.	Spoorwegonteieningswet, 1955	Artikel <i>sestien</i> .
Wet No. 49 van 1955.	Wysigingswet op Spoorweg- en Hawewette, 1955.	Artikels <i>een</i> , <i>twee</i> en <i>drie</i> .
Wet No. 39 van 1956.	Verdere Wysigingswet op Spoorweg- en Hawewette, 1956.	Artikels <i>twee</i> en <i>drie</i> .
Wet No. 34 van 1957.	Wysigingswet op Spoorweg- en Hawewette, 1957.	Artikels <i>een</i> , <i>twee</i> en <i>drie</i> .

Tweede Bylae.**TAFELBAAL.**

Die gebied waarbinne die Administrasie by hierdie hawe regsmag besit, word begrens aan die westekant deur 'n reguit lyn tussen die vuurtorings van Groenpunt en Robbeneiland, en aan die noordekant deur 'n reguit lyn vanaf die vuurtoring van Robbeneiland, ooswaarts (suiwer) tot aan die oostelike kus van Tafelbaai; van daar suidwaarts langs die hoogwatermerk, sodat die strandgebied by die Kasteel inbegryp word; van daar terug na die vuurtoring van Groenpunt, met inbegrip van die strandgebied, die kaaie, dokke, hawekomme, hawehoofde, piere en hawewerke, en alle hawe- en dokterreine wat aan die Regering van die Unie van Suid-Afrika behoort.

PORT ELIZABETH.

Die gebied waarbinne die Administrasie by hierdie hawe regsmag besit word begrens aan die suidekant deur 'n lyn getrek vanaf Kaap Recife,

east (true) to a point in the Indian Ocean, distant one mile, on the northward by a line drawn from the extreme point of the east bank of the Zwartkops River, east (true) distant one mile; on the eastward by a line drawn between these two points, and shall embrace the foreshore between Cape Recife lighthouse and the line at east bank of the Zwartkops River between high and low water marks, to tidal flow, together with the jetties, harbour works and all harbour lands vested in the Government of the Union of South Africa.

EAST LONDON.

The area within which the Administration has jurisdiction at this harbour is as follows:—

- (a) The area included between a line drawn from Hood Point to a point in the Indian Ocean, $1\frac{1}{2}$ sea miles south-east (magnetic) of Hood Point, a line drawn from the point so ascertained to a point in the Indian Ocean, one sea mile south-east (magnetic) of Nahoon Point, and a line drawn to Nahoon Point from the point so ascertained, that is from the point one sea mile south-east (magnetic) of Nahoon Point;
 - (b) the whole of the water area within the Buffalo River and its tributaries from the ebb-and-flow to the mouth of that river including all the water area at or about the entrance to that river;
 - (c) the foreshore, between the highest and the lowest water marks from Hood Point to Nahoon Point;
 - (d) the banks of the Buffalo River and its tributaries between the highest and the lowest water marks, from ebb-and-flow to the mouth of that river;
- together with the wharves, docks, basins, jetties, piers, and harbour works, and all harbour and dock lands vested in the Government of the Union of South Africa.

DURBAN.

The area within which the Administration has jurisdiction at this harbour is as follows:—

- (a) the promontory called the Bluff from its northern extremity to a line drawn from the inner harbour to the Indian Ocean, northward of Lots 35, 31, 29 and 27, Fynnland, and to the foreshores known as Admiralty Reserve on either side of the Bluff and along the shore from the Bluff to the Umgeni River, and as far seaward as the jurisdiction of the Union extends;
- (b) the bay of Natal up to high water mark and the islands of the bay; together with the foreshore, wharves, docks, basins, jetties, piers and harbour works, and all harbour and dock lands vested in the Government of the Union of South Africa, but such area shall not include any portion of the promontory of the Bluff set apart for defence purposes.

MOSSEL BAY.

The area within which the Administration has jurisdiction at this harbour is as follows:—

Within a line drawn from Cape St. Blaize lighthouse to the mouth of the Little Brak River, thence along the high water mark so as to include the foreshore between these points, together with Seal Island, the estuary of the Little Brak River as far as the tide flows, and all harbour works and harbour lands vested in the Government of the Union of South Africa.

Third Schedule.

	£	s.	d.
Horses, mules and cattle	40	0	0 per head
Pigs	20	0	0 „ „
Ostriches	12	0	0 „ „
Donkeys	8	0	0 „ „
Sheep and goats	3	0	0 „ „
Dogs and cats	2	0	0 „ „
Turkeys and geese	1	10	0 „ „
Fowls and other poultry	1	0	0 „ „
Birds, not otherwise specified.. .. .	10	0	0 „ „

Fourth Schedule.

