



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1816. 28 Augustus 1981.

No. 1816. 28 August 1981.

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

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

No. 60 van 1981: Tweede Wysigingswet op Spoorweg- en Hawewette, 1981.

No. 60 of 1981: Second Railways and Harbours Acts Amendment Act, 1981.

Act No. 60, 1981

SECOND RAILWAYS AND HARBOURS ACTS
AMENDMENT ACT, 1981

GENERAL EXPLANATORY NOTE:

- [** **]** Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend section 1 of the Railways and Harbours Pensions Amendment Act, 1941, so as to amend the definition of "emoluments" and to delete the definition of "wages"; to amend section 16 of the Railways and Harbours Service Act, 1960, so as to amend certain provisions regarding the period of notice on attaining the age limit to or by certain employees; to amend section 23 of the said Act so as to change the designations of the grades "station foreman" and "signalman" to "train control officer"; to amend section 2 of the Railway Board Act, 1962, so as to provide for a contributory pension scheme for Railway Commissioners; to amend section 5 of the said Act so as to provide for certain functions of the Railways and Harbours Board; to amend section 4 of the Railways and Harbours Pensions Act, 1971, so as to authorize the Administration to increase annuities from time to time; to amend section 17 of the said Act so as to provide for an improvement in pension benefits; to amend section 19 of the said Act so as to provide for the rate of interest on loans for housing purposes from the Pension Fund to be calculated on the current rate of interest on the general investment market; to amend section 1 of the Railways and Harbours Pensions for Non-Whites Act, 1974, so as to amend the definition of "paymonth" and to delete the definition of "wages"; to amend section 29 of the Railways and Harbours Acts Amendment Act, 1981, so as to bring the provisions thereof into line with sections 4 and 12 of the said Act; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 18 August 1981.)*

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

Amendment of section 1 of Act 26 of 1941, as amended by section 2 of Act 6 of 1965, section 2 of Act 85 of 1971, section 1 of Act 45 of 1974, section 1 of Act 89 of 1976, section 1 of Act 67 of 1980 and section 1 of Act 29 of 1981.

1. Section 1 of the Railways and Harbours Pensions Amendment Act, 1941, is hereby amended—
- (a) by the substitution for the definition of "emoluments" 5
of the following definition:
“(iii) ‘emoluments’ means, in relation to a person in the service of the Administration, his salary [**or wages**] paid by the Administration; (ii)”; and
- (b) by the deletion of the definition of "wages". 10

Amendment of section 16 of Act 22 of 1960, as amended by

2. Section 16 of the Railways and Harbours Service Act, 1960 (hereinafter called "the Service Act"), is hereby amended by the substitution for subsection (7) of the following subsection:

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Wet No. 60, 1981

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van artikel 1 van die Wysigingswet op Spoorweg- en Hawepensioene, 1941, ten einde die woordoms krywing van „besoldiging” te wysig en die woordoms krywing van „loon” te skrap; tot wysiging van artikel 16 van die Wet op Spoorweg- en Hawediens, 1960, ten einde sekere bepalings ten opsigte van die kennistydperk by bereiking van die ouderdomsgrens aan of deur sekere werknemers te wysig; tot wysiging van artikel 23 van gemelde Wet ten einde die benamings van die grade „stasievoorman” en „seinwagter” tot „treinbeheeramptenaar” te verander; tot wysiging van artikel 2 van die Spoorwegraadwet, 1962, ten einde voorsiening te maak vir 'n bydraende pensioenskema vir Spoorwegkommissaris; tot wysiging van artikel 5 van gemelde Wet ten einde voorsiening te maak vir sekere werksaamhede van die Spoorweg- en Haweraad; tot wysiging van artikel 4 van die Spoorweg- en Hawepensioenwet, 1971, ten einde die Administrasie te magtig om jaargelde van tyd tot tyd te verhoog; tot wysiging van artikel 17 van gemelde Wet ten einde voorsiening te maak vir beter pensioenvoordele; tot wysiging van artikel 19 van gemelde Wet ten einde voorsiening daarvoor te maak dat die rentekoers op lenings uit die Pensioenfonds vir behuisingsdoeleindes volgens die heersende rentekoers op die algemene beleggingsmark bereken word; tot wysiging van artikel 1 van die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974, ten einde die woordoms krywing van „betaalmaand” te wysig en die woordoms krywing van „loon” te skrap; tot wysiging van artikel 29 van die Wysigingswet op Spoorweg- en Hawewette, 1981, ten einde die bepalings daarvan in ooreenstemming met artikels 4 en 12 van gemelde Wet te bring; en om vir aangeleenthede wat daarmee in verband staan, voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Augustus 1981.)*

