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GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

Registered at the Post Office as a Newspaper *As 'n Nuusblad by die Poskantoor Geregistreer*

VOL. 238 CAPE TOWN, 24 APRIL 1985 KAAPSTAD, 24 APRIL 1985 No. 9708

STATE PRESIDENT'S OFFICE

No. 904. 24 April 1985

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

No. 44 of 1985: South African Transport Services Amendment Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 904. 24 April 1985

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

No. 44 van 1985: Suid-Afrikaanse Vervoerdienstewysigingswet, 1985.

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GENERAL EXPLANATORY NOTE:

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

______ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend section 1 of the Railways and Harbours Pensions Amendment Act, 1941, and sections 1 and 19 of the Railways and Harbours Pensions Act, 1971, to substitute sections 9A and 14 of the said Act, and to amend sections 1 and 13 of the Railways and Harbours Pensions for Non-Whites Act, 1974, and sections 5, 43, 45 and 55 of the South African Transport Services Act, 1981, so as to bring the provisions thereof into line with existing legislation; to amend sections 1, 3 and 4 of the Railways and Harbours Pensions Act, 1971, and sections 1, 21 and 27 of the Conditions of Employment (South African Transport Services) Act, 1983, so as to provide for the definition of "trade union"; to substitute section 8 of the Railways and Harbours Pensions Act, 1971, so as to bring the provisions thereof into line with those of section 7 of the Railways and Harbours Pensions for Non-Whites Act, 1974; to amend sections 1, 3 and 73 of the South African Transport Services Act, 1981, so as to provide for the decision to change the designation "system manager" to "regional manager" and the term "system" to "region"; to amend sections 1, 5, 7 and 10 of the said Act so as to bring the provisions thereof into line with those of section 18 of the South African Transport Services Finances and Accounts Act, 1983; to amend section 9 of the said Act so as to better define the powers of the Transport Services with regard to the acquisition and alienation of movable or immovable property; to amend section 45 of the said Act so as to bring the provisions thereof into line with those of section 27B of the Police Act, 1958; to amend section 75 of the said Act so as to provide for the raising of tariff charges at Port Nolloth Harbour; to amend section 2 of the Conditions of Employment (South African Transport Services) Act, 1983, so as to provide for certain administrative procedures; to amend section 9 of the said Act so as to provide for certain service conditions of a policeman; to amend the English version of section 10 of the said Act so as to bring the provisions thereof into line with the Afrikaans version; to amend section 20 of the said Act so as to provide statutory authority whereby employees can appeal under certain circumstances; to substitute section 22 of the said Act so as to provide for the change of the designation of the grade of "shunter" to "yard official", and to provide for the maximum penalties prescribed in section 180A of the Road Traffic Ordinances, 1966; to amend section 14 and to substitute section 15 of the South African Transport Services Finances and Accounts Act, 1983, so as to provide for the increase of monetary limits; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 12 April 1985.)

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ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van artikel 1 van die Wysigingswet op Spoorweg- en Hawepensioene, 1941, en artikels 1 en 19 van die Spoorweg- en Hawepensioenwet, 1971, tot vervanging van artikels 9A en 14 van gemelde Wet, en tot wysiging van artikels 1 en 13 van die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974, en artikels 5, 43, 45 en 55 van die Suid-Afrikaanse Vervoerdienstewet, 1981, ten einde die bepalings daarvan in ooreenstemming met bestaande wetgewing te bring; tot wysiging van artikels 1, 3 en 4 van die Spoorweg- en Hawepensioenwet, 1971, en artikels 1, 21 en 27 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983, ten einde vir die woordomskrywing van "vakvereniging" voorsiening te maak; tot vervanging van artikel 8 van die Spoorweg- en Hawepensioenwet, 1971, ten einde die bepalings daarvan in ooreenstemming te bring met dié van artikel 7 van die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974; tot wysiging van artikels 1, 3 en 73 van die Suid-Afrikaanse Vervoerdienstewet, 1981, ten einde voorsiening te maak vir die besluit om die ampsbenaming "afdelingsbestuurder" na "streekbestuurder" en die term "afdeling" na "streek" te verander; tot wysiging van artikels 1, 5, 7 en 10 van gemelde Wet ten einde die bepalings daarvan in ooreenstemming met dié van artikel 18 van die Wet op Finansies en Rekenings van die Suid-Afrikaanse Vervoerdienste, 1983, te bring; tot wysiging van artikel 9 van gemelde Wet ten einde die bevoegdhede van die Vervoerdienste met betrekking tot die verkryging en vervreemding van roerende of onroerende goed beter te omskryf; tot wysiging van artikel 45 van gemelde Wet ten einde die bepalings daarvan in ooreenstemming met dié van artikel 27B van die Polisiewet, 1958, te bring; tot wysiging van artikel 75 van gemelde Wet ten einde vir die heffing van tariefkostes by Port Nolloth-hawe voorsiening te maak; tot wysiging van artikel 2 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983, ten einde vir sekere administratiewe reëlings voorsiening te maak; tot wysiging van artikel 9 van gemelde Wet ten einde vir sekere diensvoorwaardes van 'n polisiebeampte voorsiening te maak; tot wysiging van die Engelse weergawe van artikel 10 van gemelde Wet ten einde die bepalings daarvan in ooreenstemming met die Afrikaanse weergawe te bring; tot wysiging van artikel 20 van gemelde Wet ten einde vir wetsmagtiging voorsiening te maak waarkragtens werknemers onder bepaalde omstandighede kan appelleer; tot vervanging van artikel 22 van gemelde Wet ten einde voorsiening te maak vir die verandering van die benaming van die graad "rangeerder" na "terreinbeampte", en voorsiening te maak vir die maksimum strafbepalings ingevolge artikel 180A van die Ordonnansies op Padverkeer, 1966; tot wysiging van artikel 14 en tot vervanging van artikel 15 van die Wet op Finansies en Rekenings van die Suid-Afrikaanse Vervoerdienste, 1983, ten einde voorsiening te maak vir die verhoging in geldelike perke; en om vir aangeleenthede wat daarmee in verband staan, voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 April 1985.)