ARTICLES TO BE DECLARED AND INSURED.

- (a) Gold and silver, coined or uncoined, manufactured or unmanufactured.
- (b) Plated articles.
- (c) Cloths and tissue and lace of which gold or silver forms part not being the uniform or part of the uniform of an officer, soldier, sailor, police officer, or constable, or member of a defence force or of any public officer, British or foreign, entitled to wear uniform.
- (d) Pearls, precious stones, jewellery.
- (e) Watches, clocks and timepieces of every description.
- (f) Government securities.
- (g) Government stamps, collections of stamps, curios.
- (h) Bills of exchange, promissory notes, bank notes, and orders or other securities for payment of money.
- (i) Maps, plans, writings and title-deeds.
- (j) Paintings, engravings, lithographs, photographs, films, carvings and works of art.
- (k) Art pottery and all articles made of glass, china or marble.
- (l) Shawls exceeding £5 in value.
- (m) Lace, furs and feathers.
- (n) Ivory, ebony and sandalwood.
- (o) Musk, sandalwood oil and other essential oils used in the preparation of perfumes.
- (p) Musical and scientific instruments.
- (q) Any article of special value which the Governor-General may, by notice in the *Gazette*, add to this Schedule.

ooswaarts (suiwer) na 'n punt in die Indiese Oseaan op 'n afstand van een myl; aan die noordekant deur 'n lyn getrek vanaf die uiterste punt van die oostelike oewer van die Swartkopsrivier, ooswaarts (suiwer) op 'n afstand van een myl; aan die oostekant deur 'n lyn getrek tussen hierdie twee punte, en sluit in die strandgebied tussen die vuurtoring van Kaap Recife en die lyn by die oostelike oewer van die Swartkopsrivier tussen hoog- en laagwatermerke, vir so ver die gety vloei, tesame met die hawehoofde, hawewerke, en alle haweterreine wat aan die Regering van die Unie van Suid-Afrika behoort.

OOS-LONDEN.

Die gebied waarbinne die Administrasie by hierdie hawe regsmag besit, is soos volg:

- (a) Die gebied ingesluit tussen 'n lyn getrek vanaf Hoodpunt na 'n punt in die Indiese Oseaan, $1\frac{1}{2}$ seemyl suid-oos (magneties) van Hoodpunt geleë; 'n lyn getrek vanaf die aldus vasgestelde punt na 'n punt in die Indiese Oseaan, een seemyl suid-oos (magneties) van Nahoonpunt, en 'n lyn getrek na Nahoonpunt vanaf die aldus vasgestelde punt, nl. vanaf die punt een seemyl suid-oos (magneties) van Nahoonpunt;
 - (b) die hele stroomgebied binne die Buffelsrivier en sy systrome van die eb-en-vloed tot aan die mond van daardie rivier, met inbegrip van die stroomgebied by of om die toegang tot daardie rivier;
 - (c) die strandgebied tussen die hoogste en die laagste watermerke van Hoodpunt na Nahoonpunt;
 - (d) die oewers van die Buffelsrivier en sy systrome tussen die hoogste en die laagste watermerke, van eb-en-vloed tot aan die mond van daardie rivier,
- met inbegrip van die kaaie, dokke, hawekomme, hawehoofde, piere en hawewerke, en alle hawe- en dokterreine wat aan die Regering van die Unie van Suid-Afrika behoort.

DURBAN-HAWE.

Die gebied waarbinne die Administrasie by hierdie hawe regsmag besit, is soos volg:

- (a) Die voorgebergte genoem die „Bluff”, van sy noordelike uiteinde na 'n lyn getrek vanaf die Binnehawe na die Indiese Oseaan, ten noorde van persele nos. 35, 31, 29 en 27, Fynnland, en tot aan die strandgebied bekend as „Admiralty Reserve” aan beide kante van die „Bluff”, en langs die kus van die „Bluff” na die Umgienirivier, en so ver seewaarts as wat die regsgebied van die Unie strek;
 - (b) die baai van Natal tot hoogwatermerk en die eilande van die baai;
- met inbegrip van die strandgebied, die kaaie, dokke, hawekomme, hawehoofde, piere en hawewerke, en alle hawe- en dokterreine wat aan die Regering van die Unie van Suid-Afrika behoort, maar bedoelde gebied omvat geen gedeelte van die voorgebergte van die „Bluff” wat vir verdedigingsdoeleindes afgesonder is nie.