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

1. Artikel 1 van die Wysigingswet op Spoorweg- en Hawepensioene, 1941, word hierby gewysig—
 - 5 (a) deur die omskrywing van „besoldiging” deur die volgende omskrywing te vervang:
 - „(ii) „besoldiging”, met betrekking tot iemand in diens van die Administrasie, sy salaris **[of loon]** deur die Administrasie betaal; (iii)”; en
 - 10 (b) deur die omskrywing van „loon” te skrap.
- Wysiging van artikel 1 van Wet 26 van 1941, soos gewysig deur artikel 2 van Wet 6 van 1965, artikel 2 van Wet 85 van 1971, artikel 1 van Wet 45 van 1974, artikel 1 van Wet 89 van 1976, artikel 1 van Wet 67 van 1980 en artikel 1 van Wet 29 van 1981.
2. Artikel 16 van die Wet op Spoorweg- en Hawediens, 1960 (hierna „die Dienswet” genoem), word hierby gewysig deur subartikel (7) deur die volgende subartikel te vervang:

Wysiging van artikel 16 van Wet 22 van 1960, soos gewysig deur

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section 3 of
Act 54 of 1964,
section 50 of
Act 6 of 1965,
section 3 of
Act 18 of 1966,
section 2 of
Act 23 of 1967,
section 3 of
Act 41 of 1969,
section 7 of
Act 85 of 1971,
section 2 of
Act 33 of 1972,
section 9 of
Act 47 of 1973,
section 12 of
Act 46 of 1975,
section 12 of
Act 8 of 1976,
section 14 of
Act 64 of 1978
and section 4 of
Act 29 of 1981.

- “(7) (a) An employee who has been in continuous employment in a temporary or a permanent capacity from a date prior to the twenty-ninth day of June, 1955, and a transferred employee, shall **[,whether or not he has exercised the election provided for in paragraph (c) of this subsection as it existed immediately prior to the date of commencement of section 3 of the Railways and Harbours Acts Amendment Act, 1964 (Act No. 54 of 1964),]** have the right at any time before or after attaining the age of—
- (i) sixty years if, but for the provisions of this subsection, the age of retirement specified in paragraph (a) of subsection (1) would have applied in his case; or
 - (ii) fifty-five years if, but for the provisions of this subsection, the age of retirement specified in paragraph (c) of subsection (1) would have applied in his case,
- to give written notification to the head of his department of his wish to be retired on pension from the Service.
- (b) An employee to whom the provisions of paragraph (d) or (e) of subsection (1) apply shall **[,whether or not he has exercised the election provided for in paragraph (c) of this subsection as it existed immediately prior to the date of commencement of section 3 of the Railways and Harbours Acts Amendment Act, 1964,]** have the right at any time before or after attaining the age of fifty years, to give written notification to the head of his department of his wish to be retired on pension from the Service.
- (c) If an employee referred to in paragraph (a) or (b) of this subsection gives such notification as aforesaid he shall, subject to the provisions of paragraph (d)—
- (i) if such notification is given at least **[six] three** months prior to the date on which he attains the age which, in accordance with either of the said paragraphs, is applicable in his case, regard being had to the position held by him immediately prior to that date (hereinafter referred to as ‘his normal age of retirement’), be retired on pension from the Service on attaining that age: Provided that **[—**
 - [(aa)]** if such employee attains his normal age of retirement on any day other than the first day of a month, his retirement shall become effective as from the first day of the following month;
 - [(bb) in the case of an employee who is due to retire within a period of six months after the first day of April 1969, he shall be retired on the day he attains the particular age applicable in his case;]** or
 - (ii) if such notification is not given at least **[six] three** months prior to the date on which he attains his normal age of retirement, be retired on pension from the Service on the first day of the **[seventh] fourth** month following the month in which such notification is received.
- [(d) If an employee referred to in paragraph (a) or (b) of this subsection, who will attain his normal age of retirement within six months from the date of com-**