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Act No. 44, 1985

SOUTH AFRICAN TRANSPORT SERVICES AMENDMENT ACT, 1985

BE IT ENACTED by the State President and the Parliament 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, section 1 of Act 29 of 1981, section 1 of Act 60 of 1981 and section 1 of Act 6 of 1982.

1. Section 1 of the Railways and Harbours Pensions Amendment Act, 1941, is hereby amended by the substitution for the definition of "revenue" of the following definition:

"'revenue' means the revenue referred to in section 1 of the South African Transport Services Finances and Accounts Act, 1983 (Act No. 17 of 1983);".

Amendment of section 1 of Act 35 of 1971, as amended by section 9 of Act 33 of 1972, section 15 of Act 46 of 1975, section 32 of Act 8 of 1976, section 17 of Act 67 of 1980, section 16 of Act 29 of 1981 and section 7 of Act 6 of 1982.

2. Section 1 of the Railways and Harbours Pensions Act, 1971 (hereinafter called "the Pensions Act"), is hereby amended—

(a) by the deletion of the definition of "Service Act";

(b) by the substitution for the definition of "revenue" of the following definition:

"'revenue' means the revenue referred to in section 1 of the South African Transport Services Finances and Accounts Act, 1983 (Act No. 17 of 1983);";

(c) by the deletion of the definition of "staff association"; and

(d) by the insertion after the definition of "the Service" of the following definition:

"'trade union' means an organization representative of employees which in terms of the regulations is officially recognized by the Administration as a trade union;".

Amendment of section 3 of Act 35 of 1971.

3. Section 3 of the Pensions Act is hereby amended by the substitution for the words "staff associations" of the words "trade unions".

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, section 16 of Act 29 of 1981 and section 6 of Act 60 of 1981.

4. Section 4 of the Pensions Act is hereby amended by the substitution in paragraph *(m)* of subsection (1) for the words "staff associations" of the words "trade unions".

Substitution of section 9A of Act 35 of 1971, as inserted by section 8 of Act 6 of 1982.

5. The following section is hereby substituted for section 9A of the Pensions Act:

"Recovery of amounts in respect of medical scheme.

9A. The Administration is hereby empowered to recover an amount due by an annuitant under the medical scheme referred to in section 32 of the **[Service Act]** Conditions of Employment (South African Transport Services) Act, 1983 (Act No. 16 of 1983), from an annuity payable to him from any fund.".

Substitution of section 14 of Act 35 of 1971, as amended by section 16 of Act 29 of 1981.

6. The following section is hereby substituted for section 14 of the Pensions Act:

"Employee's right to compensation under Work-

14. Nothing contained in this Act or in the regulations shall in any way affect the rights which an employee or his dependants may have to be paid com-

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

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, artikel 1 van Wet 29 van 1981, artikel 1 van Wet 60 van 1981 en artikel 1 van Wet 6 van 1982.

1. Artikel 1 van die Wysigingswet op Spoorweg- en Hawepensioene, 1941, word hierby gewysig deur die omskrywing van "inkomste" deur die volgende omskrywing te vervang:

"'inkomste' die inkomste vermeld in artikel 1 van die Wet op Finansies en Rekenings van die Suid-Afrikaanse Vervoerdienste, 1983 (Wet No. 17 van 1983);".

Wysiging van artikel 1 van Wet 35 van 1971, soos gewysig deur artikel 9 van Wet 33 van 1972, artikel 15 van Wet 46 van 1975, artikel 32 van Wet 8 van 1976, artikel 17 van Wet 67 van 1980, artikel 16 van Wet 29 van 1981 en artikel 7 van Wet 6 van 1982.

2. Artikel 1 van die Spoorweg- en Hawepensioenwet, 1971 (hierna die "Pensioenwet" genoem), word hierby gewysig—

(a) deur die omskrywing van "Dienswet" te skrap;

(b) deur die omskrywing van "inkomste" deur die volgende omskrywing te vervang:

"'inkomste' die inkomste vermeld in artikel 1 van die Wet op Finansies en Rekenings van die Suid-Afrikaanse Vervoerdienste, 1983 (Wet No. 17 van 1983);";

(c) deur die omskrywing van "personeelvereniging" te skrap; en

(d) deur die volgende omskrywing na die omskrywing van "superannuasie" in te voeg:

"'vakvereniging' 'n organisasie wat verteenwoordigend van werknemers is en wat ingevolge die regulasies amptelik deur die Administrasie as 'n vakvereniging erken word;".

Wysiging van artikel 3 van Wet 35 van 1971.

3. Artikel 3 van die Pensioenwet word hierby gewysig deur die woord "personeelverenigings" deur die woord "vakverenigings" te vervang.

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, artikel 16 van Wet 29 van 1981 en artikel 6 van Wet 60 van 1981.

4. Artikel 4 van die Pensioenwet word hierby gewysig deur in paragraaf *(m)* van subartikel (1) die woord "personeelverenigings" deur die woord "vakverenigings" te vervang.

Vervanging van artikel 9A van Wet 35 van 1971, soos ingevoeg deur artikel 8 van Wet 6 van 1982.

5. Artikel 9A van die Pensioenwet word hierby deur die volgende artikel vervang:

"Verhaal van bedrae ten opsigte van mediese skema.

9A. Die Administrasie word hierby gemagtig om 'n bedrag verskuldig deur 'n jaargeldtrekker ingevolge die mediese skema bedoel in artikel 32 van die **[Dienswet]** Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983 (Wet No. 16 van 1983), te verhaal op 'n jaargeld betaalbaar aan hom uit enige fonds.".

Vervanging van artikel 14 van Wet 35 van 1971, soos gewysig deur artikel 16 van Wet 29 van 1981.

6. Artikel 14 van die Pensioenwet word hierby deur die volgende artikel vervang:

"Werknemer se reg op vergoeding kragtens Ongeval-

14. Geen bepaling van hierdie Wet of die regulasies doen op enigerlei wyse afbreuk nie aan die regte wat 'n werknemer of sy afhanklikes het om ver-

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men's Compensation Acts, etc. not affected.

pensation under any law relating to workmen's compensation, or in accordance with any such law as applied by section **[17 of the Service Act]** 16 of the Conditions of Employment (South African Transport Services) Act, 1983 (Act 16 of 1983), in respect of an accident to the employee which arose out of and in the course of his employment, whether within or outside the Republic, and the amount payable under or in accordance with any such law shall not be reduced by reason of any payment that may be made to the employee or his dependants from the New Fund or any similar fund which may be established hereafter.".