MOSSELBAAL.

Die gebied waarbinne die Administrasie by hierdie hawe regsmag besit, is soos volg:

Binne 'n lyn getrek van die vuurtoring van Kaap St. Blaize na die mond van die Klein Brakrivier; van daar langs die hoogwatermerk sodat die strandgebied tussen hierdie punte ingesluit word, tesame met Robbe-eiland („Seal”-eiland), die uitmonding van die Klein Brakrivier so ver die gety vloei, en alle hawewerke en haweterreine wat aan die Regering van die Unie van Suid-Afrika behoort.

Derde Bylae.

	£	s.	d.	
Perde, muile en beeste	40	0	0	stuk.
Varke	20	0	0	„
Volstruise	12	0	0	„
Donkies	8	0	0	„
Skape en bokke	3	0	0	„
Honde en katte	2	0	0	„
Kalkoene en ganse	1	10	0	„
Hoenders en ander pluimvee	1	0	0	„
Voëls, nie andersins vermeld nie	10	0	„	„

Vierde Bylae.

ARTIKELS WAT AANGEGEE EN VERSEKER MOET WORD.

- (a) Goud en silwer, gemunt of ongemunt, bewerk of onbewerk.
- (b) Geplatteerde artikels.
- (c) Stowwe, weefsels en kant waarvan goud of silwer deel uitmaak, behalwe die uniform of 'n gedeelte van die uniform van 'n offisier, soldaat, matroos, polisie-offisier of -konstabel, of lid van 'n verdedigingsmag of van 'n openbare amptenaar, Brits of buitelandse, wat geregtig is om 'n uniform te dra.
- (d) Pêrels, edelgesteentes, juwele.
- (e) Horlosies, klokke en uurwysers van watter aard ook al.
- (f) Staatseffekte.
- (g) Staatseëls, posseël-versamelings, seldsame voorwerpe.
- (h) Wissels, promesses, banknote, en orders of ander sekuriteite vir die betaling van geld.
- (i) Kaarte, planne, geskrifte en titelbewyse.
- (j) Skilderye, gravures, litografieë, foto's, films, snywerk en ander kunswerke.
- (k) Kunserdewerk en alle artikels vervaardig van glas, porselein of marmer.
- (l) Tjalies wat 'n waarde van meer as £5 het.
- (m) Kant, pelse en vere.
- (n) Ivoor, ebbenhout en sandelhout.
- (o) Muskus, sandelhoutolie en ander vlugtige olies wat by die bereiding van reukware gebruik word.
- (p) Musiek- en wetenskaplike instrumente.
- (q) Alle artikels van besondere waarde wat die Goewerneur-generaal by kennisgewing in die *Staatskoerant* by hierdie Bylae mag byvoeg.

No. 75, 1957.]

ACT

To amend the Water Act, 1956.

(English text signed by the Officer Administering the Government.)
(Assented to 24th June, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of
section 60 of
Act 54 of 1956.

1. Section *sixty* of the Water Act, 1956, is hereby amended by the addition to sub-section (2) of the following paragraphs, the existing sub-section becoming paragraph (a):

“(b) The Minister may, subject to the provisions of sub-section (3), from time to time, and at any time before any offer of compensation has been accepted, or application has been made under sub-section (4) for the determination of the amount of such compensation by the water court concerned, by notice given in the same manner as is prescribed for the giving of any notice under paragraph (a), modify the offer in question by increasing the amount of the compensation offered.

(c) A modification of any offer of compensation shall not affect the operation of the relevant notice of expropriation in any other respect, but the period of one year referred to in paragraph (b) of sub-section (4) shall in such event be deemed to commence on the date of the notice of that modification.”.

Short title and
commencement.

2. This Act shall be called the Water Amendment Act, 1957, and shall be deemed to have come into operation on the date of commencement of the Water Act, 1956.

No. 75, 1957.]

WET

Tot wysiging van die Waterwet, 1956.

(Engelse teks deur die Amptenaar Belas met die Uitoefening van
die Uitvoerende Gesag geteken.)
(Goedgekeur op 24 Junie 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin,
die Senaat en die Volksraad van die Unie van Suid-Afrika,
soos volg:—

1. Artikel *sestig* van die Waterwet, 1956, word hierby gewysig deur by sub-artikel (2) die volgende paragrawe te voeg, terwyl die bestaande sub-artikel paragraaf (a) word: Wysiging van artikel 60 van Wet 54 van 1956.