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- 5 „(7) (a) 'n Werknemer wat in 'n tydelike of 'n vaste
hoedanigheid in ononderbroke diens was vanaf 'n
datum vóór die nege-en-twintigste dag van Junie 1955,
en 'n oorgeplaaste werknemer, het die reg **[,hetsy hy**
10 **die keuse uitgeoefen het al dan nie waarvoor voorsie-**
ning gemaak is in paragraaf (c) van hierdie subartikel
soos dit onmiddellik voor die datum van inwerkingtre-
ding van artikel 3 van die Wysigingswet op Spoorweg- en
Hawewette, 1964 (Wet No. 54 van 1964), bestaan het,]
van—
15 (i) sestig jaar, indien, as dit nie vir die bepalings van
hierdie subartikel was nie, die aftreeleeftyd ver-
meld in paragraaf (a) van subartikel (1) in sy
geval van toepassing sou gewees het; of
20 (ii) vyf-en-vyftig jaar, indien, as dit nie vir die
bepalings van hierdie subartikel was nie, die
aftreeleeftyd vermeld in paragraaf (c) van sub-
artikel (1) in sy geval van toepassing sou gewees
het,
aan die hoof van sy departement skriftelik kennis te
gee van sy begeerte om met pensioen uit die Diens
afgedank te word.
- 25 (b) 'n Werknemer op wie die bepalings van paragraaf (d)
of (e) van subartikel (1) van toepassing is, het die reg
[,hetsy hy die keuse uitgeoefen het al dan nie waarvoor
voorsiening gemaak is in paragraaf (c) van hierdie
subartikel soos dit onmiddellik voor die datum van
30 **inwerkingtreding van artikel 3 van die Wysigingswet op**
Spoorweg- en Hawewette, 1964, bestaan het,] om te
eniger tyd voor of na bereiking van die leeftyd van
vyftig jaar, aan die hoof van sy departement skriftelik
kennis te gee van sy begeerte om met pensioen uit die
Diens afgedank te word.
- 35 (c) Indien 'n in paragraaf (a) of (b) van hierdie subartikel
vermelde werknemer sodanige kennisgewing soos
voormeld gee, word hy, onderworpe aan die bepalings
van paragraaf (d)—
40 (i) indien sodanige kennisgewing gegee word min-
stens **[ses] drie** maande voor die datum waarop hy
die leeftyd bereik wat ooreenkomstig die een of
die ander van genoemde paragrawe in sy geval
van toepassing is, met inagneming van die betrek-
king wat hy onmiddellik voor daardie datum
45 beklee het (hierna „sy normale aftreeleeftyd”
genoem) by bereiking van daardie leeftyd met
pensioen uit die Diens afgedank: Met dien ver-
stande dat **[—**
50 **(aa)]** as sodanige werknemer sy normale
aftreeleeftyd bereik op 'n ander dag as die
eerste dag van 'n maand, sy uitdienstreding
van krag word vanaf die eerste dag van die
daaropvolgende maand;
55 **[(bb) in die geval van 'n werknemer wat binne 'n**
tydperk van ses maande na die eerste dag van
April 1969 uit diens moet tree, hy afgedank
word op die dag waarop hy die besondere
ouderdom van toepassing op sy geval bereik;]
of
60 (ii) indien sodanige kennisgewing nie gegee word
minstens **[ses] drie** maande voor die datum
waarop hy sy normale aftreeleeftyd bereik nie,
met pensioen uit die Diens afgedank op die eerste
dag van die **[sewende] vierde** maand ná die
65 maand waarin sodanige kennisgewing ontvang
word.
- [(d) Indien 'n in paragraaf (a) of (b) van hierdie subartikel**
vermelde werknemer wat sy normale aftreeleeftyd sal
bereik binne ses maande vanaf die datum van inwer-

artikel 3 van
Wet 54 van 1964,
artikel 50 van
Wet 6 van 1965,
artikel 3 van
Wet 18 van 1966,
artikel 2 van
Wet 23 van 1967,
artikel 3 van
Wet 41 van 1969,
artikel 7 van
Wet 85 van 1971,
artikel 2 van
Wet 33 van 1972,
artikel 9 van
Wet 47 van 1973,
artikel 12 van
Wet 46 van 1975,
artikel 12 van
Wet 8 van 1976,
artikel 14 van
Wet 64 van 1978
en artikel 4 van
Wet 29 van 1981.

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mencement of section 3 of the Railways and Harbours Acts Amendment Act, 1964, has notified the head of his department in writing, at least one month before he attains that age, of his wish to be retired on pension from the Service, he shall be retired on pension from the Service on attaining that age, and such notification shall not be deemed to be invalid merely because it was given prior to the said date of commencement.]

(d) If an employee referred to in paragraph (a) or (b) of this subsection has within six months prior to 1 August 1981 given notification in writing of his wish to be retired on pension from the Service after six months, such employee shall be given the option, which he shall exercise in writing on or after 1 August 1981, of either being retired as envisaged in paragraph (c), or being retired after expiration of a shorter period as mutually agreed with the Administration.

(e) The Administration may, at any time before or after an employee referred to in paragraph (a) or (b) of this subsection has attained his normal age of retirement, give written notification to such employee of its wish that he retire on pension from the Service, and in that event the employee shall—

(i) if such notification is given at least ~~six~~ three months prior to the date on which he attains his normal age of retirement, be retired on pension from the Service on attaining that age: Provided that [—

~~(aa)]~~ if such employee attains his normal age of retirement on any day other than the first day of a month, his retirement shall become effective as from the first day of the following month;

~~[(bb) in the case of an employee who is due to retire within a period of six months after the first day of April, 1969, he shall be retired on the day he attains the particular age applicable in his case;]~~ or

(ii) if such notification is not given at least ~~six~~ three months prior to the date on which he attains his normal age of retirement, be retired on pension on the first day of the ~~seventh~~ fourth month following the month in which such notification is given.

~~(eA) If six months written notification has been given to an employee referred to in paragraph (a) or (b) of this subsection by the Administration within six months prior to 1 August 1981, the Administration is authorized to reduce the period of notice to a period of less than six months.~~

(f) (i) The Administration may delegate to the General Manager and to any other officer or officers of the Administration, subject to such conditions and limitations as may be specified, authority to give on its behalf any such notification as is referred to in ~~paragraph~~ paragraphs (e) and (eA) of this subsection.