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 and section 8 of Act 60 of 1981.

7. 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)]** 9 (3) of the South African Transport Services Act, 1981 (Act No. 65 of 1981), 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 the rate of interest 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, section 19 of Act 29 of 1981, section 9 of Act 60 of 1981, section 9 of Act 6 of 1982 and section 4 of Act 5 of 1984.

8. Section 1 of the Railways and Harbours Pensions for Non-Whites Act, 1974, is hereby amended—

(a) by the deletion of the definition of "Service Act"; and

(b) by the substitution for the definition of "revenue" of the following definition:

"'revenue' means the revenue referred to in section 1 of the South African Transport Services Finances and Accounts Act, 1983 (Act No. 17 of 1983);".

Substitution of section 8 of Act 35 of 1971.

9. The following section is hereby substituted for section 8 of the Pensions Act:

"Recovery of certain debts due to Administration from benefits payable to members on their dismissal or retirement.

8. If a member—

(a) is dismissed or ordered to resign from the Service on account of fraud or dishonesty; or

(b) resigns or absconds from the Service in order to avoid dismissal or enforced resignation on account of fraud or dishonesty, or in anticipation of a disciplinary or a criminal charge involving fraud or dishonesty being laid against him; or

(c) leaves the Service for any reason, or dies, before any loan or advance (other than a loan referred to in section 9) which had been made to him at his specific request by the Administration or from the Benevolent Fund referred to in section 34 of the Service Act, has been repaid in full,

the Administration shall have the right to recover from any benefit payable from the New Fund to such former member or his estate or to some other

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lewette, ens. word nie geraak nie.

goeding te ontvang ingevolge 'n Ongevallewet of ooreenkomstig so 'n wet soos toegepas deur artikel **[17 van die Dienswet]** 16 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983 (Wet No. 16 van 1983), ten opsigte van 'n ongeval wat die werknemer getref het en wat uit en in die loop van sy diens, hetsy in of buite die Republiek, ontstaan het, en die bedrag wat kragtens of ooreenkomstig so 'n wet betaalbaar is, word nie verminder nie uit hoofde van 'n betaling wat aan die werknemer of sy afhanklikes gedoen mag word uit die Nuwe Fonds of 'n soortgelyke fonds wat hierna ingestel mag word.".

Wysiging van artikel 19 van Wet 35 van 1971, soos vervang deur artikel 17 van Wet 47 van 1973 en artikel 16 van Wet 46 van 1975 en gewysig deur artikel 36 van Wet 8 van 1976 en artikel 8 van Wet 60 van 1981.

7. Artikel 19 van die Pensioenwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

"(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)]** 9 (3) van die Suid-Afrikaanse Vervoerdienstewet, 1981 (Wet No. 65 van 1981), onder sodanige voorwaardes wat betref terugbetaling as waarop deur die Administrasie en die Gesamentlike 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 die rentekoers deur die Administrasie en die Gesamentlike Komitee bepaal met behoorlike inagneming van die heersende rentekoers op die algemene beleggingsmark.".

Wysiging van artikel 1 van Wet 43 van 1974, soos gewysig deur artikel 2 van Wet 89 van 1976, artikel 18 van Wet 67 van 1980, artikel 19 van Wet 29 van 1981, artikel 9 van Wet 60 van 1981, artikel 9 van Wet 6 van 1982 en artikel 4 van Wet 5 van 1984.

8. Artikel 1 van die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974, word hierby gewysig—

(a) deur die omskrywing van "Dienswet" te skrap; en

(b) deur die omskrywing van "inkomste" deur die volgende omskrywing te vervang:

"'inkomste' die inkomste vermeld in artikel 1 van die Wet op Finansies en Rekenings van die Suid-Afrikaanse Vervoerdienste, 1983 (Wet No. 17 van 1983);".

Vervanging van artikel 8 van Wet 35 van 1971.

9. Artikel 8 van die Pensioenwet word hierby deur die volgende artikel vervang:

"Verhaal van sekere skulde aan Administrasie verskuldig op voordele betaalbaar aan lede by hul ontslag of uitdienstreding.

8. Indien 'n lid—

(a) vanweë bedrog of oneerlikheid ontslaan word uit die Diens of beveel word om daaruit te bedank; of

(b) uit die Diens bedank of dros ten einde ontslag of gedwonge bedanking vanweë bedrog of oneerlikheid te vermy, of in afwagting van die inbring teen hom van 'n dissiplinêre aanklag of 'n strafregtelike aanklag waarby bedrog of oneerlikheid betrokke is; of

(c) die Diens om watter rede ook al verlaat, of te sterwe kom, voordat 'n lening of voorskot (behalwe 'n lening in artikel 9 bedoel) wat op sy uitdruklike versoek aan hom toegstaan is deur die Administrasie of uit die Hulpfonds in artikel 34 van die Dienswet bedoel, ten volle terugbetaal is,

het die Administrasie die reg om die bedrag van enige verlies, soos deur die Administrasie vasgestel, wat hy ten gevolge van sodanige bedrog of oneerlik-

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person in respect of his death, the amount of any loss, as determined by the Administration, which it may have sustained by reason of such fraud or dishonesty, or the unpaid balance of such loan or advance, as the case may be: Provided that the onus of proving that a member resigned or absconded for any reason mentioned in paragraph *(b)* shall be on the Administration.".

Substitution of section 13 of Act 43 of 1974, as amended by section 19 of Act 29 of 1981.

10. The following section is hereby substituted for section 13 of the Railways and Harbours Pensions for Non-Whites Act, 1974:

"Employee's right to compensation under workmen's compensation legislation not affected.

13. Nothing contained in this Act or in the regulations shall in any way affect the rights which an employee or his dependants may have to be paid compensation under any law relating to workmen's compensation, or in accordance with any such law as applied by section **[17 of the Service Act]** 16 of the Conditions of Employment (South African Transport Services) Act, 1983 (Act No. 16 of 1983), in respect of an accident to the employee which arose out of and in the course of his employment, whether within or outside the Republic, and the amount payable under or in accordance with any such law shall not be reduced by reason of any payment that may be made to the employee or his dependants from the Pension Fund.".