„(b) Die Minister kan, onderworpe aan die bepalinge van sub-artikel (3), van tyd tot tyd, en te eniger tyd voordat 'n aanbod van vergoeding aanvaar is, of ingevolge sub-artikel (4) aansoek om die vasstelling van die bedrag van bedoelde vergoeding deur die betrokke waterhof gedoen is, by kennisgewing gegee op dieselfde wyse as in die geval van 'n kennisgewing ingevolge paragraaf (a) voorgeskryf, die betrokke aanbod wysig deur die bedrag van die aangebode vergoeding te vermeerder.

(c) 'n Wysiging van 'n aanbod van vergoeding raak nie die uitwerking van die betrokke kennisgewing van onteining op enige ander wyse nie, maar die tydperk van een jaar in paragraaf (b) van sub-artikel (4) bedoel, word in so 'n geval geag op die datum van die kennisgewing van daardie wysiging te begin.”.

2. Hierdie Wet heet die Water-wysigingswet, 1957, en word geag op die datum van inwerkingtreding van die Waterwet, 1956, in werking te getree het. Kort titel en inwerkingtreding.

No. 78, 1957.]

ACT

To promote trade with countries outside the Union by providing for the re-insurance with the Government of the Union of insurance contracts in connection with export transactions.

(Afrikaans text signed by the Officer Administering the Government.)

(Assented to 24th June, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. (1) In this Act, unless the context otherwise indicates—
 - (i) "buyer" means a person carrying on business outside the Union; (vii)
 - (ii) "contract of re-insurance" means a contract of re-insurance entered into in terms of an agreement referred to in section *two*; (v)
 - (iii) "Fund" means the Export Credit Re-insurance Fund established under section *five*; (iii)
 - (iv) "Minister" means the Minister of Economic Affairs; (viii)
 - (v) "person" includes any company, association, partnership, individual, government agency or semi-government agency; (ix)
 - (vi) "the Territory" means the territory of South-West Africa and includes for all purposes the portion of the Territory known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation by the Administrator of the Territory No. 28 of 1923; (i)
 - (vii) "the Union" includes the Territory; (ii)
 - (viii) "this Act" includes any regulation made thereunder; (vi)
 - (ix) "trade with countries outside the Union" includes any transaction (including a transaction for the rendering of a service) involving a consideration in money or money's worth accruing from a person in the course of carrying on business or other activities outside the Union to a person carrying on business in the Union. (iv)
- (2) For the purposes of this Act a sale of goods to a person who intends to export such goods from the Union shall be deemed to be a transaction in the course of trade with a country outside the Union in terms of section *two*.

Agreement for re-insurance.

2. The Minister may enter into an agreement with any person who is a registered insurer as defined in section *one* of the Insurance Act, 1943 (Act No. 27 of 1943), with the object of re-insuring, against the payment of a premium and on such other terms and conditions as may, in consultation with the Minister of Finance, be prescribed in such agreement, any contracts of insurance entered into by such person with, or for the benefit of, persons carrying on business in the Union, being contracts of insurance against risk of monetary loss or monetary detriment attributable to circumstances beyond control of the person suffering the loss or detriment and resulting from failure to receive payment in connection with acts or transactions in the course of trade with countries outside the Union for any of the following causes:
 - (a) the operation of a law, or of an order, a decree or regulation having the force of law, which in circumstances beyond the control of the insured and of the buyer—
 - (i) prevents, restricts or controls the transfer of payments from the buyer's country to the Union; or
 - (ii) prevents, restricts or controls the importation of goods into the buyer's country;
 - (b) the occurrence of war between the buyer's country and the Union or any other country;
 - (c) the occurrence of war, hostilities, civil war, rebellion, revolution, insurrection, or other disturbance in the buyer's country; or

No. 78, 1957.]

WET

Ter bevordering van handel met lande buite die Unie deur voorsiening te maak vir die herversekering met die Unieregering van versekeringskontrakte in verband met uitvoertransaksies.

*(Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 24 Junie 1957.)*

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, **Woordomskrywings.**
beteken—