(ii) A notification given by an employee in terms of paragraph (a) or (b) of this subsection may not be withdrawn except with the consent of the Administration or of an officer referred to in subparagraph (i).

(g) For the purposes of this subsection, the expression 'transferred employee' means an employee who immediately prior to the twenty-ninth day of June, 1955, was a member of any pension or provident fund

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kingtreding van artikel 3 van die Wysigingswet op Spoorweg- en Hawewette, 1964, minstens een maand voordat hy daardie leeftyd bereik aan die hoof van sy departement skriftelik kennis gegee het van sy begeerte om met pensioen uit die Diens afgedank te word, word hy by bereiking van daardie leeftyd met pensioen uit die Diens afgedank, en sodanige kennisgewing word nie as ongeldig beskou bloot omdat dit vóór genoemde datum van inwerkingtreding gegee is nie.]

- 5
- 10 (d) Indien 'n in paragraaf (a) of (b) van hierdie subartikel vermelde werknemer binne ses maande voor 1 Augustus 1981 skriftelik kennis gegee het van sy begeerte om na ses maande met pensioen uit die Diens afgedank te word, word sodanige werknemer die keuse gelaat, wat hy skriftelik moet uitoefen op of na 1 Augustus 1981, om of afgedank te word soos beoog in paragraaf (c) of afgedank te word na verstryking van 'n korter termyn soos ooreengekom met die Administrasie.
- 15
- 20 (e) Die Administrasie kan te eniger tyd voor of nadat 'n in paragraaf (a) of (b) van hierdie subartikel vermelde werknemer sy normale aftreeleeftyd bereik het, aan sodanige werknemer skriftelik kennis gee van die Administrasie se begeerte dat hy met pensioen uit die Diens moet tree, en in daardie geval word die werknemer—
- 25
- (i) indien sodanige kennisgewing gegee word minstens **[ses]** drie maande voor die datum waarop hy sy normale aftreeleeftyd bereik, met pensioen uit die Diens afgedank by bereiking van daardie leeftyd: Met dien verstande dat [—
- 30
- (aa) as sodanige werknemer sy normale aftreeleeftyd bereik op 'n ander dag as die eerste dag van 'n maand, sy uitdienstreding van krag word vanaf die eerste dag van die daaropvolgende maand;
- 35
- [(bb) in die geval van 'n werknemer wat binne 'n tydperk van ses maande na die eerste dag van April 1969 uit diens moet tree, hy afgedank sal word op die dag waarop hy die besondere ouderdom van toepassing op sy geval bereik;]**
- 40
- of
- (ii) indien sodanige kennisgewing nie gegee word minstens **[ses]** drie maande voor die datum waarop hy sy normale aftreeleeftyd bereik nie, met pensioen uit die Diens afgedank op die eerste dag van die **[sewende]** vierde maand na die maand waarin sodanige kennisgewing gegee word.
- 45
- (eA) Indien ses maande skriftelike kennis aan 'n in paragraaf (a) of (b) van hierdie subartikel vermelde werknemer deur die Administrasie gegee is binne ses maande voor 1 Augustus 1981, word die Administrasie gemagtig om die tydperk van kennis te verkort tot 'n tydperk minder as ses maande.
- 50
- 55 (f) (i) Die Administrasie kan aan die Hoofbestuurder en aan enige ander amptenaar of amptenare van die Administrasie magtiging verleen, onderworpe aan die voorwaardes en beperkings wat gestel word, om enige sodanige kennisgewing as wat in **[paragraaf]** paragraawe (e) en (eA) van hierdie subartikel vermeld word, namens hom te gee.
- 60
- (ii) 'n Kennisgewing wat ingevolge paragraaf (a) of (b) van hierdie subartikel deur 'n werknemer gegee is, mag nie teruggetrek word nie behalwe met die toestemming van die Administrasie of van 'n amptenaar in subparagraaf (i) bedoel.
- 65
- (g) By die toepassing van hierdie subartikel beteken die uitdrukking „oorgeplaaste werknemer” 'n werknemer wat onmiddellik voor die nege-en-twintigste dag van Junie 1955 'n lid was van 'n pensioen- of voorsorgfonds

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referred to in section 13 (2) of the Railways and Harbours Pensions Act, 1971 (Act No. 35 of 1971), and who was thereafter, without having ceased to be such a member, transferred to the service of the Administration under circumstances which entitled him, in terms of the said subsection, for pension purposes to reckon the whole period of his pensionable employment in the Service from which he was transferred, as continuous with that of his pensionable employment under the Administration.”. 5 10

Amendment of section 23 of Act 22 of 1960, as amended by section 14 of Act 62 of 1961, section 13 of Act 7 of 1963 and section 54 of Act 6 of 1965, substituted by section 11 of Act 47 of 1973 and section 10 of Act 44 of 1974 and amended by section 13 of Act 46 of 1975 and section 4 of Act 29 of 1981.