Amendment of section 1 of Act 65 of 1981, as amended by section 18 of Act 6 of 1982.

11. Section 1 of the South African Transport Services Act, 1981, is hereby amended—

(a) by the deletion of the definition of "System Manager";

(b) by the insertion after the definition of "railways" of the following definition:

"'Regional Manager' means the officer appointed as Regional Manager of a particular region or anyone lawfully acting in that capacity;"; and

(c) by the deletion of the definition of "South African Transport Services Fund".

Amendment of section 3 of Act 65 of 1981.

12. Section 3 of the South African Transport Services Act, 1981, is hereby amended by the substitution in subsection (2) for the word "system" of the word "regional".

Amendment of section 5 of Act 65 of 1981.

13. Section 5 of the South African Transport Services Act, 1981, is hereby amended—

(a) by the substitution for paragraph *(j)* of subsection (1) of the following paragraph:

"*(j)* the administration of the **[fund mentioned in section 2A of the Railways and Harbours Finances and Accounts Act, 1977 (Act No. 48 of 1977)]** moneys of the South African Transport Services."; and

(b) by the substitution for subsection (5) of the following subsection:

"(5) Nothing in this Act contained shall detract from the powers possessed by the board in its capacity as the final appellate authority in relation to an appeal under sections **[9, 21 and 29 of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960)]** 10 and 20 of the Conditions of Employment (South African Transport Services) Act, 1983 (Act No. 16 of 1983), or under a regulation promulgated in terms of that Act.".

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heid gely het, of die onbetaalde balans van sodanige lening of voorskot, na gelang van die geval, te verhaal op enige voordeel wat aan so 'n voormalige lid of sy boedel of aan iemand anders ten opsigte van sy dood uit die Nuwe Fonds betaalbaar is: Met dien verstande dat die bewyslas om te bewys dat 'n lid bedank of gedros het om enige rede in paragraaf *(b)* vermeld, op die Administrasie rus.".

Vervanging van artikel 13 van Wet 43 van 1974, soos gewysig deur artikel 19 van Wet 29 van 1981.

10. Artikel 13 van die Wet op Spoorweg- en Hawepensioene vir Nie-Blankes, 1974, word hierby deur die volgende artikel vervang:

"Werknemer se reg op vergoeding kragtens wetgewing met betrekking tot skadeloosstelling van werksmanne word nie geraak nie.

13. Geen bepaling van hierdie Wet of die regulasies doen op enigerlei wyse afbreuk nie aan die regte wat 'n werknemer of sy afhanklikes het om vergoeding te ontvang ingevolge 'n wet met betrekking tot skadeloosstelling van werksmanne of ooreenkomstig so 'n wet soos toegepas deur artikel **[17 van die Dienswet]** 16 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983 (Wet No. 16 van 1983), ten opsigte van 'n ongeval wat die werknemer getref het en wat uit en in die loop van sy diens, hetsy in of buite die Republiek, ontstaan het, en die bedrag wat kragtens of ooreenkomstig so 'n wet betaalbaar is, word nie verminder nie uit hoofde van 'n betaling wat aan die werknemer of sy afhanklikes uit die Pensioenfonds gedoen mag word.".

Wysiging van artikel 1 van Wet 65 van 1981, soos gewysig deur artikel 18 van Wet 6 van 1982.

11. Artikel 1 van die Suid-Afrikaanse Vervoerdienstewet, 1981, word hierby gewysig—

(a) deur die omskrywing van "Afdelingsbestuurder" te skrap;

(b) deur die volgende omskrywing na die omskrywing van "sterk drank" in te voeg:

"'Streekbestuurder' die amptenaar aangestel as streekbestuurder van 'n bepaalde streek of iemand wat wettig in daardie hoedanigheid waarneem;"; en

(c) deur die omskrywing van "Suid-Afrikaanse Vervoerdienstefonds" te skrap.

Wysiging van artikel 3 van Wet 65 van 1981.

12. Artikel 3 van die Suid-Afrikaanse Vervoerdienstewet, 1981, word hierby gewysig deur in subartikel (2) die woord "afdelingsbestuurder" deur die woord "streekbestuurder" te vervang.

Wysiging van artikel 5 van Wet 65 van 1981.

13. Artikel 5 van die Suid-Afrikaanse Vervoerdienstewet, 1981, word hierby gewysig—

(a) deur paragraaf *(j)* van subartikel (1) deur die volgende paragraaf te vervang:

"*(j)* die beheer van die **[fonds genoem in artikel 2A van die Wet op Finansies en Rekenings van die Spoorweë en Hawens, 1977 (Wet No. 48 van 1977)]** geld van die Suid-Afrikaanse Vervoerdienste."; en

(b) deur subartikel (5) deur die volgende subartikel te vervang:

"(5) Geen bepaling in hierdie artikel doen afbreuk aan die bevoegdhede wat die raad besit in sy hoedanigheid van finale appèlgesag met betrekking tot 'n appèl ingevolge artikels **[9, 21 en 29 van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960)]** 10 en 20 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983 (Wet No. 16 van 1983), of ingevolge 'n regulasie kragtens daardie Wet uitgevaardig nie.".

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Amendment of section 7 of Act 65 of 1981, as amended by section 9 of Act 13 of 1983.

14. Section 7 of the South African Transport Services Act, 1981, is hereby amended by the substitution for paragraph *(b)* of subsection (2) of the following paragraph:

"*(b)* The amount of interest due on loan funds appropriated from the State Revenue Fund for the purposes of the South African Transport Services shall be paid over **[from the South African Transport Services Fund]** by the South African Transport Services into the State Revenue Fund.".

Amendment of section 9 of Act 65 of 1981, as amended by section 10 of Act 13 of 1983 and section 6 of Act 5 of 1984.

15. Section 9 of the South African Transport Services Act, 1981, is hereby amended by the substitution for paragraph (22) of the following paragraph:

"(22) to buy, to sell, to acquire, to exchange, to grant, to let and to hire movable and immovable property for any purpose and to derive benefit therefrom, and to have deeds of grant registered in the deeds registry office concerned;".