- (i) „die Gebied”, die gebied Suidwes-Afrika, met inbegrip vir alle doeleindes van die deel van die Gebied wat bekend is as die “Rehoboth Gebied” en wat in die Eerste Bylae by Proklamasie van die Administrateur van die Gebied No. 28 van 1923, bepaal word; (vi)
- (ii) „die Unie”, ook die Gebied; (vii)
- (iii) „Fonds”, die Uitvoerkrediet-herversekeringsfonds ingestel kragtens artikel vyf; (iii)
- (iv) „handel met lande buite die Unie”, ook ’n transaksie (met inbegrip van ’n transaksie vir die lewering van ’n diens) wat ’n teenprestasie in geld of geldswaarde inhou wat van ’n persoon in die loop van die doen van sake of die voortsit van ander bedrywighede buite die Unie aan ’n persoon wat in die Unie sake doen, toekom; (ix)
- (v) „herversekeringskontrak”, ’n herversekeringskontrak aangegaan ingevolge ’n in artikel twee bedoelde ooreenkoms; (ii)
- (vi) „hierdie Wet”, ook enige regulasie daarkragtens uitgevaardig; (viii)
- (vii) „koper”, ’n persoon wat buite die Unie sake doen; (i)
- (viii) „Minister”, die Minister van Ekonomiese Sake; (iv)
- (ix) „persoon”, ook ’n maatskappy, vereniging, vennootskap, individu, regerings- of semi-regeringsagentskap. (v)

(2) By die toepassing van hierdie Wet word dit geag dat die verkoop van goedere aan ’n persoon wat voornemens is om die goedere uit die Unie uit te voer, ’n transaksie in die loop van handel met ’n land buite die Unie volgens artikel twee is.

2. Die Minister kan met enige persoon wat ’n geregistreerde **Ooreenkoms vir herversekering.**
versekeraar soos omskryf in artikel een van die Versekeringswet, 1943 (Wet No. 27 van 1943) is, ’n ooreenkoms aangaan met die oogmerk om, teen betaling van ’n premie en op sodanige ander bedinge en voorwaardes as wat in oorleg met die Minister van Finansies in daardie ooreenkoms voorgeskryf mag word, enige versekeringskontrakte wat deur daardie persoon aangegaan word met of ten behoeve van persone wat in die Unie sake doen, te herverseker, synde versekeringskontrakte teen risiko van geldelike verlies of geldelike skade wat te wyte is aan omstandighede buite die beheer van die persoon wat die verlies of skade ly en wat voortvloei uit die nie-ontvangs van betaling in verband met handelinge of transaksies in die loop van handel met lande buite die Unie, weens enige van die volgende oorsake:

- (a) die uitwerking van ’n wetsbepaling, of van ’n order, bevel of regulasie wat die krag van wet het, wat onder omstandighede buite die beheer van die versekerde en van die koper—
 - (i) die oordrag van betalings van die land van die koper na die Unie verhinder, beperk of beheer; of
 - (ii) die invoer van goedere in die land van die koper verhinder, beperk of beheer;
- (b) die uitbreek van oorlog tussen die land van die koper en die Unie of enige ander land;
- (c) die uitbreek van oorlog, vyandelikhede, burgeroorlog, rebellie, rewolusie, opstand, of ander oproerigheid in die land van die koper; of

- (d) such other causes as the Minister may in consultation with the Minister of Finance deem to arise from risks not normally insurable.

Percentage cover.

3. A contract of re-insurance shall specify the maximum percentage of the loss, as defined in such contract, which is covered by the indemnity under such contract, and such percentage shall not exceed ninety *per centum* of the loss as so defined.

Premiums.

4. The rate of premium for any contract of re-insurance shall be fixed by the Minister in consultation with the Minister of Finance, having regard to the various factors which have a bearing on the risks covered by the contract and to the cost of administering this Act.

Financial arrangements.

5. (1) The Minister shall establish a Fund, to be known as the Export Credit Re-insurance Fund, under the control of the Secretary for Commerce and Industries, into which shall be paid moneys appropriated by Parliament for the purposes of this Act and premiums and other moneys accruing to the Minister under contracts of re-insurance.

(2) There shall be paid out of the Fund:

- (a) all moneys required for the discharge of claims or other liabilities under contracts of re-insurance;
- (b) any fees referred to in section *six* and any remuneration and allowances referred to in sections *seven* and *eight*;
- (c) such other costs of administering this Act as may be determined by the Minister in consultation with the Minister of Finance.

(3) The Minister, in consultation with the Minister of Finance, shall from time to time determine the amount in the Fund which shall be kept available for the payment of any claims, liabilities, fees and costs referred in sub-section (2), and the balance of the moneys in the Fund over and above the amount so determined shall be deemed to be deposits for the purposes of the Public Debt Commissioners Act, 1911 (Act No. 18 of 1911), and shall be dealt with accordingly.

Membership of organizations.

6. The Minister may in consultation with the Minister of Finance arrange for the Union to become a member of any organization membership of which may promote the operation or purposes of this Act, and any fees payable to secure or to retain such membership shall be defrayed out of the Fund.

Establishment of committees.