3. Section 23 of the Service Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) while in charge of or on duty as a driver or other member of the crew of a locomotive or other engine, or as a conductor or guard, or as station master, [station foreman,] shunter, crossing attendant or [signalman] train control officer, or as a telegraphist or telephonist transmitting or receiving messages in relation to the movement of trains, or as a pilot, crane driver or person in charge of any Government craft or marine engine; or” . 15 20

Amendment of section 2 of Act 73 of 1962, as substituted by section 14 of Act 67 of 1980.

4. Section 2 of the Railway Board Act, 1962, is hereby amended by the insertion after subsection (6) of the following subsection:

“(6A) Pension benefits shall be paid to a commissioner at the expiration of his period of appointment or after his removal as contemplated in subsection (4), and such payment shall be calculated in terms of and effected subject to the provisions of the regulations made by the Minister. Such regulations may be amended by the Minister and such amendment shall come into operation from a date to be specified by the Minister.”. 25 30

Amendment of section 5 of Act 73 of 1962.

5. Section 5 of the Railway Board Act, 1962, is hereby amended—

(a) by the insertion after subsection (3) of the following subsection:

“(3A) The Minister shall nominate one of the members of the board as deputy-chairman of the board.”; and

(b) by the substitution for subsection (4) of the following subsection:

“(4) The Minister shall preside at every meeting at which he is present. If the Minister is absent from a meeting, the deputy-chairman shall preside at that meeting. If the Minister and the deputy-chairman are absent from a meeting, the members of the board present shall choose one of their number to preside thereat.”. 40 45

Amendment of section 4 of Act 35 of 1971, as amended by section 10 of Act 33 of 1972, section 14 of Act 47 of 1973 and section 16 of Act 29 of 1981.

6. Section 4 of the Railways and Harbours Pensions Act, 1971 (hereinafter called “the Pensions Act”), is hereby amended by the insertion after subsection (6) of the following subsection:

“(7) The annuities payable to all annuitants, including widow annuitants, payable from a fund or from revenue or partly from a fund and partly from revenue, but excluding annuities granted under the Railways and Harbours Pensions Amendment Act, 1941 (Act No. 26 of 1941), or under any law relating to workmen's compensation, may be increased by the Administration from time to time. Where 55

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bedoel in artikel 13 (2) van die Spoorweg- en
Hawepensioenwet, 1971 (Wet No. 35 van 1971), en
wat daarna, sonder dat hy opgehou het om so 'n lid te
wees, oorgeplaas is na die diens van die Administrasie
5 onder omstandighede wat hom ingevolge genoemde
subartikel geregtig gemaak het om vir pensioen-
doeleindes die hele tydperk van sy pensioengewende
diens in die Diens waaruit hy oorgeplaas is, as
aaneenlopend te reken met dié van sy pen-
10 sioengewende diens by die Administrasie.”.

3. Artikel 23 van die Dienswet word hierby gewysig deur
paragraaf (a) deur die volgende paragraaf te vervang:

15 „(a) terwyl hy beheer het oor of aan diens is as 'n drywer of
ander bemanningslid van 'n lokomotief of ander
masjien, of as 'n kontroleur of kondukteur, of as
stasiemeester, [stasievoorman,] rangeerder, oorgang-
bewaker of [seinwagter] treinbeheeramptenaar, of as 'n
20 telegrafis of telefonis wat berigte afstuur of ontvang in
verband met die beweging van treine, of as 'n loods,
kraandrywer of persoon belas met die toesig oor 'n
regeringsvaartuig of -skeepsmasjien; of”.

Wysiging van
artikel 23 van
Wet 22 van 1960,
soos gewysig deur
artikel 14 van
Wet 62 van 1961,
artikel 13 van
Wet 7 van 1963
en artikel 54 van
Wet 6 van 1965,
vervang deur
artikel 11 van
Wet 47 van 1973
en artikel 10 van
Wet 44 van 1974
en gewysig deur
artikel 13 van
Wet 46 van 1975
en artikel 4 van
Wet 29 van 1981.

4. Artikel 2 van die Spoorwegraadwet, 1962, word hierby
gewysig deur na subartikel (6) die volgende subartikel in te
voeg:

25 „(6A) Pensioenvoordele word betaal aan 'n kommissaris
by die verstryking van sy ampstyd of na onthefing soos
bedoel in subartikel (4), en bedoelde betaling word bereken
en geskied onderworpe aan die bepalinge van die regulasies
30 uitgevaardig deur die Minister. Sodanige regulasies kan
deur die Minister gewysig word en enige sodanige wysiging
word van krag vanaf 'n datum bepaal deur die Minister.”.

Wysiging van
artikel 2 van
Wet 73 van 1962,
soos vervang
deur artikel 14
van Wet 67 van
1980.