Amendment of section 10 of Act 65 of 1981.

16. Section 10 of the South African Transport Services Act, 1981, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) If any such harbour or harbour works or line of railway is constructed contrary to the advice of the board, and if the board is of opinion that the revenue derived from the operation of the harbour, harbour works or line is insufficient to meet the exploitation and capital costs thereof, an amount equal to the actual loss sustained during a financial year shall, after certification by the Auditor-General, be paid over annually from the State Revenue Fund to the South African Transport Services **[Fund]**.".

Amendment of section 43 of Act 65 of 1981.

17. Section 43 of the South African Transport Services Act, 1981, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) A document in the form prescribed by regulations made under section 32 of the **[Railways and Harbours Service Act, 1960 (Act No. 22 of 1960)]** Conditions of Employment (South African Transport Services) Act, 1983 (Act No. 16 of 1983), certifying that any person has been appointed a member of the Force and purporting to have been signed by a person thereto authorized under the said regulations, shall be *prima facie* proof of such appointment.".

Amendment of section 45 of Act 65 of 1981.

18. Section 45 of the South African Transport Services Act, 1981, is hereby amended—

(a) by the substitution for paragraph *(b)* of subsection (2) of the following paragraph:

"*(b)* he has been granted permission to wear such uniform, badge or button by a person thereto authorized by regulations made under section 32 of the **[Railways and Harbours Service Act, 1960 (Act No. 22 of 1960)]** Conditions of Employment (South African Transport Services) Act, 1983 (Act No. 16 of 1983),";

(b) by the substitution for subsection (5) of the following subsection:

"(5) When any decoration or medal has been instituted or created for members or former members of the Force in terms of any regulations made under section 32 of the **[Railways and Harbours Service Act, 1960]** Conditions of Employment (South African Transport Services) Act, 1983 (Act No. 16 of 1983), any person who wears or without written permission granted by a person authorized thereto under such regulations, makes use of such decoration or medal or its bar, clasp or ribbon or anything so closely resem-

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Wysiging van artikel 7 van Wet 65 van 1981, soos gewysig deur artikel 9 van Wet 13 van 1983.

14. Artikel 7 van die Suid-Afrikaanse Vervoerdienstewet, 1981, word hierby gewysig deur paragraaf *(b)* van subartikel (2) deur die volgende paragraaf te vervang:

"*(b)* Die bedrag van die rente verskuldig op leningsfondse wat uit die Staatsinkomstefonds vir die doeleindes van die Suid-Afrikaanse Vervoerdienste bewillig is, word **[uit die Suid-Afrikaanse Vervoerdienstefonds]** deur die Suid-Afrikaanse Vervoerdienste in die Staatsinkomstefonds gestort.".

Wysiging van artikel 9 van Wet 65 van 1981, soos gewysig deur artikel 10 van Wet 13 van 1983 en artikel 6 van Wet 5 van 1984.

15. Artikel 9 van die Suid-Afrikaanse Vervoerdienstewet, 1981, word hierby gewysig deur paragraaf (22) deur die volgende paragraaf te vervang:

"(22) om roerende en onroerende goed te koop, te verkoop, te verkry, te ruil, te skenk, te huur, en vir enige doeleindes te verhuur en om voordeel daaruit te trek, en om grondbriewe in die betrokke registrasiekantoor van aktes te laat registreer;".

Wysiging van artikel 10 van Wet 65 van 1981.

16. Artikel 10 van die Suid-Afrikaanse Vervoerdienstewet, 1981, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Indien sodanige hawe of hawewerke of spoorlyn in stryd met die advies van die raad gebou word, en as die raad van oordeel is dat die bedryfsinkomste van die hawe, hawewerke of lyn onvoldoende sal wees om die eksploitasie- en kapitaalkoste daarvan te bestry, moet 'n bedrag gelykstaande met die werklike verlies in 'n boekjaar gely, na sertifisering deur die Ouditeur-generaal, jaarliks uit die Staatsinkomstefonds **[in die Suid-Afrikaanse Vervoerdienstefonds gestort]** aan die Suid-Afrikaanse Vervoerdienste oorbetaal word.".

Wysiging van artikel 43 van Wet 65 van 1981.

17. Artikel 43 van die Suid-Afrikaanse Vervoerdienstewet, 1981, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) 'n Dokument in die vorm voorgeskryf by regulasies uitgevaardig kragtens artikel 32 van die Wet op **[Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960)]** Diensvoorwaardes (Suid-Afrikanse Vervoerdienste), 1983 (Wet No. 16 van 1983), wat heet onderteken te wees deur 'n persoon ingevolge genoemde regulasies daartoe gemagtig en waarby gesertifiseer word dat iemand as 'n lid van die Mag aangestel is, is *prima facie*-bewys van so 'n aanstelling.".

Wysiging van artikel 45 van Wet 65 van 1981.

18. Artikel 45 van die Suid-Afrikaanse Vervoerdienstewet, 1981, word hierby gewysig—

(a) deur paragraaf *(b)* van subartikel (2) deur die volgende paragraaf te vervang:

"*(b)* aan hom vergunning verleen is om bedoelde uniform, kenteken of knoop te dra deur 'n persoon daartoe gemagtig ingevolge regulasies uitgevaardig kragtens artikel 32 van die Wet op **[Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960)]** Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983 (Wet No. 16 van 1983),";

(b) deur subartikel (5) deur die volgende subartikel te vervang:

"(5) Wanneer 'n dekorasie of medalje ingestel of ingevoer is vir lede of voormalige lede van die Mag ingevolge regulasies uitgevaardig kragtens artikel 32 van die Wet op **[Spoorweg- en Hawediens, 1960]** Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983 (Wet No. 16 van 1983), is iemand wat so 'n dekorasie of medalje of die balk, gespe of lint daarvan of iets wat soveel na so 'n dekorasie, medalje, balk, gespe of lint lyk dat dit bereken is om te mislei, dra of sonder skriftelike vergunning verleen deur 'n persoon ingevolge bedoelde

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bling any such decoration, medal, bar, clasp or ribbon as to be calculated to deceive, shall, unless he is the person to whom such decoration or medal was awarded, be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand."; and

(*c*) by the substitution for subsection (8) of the following subsection:

"(8) (*a*) Any person who publishes any untrue matter in relation to any action by the Force or any part of the Force, or any member of the Force, in relation to the performance of his functions as such a member, without having reasonable grounds (the onus of proof of which shall rest on such person) for believing that that statement is true, shall be guilty of an offence and on conviction liable to a fine not exceeding ten thousand rand or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(*b*) No prosecution shall be instituted in respect of an offence referred to in paragraph (*a*) except upon the written authority of the attorney-general concerned.".