7. (1) The Minister shall establish an advisory committee, and such other committee or committees as he may deem necessary, to advise him on any matter in connection with the administration and operation of this Act.

(2) (a) The members of any committee established under sub-section (1) shall be appointed at such remuneration and allowances and on such conditions as may be determined by the Minister in consultation with the Minister of Finance, and the said remuneration and allowances shall be paid out of the Fund.

(b) A member of any committee referred to in sub-section (1), who is in the full-time employment of the State, shall not receive any remuneration in respect of his services as such a member, and any travelling or subsistence allowance paid to such a member shall be in accordance with the laws governing his employment by the State.

Administration of Act.

8. (1) Subject to the provisions of section *seven*, the Minister shall administer this Act through officers appointed in accordance with the laws regulating the public service: Provided that the Minister may enter into an agreement with any other person whereunder that person undertakes to perform any work arising from this Act or from any re-insurance effected under this Act.

(2) The Minister may in consultation with the Minister of Finance determine the remuneration and allowances to be paid to such other person engaged in terms of the proviso to sub-section (1) in respect of his services, and the said remuneration and allowances shall be paid out of the Fund.

Delegation of powers of Minister.

9. Any power which may be exercised under this Act by the Minister alone, may be exercised by any officer in the

- (d) sodanige ander oorsake as wat volgens die beskouing van die Minister in oorleg met die Minister van Finansies, ontstaan uit risiko's wat nie normaalweg versekerbaar is nie.

3. 'n Herversekeringskontrak moet die maksimum persentasie van die verlies, soos in daardie kontrak omskryf, vermeld word, en sodanige persentasie mag nie negentig persent van die verlies soos aldus omskryf te bowe gaan nie. **Persentasie dekking.**

4. Die bedrag van die premie vir 'n herversekeringskontrak word bepaal deur die Minister in oorleg met die Minister van Finansies, met inagneming van die verskeie faktore wat op die risiko's wat deur die kontrak gedek word, betrekking het en van die koste van die uitvoering van hierdie Wet. **Premies.**

5. (1) Die Minister stel 'n Fonds, bekend te staan as die Uitvoerkrediet-herversekeringsfonds, in onder die beheer van die Sekretaris van Handel en Nywerheid, waarin die gelde wat deur die Parlement vir die doeleindes van hierdie Wet bewillig word en premies en ander gelde wat aan die Minister onder herversekeringskontrakte toeval, inbetaal moet word. **Finansiële reëlings.**

(2) Daar word uit die Fonds uitbetaal:

- (a) alle gelde benodig vir die vereffening van eise of ander verpligtings onder herversekeringskontrakte;
- (b) enige in artikel *ses* bedoelde gelde en enige in artikels *sewe* en *agt* bedoelde besoldiging en toelaes;
- (c) sodanige ander koste van die uitvoering van hierdie Wet as wat deur die Minister in oorleg met die Minister van Finansies bepaal mag word.

(3) Die Minister in oorleg met die Minister van Finansies bepaal van tyd tot tyd die bedrag in die Fonds wat beskikbaar gehou moet word vir die betaling van enige in sub-artikel (2) bedoelde eise, verpligtings, gelde en koste, en die balans van die gelde in die Fonds bo en behalwe die aldus bepaalde bedrag word geag deposito's vir die doeleindes van die „Openbare Schuld Kommissarissen Wet, 1911” (Wet No. 18 van 1911), te wees, en daarmee word dienooreenkomstig gehandel.

6. Die Minister kan in oorleg met die Minister van Finansies reël dat die Unie 'n lid word van enige organisasie waarvan lidmaatskap die uitvoering of doelstellings van hierdie Wet mag bevorder, en enige gelde betaalbaar om daardie lidmaatskap te bekom of te behou, word uit die Fonds betaal. **Lidmaatskap van organisasies.**

7. (1) Die Minister moet 'n adviserende komitee instel, en sodanige ander komitee of komitees as wat hy nodig ag, om hom van advies te dien oor enige aangeleentheid in verband met die uitvoering en toepassing van hierdie Wet. **Instelling van komitees.**

(2) (a) Die lede van 'n kragtens sub-artikel (1) ingestelde komitee word aangestel teen sodanige besoldiging en toelaes en op sodanige voorwaardes as wat deur die Minister in oorleg met die Minister van Finansies bepaal word, en bedoelde besoldiging en toelaes word uit die Fonds betaal.