5. Artikel 5 van die Spoorwegraadwet, 1962, word hierby
gewysig—

35 (a) deur na subartikel (3) die volgende subartikel in te
voeg:—

„(3A) Die Minister benoem een van die raadslede
as ondervoorsitter van die raad.”; en

(b) deur subartikel (4) deur die volgende subartikel te
vervang:

40 „(4) Die Minister is voorsitter op elke raadsver-
gadering wat hy bywoon. Ingeval die Minister van 'n
vergadering afwesig is, tree die ondervoorsitter op
daardie vergadering op as voorsitter. Ingeval die
Minister en die ondervoorsitter van 'n vergadering
45 afwesig is, kies die aanwesige raadslede een uit hul
midde om as voorsitter op daardie vergadering op te
tree.”.

Wysiging van
artikel 5 van
Wet 73 van 1962.

6. Artikel 4 van die Spoorweg- en Hawepensioenwet, 1971
(hierna „die Pensioenwet” genoem), word hierby gewysig deur
50 na subartikel (6) die volgende subartikel in te voeg:

55 „(7) Die jaargelde van alle jaargeldtrekkers, met inbegrip
van weduweejaargeldtrekkers, betaalbaar uit 'n fonds of uit
inkomste of gedeeltelik uit 'n fonds en gedeeltelik uit
inkomste, met uitsondering van jaargelde toegeken krag-
tens die Wysigingswet op Spoorweg- en Hawepensioene,
1941 (Wet No. 26 van 1941), of kragtens 'n wet op
skadeloosstelling aan werksmanne, kan van tyd tot tyd deur

Wysiging van
artikel 4 van
Wet 35 van 1971,
soos gewysig deur
artikel 10 van
Wet 33 van 1972,
artikel 14 van
Wet 47 van 1973
en artikel 16 van
Wet 29 van 1981.

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such annuity is payable from a fund the increases shall be paid from such fund. Where such annuity is payable from revenue the increases shall be paid from revenue. Where such annuity is payable partly from a fund and partly from revenue the increases shall be paid proportionately from the fund concerned and from revenue. Where such annuity is being paid from revenue and subsequently becomes payable from a fund, liability for the payment of the increases shall, as from the date the annuity becomes a charge against the fund in question, pass from revenue to such fund. The expression 'a fund' used in this subsection shall mean either the Fund, the New Fund or the 1912 pension fund. Any decision made by the Administration in the exercise of the power vested in it in terms of the provisions of this subsection shall be published by means of a notice addressed by the General Manager to the staff of the Administration generally and by the Secretary by means of notices addressed to each annuitant entitled to an increase in terms of such decision."

Amendment of section 17 of Act 35 of 1971, as substituted by section 14 of Act 33 of 1972 and amended by section 15 of Act 44 of 1974, section 35 of Act 8 of 1976, section 19 of Act 64 of 1978, section 12 of Act 80 of 1979 and section 18 of Act 29 of 1981.

7. Section 17 of the Pensions Act is hereby amended by the substitution for paragraph (a) of subsection (4) of the following paragraph:

"(4) (a) Whenever membership of the New Fund is dated back, the member shall be required to pay arrear contributions to the New Fund on the following basis:

- (i) For the period of continuous service prior to the first day of the April 1971 paymonth, at the rate prescribed in section 8 of the Railways and Harbours Superannuation Fund Act, 1960 (Act No. 39 of 1960), according to his age at the date from which contributions are to be paid, calculated on the pensionable emoluments drawn by him during the period to be covered up to the last day of the March 1971 paymonth;
- (ii) for the period of continuous service from the first day of the April 1971 paymonth up to and including 30 November 1973, at the rate of four per cent of the pensionable emoluments drawn by him during the period to be covered;
- (iii) for the period of continuous service from 1 December 1973 up to and including 30 November 1979, at the rate of six per cent of the pensionable emoluments drawn by him during the period to be covered;
- (iv) for the period of continuous service from 1 December 1979 up to and including 31 March 1981, at the rate of six and three quarters per cent of the pensionable emoluments drawn by him during the period to be covered;
- (v) for the period of continuous service from 1 April 1981, at the rate of seven and a half per cent of the pensionable emoluments drawn by him during the period to be covered;

[(v)] (vi) in addition to the arrear contributions prescribed in subparagraphs (i), (ii), (iii), [and] (iv) and (v), the member shall pay compound interest thereon in respect of any period up to the date or dates when the payments are actually made at the rates applicable to the antedating of pensionable service as determined in the regulations."