Amendment of section 55 of Act 65 of 1981.

19. Section 55 of the South African Transport Services Act, 1981, is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) The net profits derived by the South African Transport Services from the sale of intoxicating liquor in terms of subsection (1) shall be paid to the Benevolent Fund and the **[Railways]** South African Transport Services Institutes Fund referred to in section **[34 of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960)]** 36 of the Conditions of Employment (South African Transport Services) Act, 1983 (Act No. 16 of 1983), in such proportions as the Minister may direct, and shall be applied to the purposes of those funds in such manner as in the opinion of the South African Transport Services will best serve the interests of its employees.".

Amendment of section 73 of Act 65 of 1981.

20. Section 73 of the South African Transport Services Act, 1981, is hereby amended by the substitution in subsection (5) for the word "System" of the word "Regional".

Substitution of section 75 of Act 65 of 1981.

21. The following section is hereby substituted for section 75 of the South African Transport Services Act, 1981 (Act No. 65 of 1981):

"Port Nolloth Harbour Tariffs.

75. The successor to the Cape Copper Mining Company (Limited) referred to in the Port Nolloth Tramway or Railway and Jetty Act, 1869 (Act No. 4 of 1869 (Cape of Good Hope)), is hereby empowered to prescribe and, from time to time, alter the charges for the various services provided at, or in connection with the use of, the jetty at Port Nolloth Harbour and the transport of goods to or from that jetty, subject to the consent of the **[State President]** Minister and publication in the *Government Gazette*.".

Amendment of section 1 of Act 16 of 1983.

22. Section 1 of the Conditions of Employment (South African Transport Services) Act, 1983, is hereby amended—

(*a*) by the deletion of the definition of "staff association" and

(*b*) by the insertion after the definition of "the New Fund" of the following definition:

"'trade union' means an organization, representative of employees, which in terms of the regulations is of-

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regulasie daartoe gemagtig, daarvan gebruik maak, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand, tensy hy die persoon is aan wie daardie dekorasie of medalje toegeken is."; en

(c) deur subartikel (8) deur die volgende subartikel te vervang:

"(8) *(a)* Iemand wat 'n onwaarheid publiseer met betrekking tot enige optrede deur die Mag of 'n deel van die Mag, of 'n lid van die Mag met betrekking tot die verrigting van sy werksaamhede as so 'n lid, sonder om redelike gronde (waarvan die bewyslas op so iemand rus) daarvoor te hê om te vermoed dat daardie verklaring waar is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tienduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf.

(b) Geen vervolging word ten opsigte van 'n misdryf in paragraaf *(a)* bedoel, ingestel nie behalwe op die skriftelike magtiging van die betrokke prokureur-generaal.".

Wysiging van artikel 55 van Wet 65 van 1981.

19. Artikel 55 van die Suid-Afrikaanse Vervoerdienstewet, 1981, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

"(4) Die netto winste wat deur die Suid-Afrikaanse Vervoerdienste verkry word uit die verkoop van sterk drank ingevolge subartikel (1), word betaal aan die Hulpfonds en die **[Spoorweginstituutfonds]** Suid-Afrikaanse Vervoerdienste se Instituutfonds bedoel in artikel **[34 van die Wet op Spoorweg- en Hawediens, 1960 (Wet No. 22 van 1960)]** 36 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983 (Wet No. 16 van 1983), in die dele wat die Minister gelas, en word aangewend vir die doeleindes van daardie fondse op 'n wyse wat, na die mening van die Suid-Afrikaanse Vervoerdienste, die belange van sy werknemers die beste sal dien.".

Wysiging van artikel 73 van Wet 65 van 1981.

20. Artikel 73 van die Suid-Afrikaanse Vervoerdienstewet, 1981, word hierby gewysig deur in subartikel (5) die woord "afdelingsbestuurder" deur die woord "streekbestuurder" te vervang.

Vervanging van artikel 75 van Wet 65 van 1981.

21. Artikel 75 van die Suid-Afrikaanse Vervoerdienstewet, 1981 (Wet No. 65 van 1981), word hierby deur die volgende artikel vervang:

"Port Nolloth-hawetariewe.

75. Die opvolger van die Cape Copper Mining Company (Limited) genoem in die "Port Nolloth Tramway or Railway and Jetty"-wet, 1869 (Wet No. 4 van 1869 (Kaap die Goeie Hoop)), word hierby gemagtig om die tariewe vir die verskillende dienste voorsien by, of in verband met die gebruik van die kaai by, Port Nolloth-hawe en die vervoer van goedere na of van sodanige kaai, voor te skryf en van tyd tot tyd te wysig, onderhewig aan die toestemming van die **[Staatspresident]** Minister en publikasie in die *Staatskoerant*.".

Wysiging van artikel 1 van Wet 16 van 1983.

22. Artikel 1 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983, word hierby gewysig—

(a) deur die omskrywing van "personeelvereniging" te skrap; en

(b) deur die volgende omskrywing na die omskrywing van "superannuasie" in te voeg:

"'vakvereniging' 'n organisasie, verteenwoordigend van werknemers, wat ingevolge die regulasies

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ficially recognized by the Minister as a trade union.".

Amendment of section 2 of Act 16 of 1983.

23. Section 2 of the Conditions of Employment (South African Transport Services) Act, 1983, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) For the purpose of this section "General Manager" means the incumbent of that office **[and any person acting in that capacity]** only.".

Amendment of section 9 of Act 16 of 1983, as amended by section 11 of Act 5 of 1984.