(b) 'n Lid van 'n in sub-artikel (1) bedoelde komitee wat in die voltydse diens van die Staat is, mag geen besoldiging ten opsigte van sy dienste as so 'n lid ontvang nie en enige reis- of verblyftoelae wat aan so 'n lid betaal word, moet in ooreenstemming wees met die wetsbepalings wat sy diens by die Staat reël.

8. (1) Behoudens die bepalinge van artikel *sewe*, word hierdie Wet uitgevoer deur die Minister met behulp van beampies aangestel ooreenkomstig die wetsbepalinge op die staatsdiens: Met dien verstande dat die Minister 'n ooreenkoms met 'n ander persoon kan aangaan waarkragtens daardie persoon onderneem om enige werk wat ontstaan uit hierdie Wet of uit enige herversekering kragtens hierdie Wet aangegaan, uit te voer. **Uitvoering van Wet.**

(2) Die Minister kan in oorleg met die Minister van Finansies die besoldiging en toelaes bepaal wat aan so 'n ander persoon wat ingevolge die voorbehoudsbepaling by sub-artikel (1) in diens geneem word, ten opsigte van sy dienste betaal moet word, en bedoelde besoldiging en toelaes word uit die Fonds betaal.

9. Enige bevoegdheid wat kragtens hierdie Wet deur die Minister alleen uitgeoefen kan word, kan uitgeoefen word **Delegasie van bevoegdhede van Minister.**

Department of Commerce and Industries deputed thereto by the Minister; and any power which may be exercised under this Act by the Minister in consultation with the Minister of Finance, may be exercised by any officer in the Department of Commerce and Industries in consultation with an officer in the Department of Finance respectively deputed thereto by the Minister and the Minister of Finance.

Offences and penalties.

10. (1) Any person who wilfully makes a false or misleading statement in or in connection with a contract of insurance which forms the subject of a contract of re-insurance, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

(2) Whenever any person is convicted of an offence under this Act, he shall forfeit all rights under the contract of insurance in respect of which such offence was committed and the court so convicting him may summarily enquire into and assess the monetary equivalent of any advantage which he may have gained in consequence of that offence, and may, in addition to any other penalty imposed in respect of that offence, impose upon him a fine equal to the amount so assessed and, in default of payment thereof, imprisonment for a period not exceeding six months.

(3) A magistrate's court shall have jurisdiction to impose such additional penalty as is contemplated in sub-section (2), even though such penalty may, either alone or together with any other penalty imposed by that court, exceed the punitive jurisdiction of a magistrate's court.

Regulations.

11. The Governor-General may make any regulations which are not inconsistent with this Act and which he considers necessary or expedient for the achievement of the purposes and objects of this Act.

Application to South-West Africa.

12. This Act shall apply also in the Territory.

Short title.

19. This Act shall be called the Export Credit Re-insurance Act, 1957.

deur 'n beampte in die Departement van Handel en Nywerheid daartoe gemagtig deur die Minister; en enige bevoegdheid wat kragtens hierdie Wet uitgeoefen kan word deur die Minister in oorleg met die Minister van Finansies, kan uitgeoefen word deur 'n beampte in die Departement van Handel en Nywerheid in oorleg met 'n beampte in die Departement van Finansies onderskeidelik daartoe gemagtig deur die Minister en die Minister van Finansies.

10. (1) Iemand wat opsetlik 'n valse of misleidende verklaring doen in of in verband met 'n versekeringskontrak wat die onderwerp van 'n herversekeringskontrak uitmaak, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met beide sodanige boete en sodanige gevangenisstraf.

Misdrywe en
strafbepalings.

(2) Wanneer iemand aan 'n misdryf ingevolge hierdie Wet skuldig bevind word, verbeur hy alle regte onder die versekeringskontrak ten opsigte waarvan daardie misdryf gepleeg is, en die hof wat hom aldus skuldig bevind kan summier ondersoek instel na en bereken wat die geldelike ekwivalent is van enige voordeel wat hy moontlik as gevolg van daardie misdryf ontvang het, en kan, benewens enige ander straf ten opsigte van daardie misdryf opgelê, hom 'n boete wat gelykstaan met die bedrag aldus bereken en, by wanbetaling daarvan, gevangenisstraf vir 'n tydperk van hoogstens ses maande oplê.

(3) 'n Magistraatshof is bevoeg om die in sub-artikel (2) beoogde addisionele straf op te lê selfs al sou daardie straf, hetsy alleen of tesame met enige ander straf deur daardie hof opgelê, moontlik die strafbevoegdheid van 'n magistraatshof oorskry.