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die Administrasie verhoog word. Wanneer sodanige jaargeld uit 'n fonds betaalbaar is, word die verhogings uit sodanige fonds betaal. Wanneer sodanige jaargeld uit inkomste betaalbaar is, word die verhogings uit inkomste betaal. Wanneer sodanige jaargeld gedeeltelik uit 'n fonds en gedeeltelik uit inkomste betaalbaar is, word die verhogings na verhouding uit die betrokke fonds en uit inkomste betaal. Wanneer so 'n jaargeld uit inkomste betaal word en later uit 'n fonds betaalbaar word, gaan die aanspreeklikheid vir die betaling van die verhogings vanaf die datum waarop die jaargeld 'n las teen die betrokke fonds word uit inkomste na die betrokke fonds oor. Die uitdrukking 'n fonds' wat in hierdie subartikel gebruik word, beteken of die Fonds, of die Nuwe Fonds of die 1912-pensioenfonds. Enige beslissing deur die Administrasie geneem by die uitoefen van die magte aan hom verleen kragtens die bepalings van hierdie subartikel moet gepubliseer word by wyse van 'n kennisgewing gerig deur die Hoofbestuurder aan die personeel van die Administrasie in die algemeen en deur die sekretaris by wyse van kennisgewings gerig aan elke jaargeldtrekker wat geregtig is op 'n verhoging ingevolge sodanige besluit."

7. Artikel 17 van die Pensioenwet word hierby gewysig deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te

25 vervang:

„(4) (a) Wanneer lidmaatskap van die Nuwe Fonds teruggedateer word, word daar van die lid verwag om agterstallige bydraes in die Nuwe Fonds te stort op onderstaande grondslag:

30 (i) Vir die tydperk van onafgebroke diens voor die eerste dag van die betaalmaand April 1971, teen die skaal voorgeskryf in artikel 8 van die Wet op die Spoorweg- en Hawesuperannuasiefonds, 1960 (Wet No. 39 van 1960), ooreenkomstig sy leeftyd op die datum vanaf welke die betaling van bydraes verskuldig is, bereken op die pensioengewende emolumente deur hom ontvang gedurende die tydperk wat gedek moet word tot die laaste dag van die betaalmaand Maart 1971;

40 (ii) vir die tydperk van onafgebroke diens vanaf die eerste dag van die betaalmaand April 1971 tot en met 30 November 1973, teen die koers van vier persent van die pensioengewende emolumente deur hom ontvang gedurende die tydperk wat gedek moet word;

45 (iii) vir die tydperk van onafgebroke diens vanaf 1 Desember 1973 tot en met 30 November 1979, teen die koers van ses persent van die pensioengewende emolumente deur hom ontvang gedurende die tydperk wat gedek moet word;

50 (iv) vir die tydperk van onafgebroke diens vanaf 1 Desember 1979 tot en met 31 Maart 1981, teen die koers van ses-en-'n-driekwart persent van die pensioengewende emolumente deur hom ontvang gedurende die tydperk wat gedek moet word;

55 (v) vir die tydperk van onafgebroke diens vanaf 1 April 1981, teen die koers van sewe-en-'n-half persent van die pensioengewende emolumente deur hom ontvang gedurende die tydperk wat gedek moet word;

60 **[(v)] (vi)** benewens die agterstallige bydraes voorgeskryf in subparagrafe (i), (ii), (iii), **[en]** (iv) en (v) moet die lid saamgestelde rente op sodanige agterstallige bydraes betaal ten opsigte van enige tydperk tot op die datum of datums waarop die betalings werklik geskied, teen die koerse van toepassing op die terugdatering van pensioengewende diens soos bepaal in die regulasies."

Wysiging van artikel 17 van Wet 35 van 1971, soos vervang deur artikel 14 van Wet 33 van 1972 en gewysig deur artikel 15 van Wet 44 van 1974, artikel 35 van Wet 8 van 1976, artikel 19 van Wet 64 van 1978, artikel 12 van Wet 80 van 1979 en artikel 18 van Wet 29 van 1981.

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Amendment of section 19 of Act 35 of 1971, as substituted by section 17 of Act 47 of 1973 and section 16 of Act 46 of 1975 and amended by section 36 of Act 8 of 1976.

8. Section 19 of the Pensions Act is hereby amended by the substitution for subsection (3) of the following subsection:
 “(3) The Administration may utilize the moneys vested in it in terms of subsection (1) to grant loans to members for any of the purposes contemplated by section 2 (22) of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), under such conditions as to repayment as may be agreed upon by the Administration and the Joint Committee: Provided, however, that interest on money so loaned to a member shall be paid on the last day of every month for the duration of the contract at **[a rate that shall not be less than the average rate of interest earned on the funds’ new permanent investments with the Public Debt Commissioners during the financial year preceding the date of conclusion of the contract; and provided further that in the event of no permanent investment having been made with the Public Debt Commissioners in such financial year]** the rate of interest **[shall be]** determined by the Administration and the Joint Committee with due regard to the current rate of interest on the general investment market.”.

Amendment of section 1 of Act 43 of 1974, as amended by section 2 of Act 89 of 1976, section 18 of Act 67 of 1980 and section 19 of Act 29 of 1981.