24. Section 9 of the Conditions of Employment (South African Transport Services) Act, 1983, is hereby amended by the substitution in paragraph (i) of subsection (4) for the words "ninety days" of the words "thirty days".

Amendment of section 10 of Act 16 of 1983.

25. Section 10 of the Conditions of Employment (South African Transport Services) Act, 1983, is hereby amended by the substitution for subsection (1) of the English version of the following subsection:

"(1) When a vacancy is filled by means of promotion and there is more than one candidate regard shall in the first instance be had to the relative efficiency of **[two or more of]** such candidates eligible to fill it. If they are equally efficient their relative seniority shall be taken into consideration.".

Amendment of section 20 of Act 16 of 1983.

26. Section 20 of the Conditions of Employment (South African Transport Services) Act, 1983, is hereby amended—

(a) by the substitution for subsections (11) and (12) of the following subsections:

"(11) *(a)* A disciplinary appeal board shall, subject to the provisions of paragraph *(b)*, consist of one employee nominated by the General Manager and one employee nominated by the **[staff association]** trade union representing the group of staff to which the appellant belongs, from the ranks of employees belonging to that group who are stationed **[on the system on]** in the region in which the appellant is stationed. An officer who decides a case or an employee who reports a disciplinary infringement may not act as a member of an appeal board dealing with such case.

(b) If a disciplinary appeal board cannot be properly constituted for the hearing of an appeal, for the reason that—

(i) there is for the time being no representative of the staff who is competent to act as a member of the board for the hearing of that appeal; or

(ii) no such representative who is competent so to act, is for the time being able to discharge his functions as a member of the board,

any employee who represents the group of staff to which the appellant belongs as a member or alternate member of a disciplinary appeal board for a **[system]** region other than that **[on]** in which the appellant is stationed, may, with the consent of the appellant, act as a member of the disciplinary appeal board for the hearing of that appeal.

(12) For the purpose of the nomination by **[staff associations]** trade unions of staff representatives on an appeal board, **[systems]** regions shall be prescribed, as also the procedure to be followed in connection with

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amptelik deur die Minister as 'n vakvereniging erken word;".

Wysiging van artikel 2 van Wet 16 van 1983.

23. Artikel 2 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

"(3) By die toepassing van hierdie artikel beteken "Hoofbestuurder" die bekleër van daardie betrekking **[of iemand wat in daardie hoedanigheid waarneem]** alleenlik.".

Wysiging van artikel 9 van Wet 16 van 1983, soos gewysig deur artikel 11 van Wet 5 van 1984.

24. Artikel 9 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983, word hierby gewysig deur in paragraaf (i) van subartikel (4) die woorde "negentig dae" deur die woorde "dertig dae" te vervang.

Wysiging van artikel 10 van Wet 16 van 1983.

25. Artikel 10 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983, word hierby gewysig deur subartikel (1) van die Engelse weergawe deur die volgende subartikel te vervang:

"(1) When a vacancy is filled by means of promotion and there is more than one candidate regard shall in the first instance be had to the relative efficiency of **[two or more of]** such candidates eligible to fill it. If they are equally efficient their relative seniority shall be taken into consideration.".

Wysiging van artikel 20 van Wet 16 van 1983.

26. Artikel 20 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983, word hierby gewysig—

(a) deur subartikels (11) en (12) deur die volgende subartikels te vervang:

"(11) *(a)* Onderworpe aan die bepalings van paragraaf *(b)* bestaan 'n dissiplinêre appèlraad uit een werknemer benoem deur die Hoofbestuurder en een werknemer benoem deur die **[personeelvereniging]** vakvereniging wat die personeelgroep verteenwoordig waartoe die appellant behoort, uit die geledere van werknemers wat tot daardie groep behoort en wat gestasioneer is **[op die afdeling waarop]** in die streek waarin die appellant gestasioneer is. 'n Amptenaar wat oor 'n saak beslis of 'n werknemer wat 'n dissiplinêre oortreding rapporteer, tree nie op as lid van 'n appèlraad wat so 'n saak behandel nie.

(b) Indien 'n dissiplinêre appèlraad nie behoorlik saamgestel kan word vir die verhoor van 'n appèl nie, omdat—

(i) daar op die oomblik geen verteenwoordiger van die personeel is wat bevoeg is om as lid van die raad vir die verhoor van daardie appèl op te tree nie; of

(ii) geen sodanige verteenwoordiger wat bevoeg is om aldus op te tree, op die oomblik in staat is om sy werksaamhede as 'n lid van die raad te verrig nie,

kan enige werknemer wat die personeelgroep waartoe die appellant behoort, verteenwoordig as lid of plaasvervangende lid van 'n dissiplinêre appèlraad vir 'n ander **[afdeling]** streek as dié **[waarop]** waarin die appellant gestasioneer is, met die toestemming van die appellant as 'n lid van die dissiplinêre appèlraad vir die verhoor van daardie appèl optree.

(12) Vir die doel van die benoeming deur **[personeelverenigings]** vakverenigings van personeelverteenwoordigers in 'n appèlraad, word **[afdelings]** streke voorgeskryf, asook die prosedure wat in verband met die

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the nomination of such representatives and their alternates."; and

(b) by the insertion after subsection (15) of the following subsection:

"(16) Notwithstanding anything to the contrary contained in this section, an employee in permanent employment upon whom a punishment has been imposed for a disciplinary infringement which has not been placed on record or an employee in temporary employment shall be granted such right of appeal as may be prescribed.".

Amendment of section 21 of Act 16 of 1983.

27. Section 21 of the Conditions of Employment (South African Transport Services) Act, 1983, is hereby amended by the substitution for paragraph *(a)* of subsection (1) of the following paragraph:

"*(a)* an employee of any **[staff association or]** trade union representative of employees, of which he is a member; or".

Substitution of section 22 of Act 16 of 1983.

28. The following section is hereby substituted for section 22 of the Conditions of Employment (South African Transport Services) Act, 1983:

"Employees on duty while under the influence of alcoholic liquor or dependence-producing drugs or while the percentage of alcohol in their blood expressed in grams per one hundred millilitres of blood is not less than 0,08 per cent.