11. Die Goewerneur-generaal kan enige regulasies uitvaardig wat nie met hierdie Wet strydig is nie en wat hy nodig of dienstig ag vir die bereiking van die doelstellings en oogmerke van hierdie Wet.

Regulasies.

12. Hierdie Wet is ook in die Gebied van toepassing.

Toepassing op die
Gebied Suidwes-
Afrika.

13. Hierdie Wet heet die Uitvoerkrediet-herversekeringswet, Kort titel. 1957.

Kort titel.

No. 83, 1957.]

ACT

To amend the Canned Fruit and Vegetables Export Control Act, 1956.

(English text signed by the Officer Administering the Government.)
(Assented to 24th June, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of
section 3 of Act
66 of 1956.

1. Section *three* of the Canned Fruit and Vegetables Export Control Act, 1956, is hereby amended—

(a) by the substitution for sub-section (1) of the following sub-section:

“(1) If the Minister is satisfied that an agreement in regard to the marketing of a particular kind of canned fruit or canned vegetables in any country or territory outside the Union, or in regard to the restriction of the export of a particular kind of canned fruit or canned vegetables to any such country or territory, has been entered into between not less than seventy-five per cent. of the exporters of that kind of canned fruit or canned vegetables from the Union, who have exported not less than seventy-five per cent. of the total quantity thereof exported during the period of twelve months immediately preceding the date of such agreement, and if such agreement has been approved by him, he or the person authorized thereto by him may refuse to issue a permit required under any notice issued under sub-paragraph (ii) of paragraph (a) of sub-section (1) of section *two* for the export of that kind of canned fruit or canned vegetables, unless the person applying for such permit satisfies the Minister or the said person that he is a party to such agreement.”; and

(b) by the substitution in sub-section (3) for the words “one per cent.” of the words “one-half of one per cent.”, and the insertion in the said sub-section, after the word “quantity”, of the words “of the particular kind”.

Amendment of
section 8 of Act
66 of 1956.

2. Section *eight* of the Canned Fruit and Vegetables Export Control Act, 1956, is hereby amended by the substitution for the figures “1957” of the figures “1958”.

Short title.

3. This Act shall be called the Canned Fruit and Vegetables Export Control Amendment Act, 1957.

No. 83, 1957.]

WET

Tot wysiging van die Wet op Beheer van die Uitvoer van Ingemaakte Vrugte en Groente, 1956.

(Engelse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.)
(Goedgekeur op 24 Junie 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. Artikel *drie* van die Wet op Beheer van die Uitvoer van Ingemaakte Vrugte en Groente, 1956, word hierby gewysig—

Wysiging van artikel 3 van Wet 66 van 1956.

(a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:

„(1) Indien die Minister oortuig is dat 'n ooreenkoms met betrekking tot die bemarking van 'n bepaalde soort ingemaakte vrugte of ingemaakte groente in 'n land of gebied buite die Unie, of met betrekking tot die beperking van die uitvoer van 'n bepaalde soort ingemaakte vrugte of ingemaakte groente na so 'n land of gebied, aangegaan is tussen minstens vyf-en-sewentig persent van die uitvoerders van daardie soort ingemaakte vrugte of ingemaakte groente uit die Unie, wat minstens vyf-en-sewentig persent van die totale hoeveelheid daarvan uitgevoer het wat gedurende die tydperk van twaalf maande wat die datum van dié ooreenkoms onmiddellik voorafgaan, uitgevoer is, en indien so 'n ooreenkoms deur hom goedgekeur is, kan hy of die persoon deur hom daartoe gemagtig weier om 'n permit wat kragtens 'n kennisgewing, ingevolge sub-paragraaf (ii) van paragraaf (a) van sub-artikel (1) van artikel *twee* uitgereik, vir die uitvoer van daardie soort ingemaakte vrugte of ingemaakte groente vereis word, uit te reik, tensy die persoon wat om dié permit aansoek doen die Minister of genoemde persoon oortuig dat hy 'n party by daardie ooreenkoms is.”; en

(b) deur in sub-artikel (3) die woorde „een persent” deur die woorde „'n halfpersent” te vervang, en na die woord „hoeveelheid” die woorde „van die bepaalde soort” in te voeg.

2. Artikel *agt* van die Wet op Beheer van die Uitvoer van Ingemaakte Vrugte en Groente, 1956, word hierby gewysig deur die syfers „1957” deur die syfers „1958” te vervang.

Wysiging van artikel 8 van Wet 66 van 1956.

3. Hierdie Wet heet die Wysigingswet op Beheer van die Uitvoer van Ingemaakte Vrugte en Groente, 1957.

Kort titel.