9. Section 1 of the Railways and Harbours Pensions for Non-Whites Act, 1974, is hereby amended—
 (a) by the substitution for the definition of “paymonth” of the following definition:
 “(xiii) ‘paymonth’ means the period from the first to the last day of a month or the period from the sixteenth day of a month to the fifteenth day of the next month, as the case may be; (iii)”;
 (b) by the deletion of the definition of “wages”.

Amendment of section 29 of Act 29 of 1981.

10. Section 29 of the Railways and Harbours Acts Amendment Act, 1981, is hereby amended by the substitution for paragraphs (c) and (d) of the following paragraphs:
 “(c) sections **[4 (1)]** 4 (a), 5, 7, 8, 9, 10, 11, **[12 (3)]** 12 (c), 13, 14, 17 and 20 shall be deemed to have come into operation on 1 August 1980; and
 (d) section **[12 (1) and (2)]** 12 (a) and (b) shall be deemed to have come into operation on 1 February 1981.”.

Application of Act to South West Africa.

11. This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.

Short title and date of commencement.

12. This Act shall be called the Second Railways and Harbours Acts Amendment Act, 1981, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*, except that the provisions of—
 (a) section 3 shall be deemed to have come into operation from the February 1981 paymonth;
 (b) section 10 shall be deemed to have come into operation on 11 March 1981;
 (c) section 1 shall be deemed to have come into operation on 16 March 1981;
 (d) section 7 shall be deemed to have come into operation on 1 April 1981;
 (e) section 9 shall be deemed to have come into operation from the April 1981 paymonth;
 (f) section 2 shall be deemed to have come into operation on 1 August 1981;
 (g) sections 4 and 5 shall come into operation on 1 September 1981; and
 (h) section 8 shall come into operation on 1 April 1982.

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8. Artikel 19 van die Pensioenwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:
- 5 „(3) Die Administrasie kan die gelde wat kragtens subartikel (1) by hom berus, aanwend om lenings aan lede toe te staan vir enigeen van die doeleindes beoog deur artikel 2 (22) van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), onder sodanige voorwaardes wat betref terugbetaling as waarop deur die Administrasie en die Gesamentlike
- 10 Komitee ooreengekom mag word: Met dien verstande egter dat rente op geld aldus aan 'n lid geleen, op die laaste dag van elke maand vir die duur van die kontrak betaal word teen [’n koers wat nie minder is nie as die gemiddelde rentekoers verdien op die fondse se nuwe permanente
- 15 beleggings by die Staatskuldkommissaris gedurende die boekjaar voorafgaande die datum van aangaan van die kontrak; en met dien verstande voorts dat as daar geen gelde in sodanige boekjaar by die Staatskuldkommissaris vas belê is nie,] die rentekoers deur die Administrasie en die
- 20 Gesamentlike Komitee bepaal [word] met behoorlike inagneming van die heersende rentekoers op die algemene beleggingsmark.”
9. Artikel 1 van die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974, word hierby gewysig—
- 25 (a) deur die omskrywing van „betaalmaand” deur die volgende omskrywing te vervang:
- „(iii) ‚betaalmaand’ die tydperk van die eerste tot die
- 30 laaste dag van ’n maand of die tydperk van die sestiende dag van ’n maand tot die vyftiende dag van die volgende maand, na gelang van die geval; (xiii)”; en
- (b) deur die omskrywing van „loon” te skrap.
10. Artikel 29 van die Wysigingswet op Spoorweg- en Hawewette, 1981, word hierby gewysig deur paragrawe (c) en
- 35 (d) deur die volgende paragrawe te vervang:
- „(c) artikels **[4 (1)]** 4 (a), 5, 7, 8, 9, 10, 11, **[12 (3)]** 12 (c), 13, 14, 17 en 20 geag word op 1 Augustus 1980 in werking te getree het; en
- 40 (d) artikel **[12 (1) en (2)]** 12 (a) en (b) geag word op 1 Februarie 1981 in werking te getree het.”
11. Hierdie Wet en ’n wysiging daarvan is ook in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel, van toepassing.
- Toepassing van Wet op Suidwes-Afrika.
12. Hierdie Wet heet die Tweede Wysigingswet op Spoorweg- en Hawewette, 1981, en tree in werking op ’n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal, behalwe dat die bepalings van—
- 45 (a) artikel 3 geag word vanaf die betaalmaand Februarie 1981 in werking te getree het;
- 50 (b) artikel 10 geag word op 11 Maart 1981 in werking te getree het;
- (c) artikel 1 geag word op 16 Maart 1981 in werking te getree het;
- 55 (d) artikel 7 geag word op 1 April 1981 in werking te getree het;
- (e) artikel 9 geag word vanaf die betaalmaand April 1981 in werking te getree het;
- (f) artikel 2 geag word op 1 Augustus 1981 in werking te getree het;
- 60 (g) artikels 4 en 5 op 1 September 1981 in werking tree; en
- (h) artikel 8 op 1 April 1982 in werking tree.
- Kort titel en datum van inwerkingtreëding.