22. Any employee who is under the influence of alcoholic liquor or dependence-producing drugs as defined in the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971), or whose blood contains a percentage of alcohol which, expressed in grams per one hundred millilitres of blood, is not less than 0,08 per cent—

(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, **[shunter]** yard official, crossing attendant or train control officer, or as a 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

(b) while on duty in any capacity other than one of those mentioned in paragraph *(a)* and whose performance of his duty while in such condition would be likely to endanger the safety of any person travelling on or present on the property of the South African Transport Services,

shall in the case of dependence-producing drugs be guilty of an offence and liable on conviction to the penalty for which provision is made in the said Act No. 41 of 1971, and shall in the case of alcoholic liquor or alcohol in the blood be guilty of an offence and liable on conviction to **[a fine not exceeding eight hundred rand or, in default of payment, to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment]** the penalty provided for in section 180A of the Road Traffic Ordinances, 1966, in respect of an offence in terms of section 140 (1) of the Ordinances.".

Amendment of section 27 of Act 16 of 1983.

29. Section 27 of the Conditions of Employment (South African Transport Services) Act, 1983, is hereby amended by the substitution of the words "staff associations" and "staff associa-

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benoeming van sulke verteenwoordigers en hulle plaasvervangers gevolg moet word."; en

(b) deur die volgende paragraaf na paragraaf (15) in te voeg:

"(16) Ondanks enigiets tot die teendeel vervat in hierdie artikel, word 'n werknemer in vaste diens wat 'n straf weens 'n dissiplinêre oortreding opgelê is wat nie teen hom aangeteken is nie en 'n werknemer in tydelike diens sodanige reg van appèl toegestaan soos wat voorgeskryf mag word.".

Wysiging van artikel 21 van Wet 16 van 1983.

27. Artikel 21 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983, word hierby gewysig deur paragraaf *(a)* van subartikel (1) deur die volgende paragraaf te vervang:

"*(a)* 'n werknemer van 'n **[personeel- of]** vakvereniging wat van werknemers verteenwoordigend is, waarvan hy lid is; of".

Vervanging van artikel 22 van Wet 16 van 1983.

28. Artikel 22 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983, word hierby deur die volgende artikel vervang:

"Werknemers wat diens doen terwyl hulle onder invloed van alkoholiese drank of afhanklikheidsvormende medisyne verkeer of terwyl die persentasie alkohol in hulle bloed uitgedruk in gram per honderd milliliter bloed nie minder as 0,08 persent is nie.

22. 'n Werknemer wat onder die invloed van alkoholiese drank of afhanklikheidsvormende medisyne soos omskryf in die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet No. 41 van 1971), **[omskryf,]** verkeer of wie se bloed 'n persentasie alkohol bevat wat uitgedruk in gram per honderd milliliter bloed nie minder as 0,08 persent is nie—

(a) terwyl hy beheer het oor of op diens is as 'n drywer of ander bemanningslid van 'n lokomotief of ander masjien, of as 'n kontroleur of kondukteur, of as stasiemeester, **[rangeerder]** terreinbeampte, oorgangbewaker of treinbeheeramptenaar, of as 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

(b) terwyl hy in 'n ander hoedanigheid as een van dié in paragraaf *(a)* vermeld, op diens is, en wie se verrigting van sy diens terwyl hy in daardie toestand verkeer, allig die veiligheid van iemand wat op die eiendom van die Suid-Afrikaanse Vervoerdienste reis of hom daarop bevind, in gevaar kan bring,

is in die geval van afhanklikheidsvormende medisyne aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die straf waarvoor daar in genoemde Wet No. 41 van 1971 voorsiening gemaak word en is in die geval van alkoholiese drank of alkohol in die bloed aan 'n misdryf skuldig en by skuldigbevinding strafbaar met **['n boete van hoogstens agthonderd rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met sowel daardie boete as daardie gevangenisstraf]** die straf waarvoor daar in artikel 180A van die Ordonnansies op Padverkeer, 1966, ten opsigte van 'n misdryf ingevolge artikel 140 (1) van die Ordonnansies voorsiening gemaak word.".

Wysiging van artikel 27 van Wet 16 van 1983.

29. Artikel 27 van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983, word hierby gewysig deur die woorde "personeelverenigings" en "personeelvereniging" deur

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tion" by the words "trade unions" and "trade union" wherever they occur.

Amendment of section 14 of Act 17 of 1983.

30. Section 14 of the South African Transport Services Finances and Accounts Act, 1983, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) When the South African Transport Services makes an *ex gratia* payment and the amount involved exceeds **[R10 000]** R25 000, the prior authority of Parliament shall be obtained by specifying the item in the Estimates and, in the event of this not being possible in practice, the payment shall be submitted to Parliament at the next ensuing session for validation, or the matter shall be dealt with in terms of section 7 of this Act. Where the amount involved does not exceed **[R10 000]** R25 000 and no important principle is involved, the General Manager may approve such *ex gratia* payment, in which event the matter does not require to be dealt with in terms of section 7 of this Act. All cases shall be reported annually by the General Manager to the Auditor-General. The Auditor-General shall mention the total amount involved in his Report to Parliament, specifying each instance where an amount of **[R1 000]** R10 000 or more is involved, as well as any instance which in his view warrants special mention.".

Substitution of section 15 of Act 17 of 1983, as substituted by section 13 of Act 5 of 1984.

31. The following section is hereby substituted for section 15 of the South African Transport Services Finances and Accounts Act, 1983:

"Remissions or refunds.

15. Where the General Manager is satisfied, in any particular case, that special circumstances exist which warrant, wholly or in part, the remission or refunding of amounts which are recoverable or which have been recovered in respect of any of the services of the South African Transport Services, he may authorize such remission or refund, provided that the amount involved does not exceed **[R10 000]** R25 000 in any one instance. In instances where the amount of **[R10 000]** R25 000 is exceeded the Minister's authority therefor shall be obtained. Remissions or refunds thus authorized are not regarded as *ex gratia* and it shall not be necessary for the authority of Parliament to be obtained or for the matter to be dealt with in terms of section 7: Provided that the General Manager shall report annually to the Auditor-General the total amount of remissions and refunds in the instances where amounts of less than **[R5 000]** R10 000 are involved, as well as details of each instance of remission or refund where an amount of **[R5 000]** R10 000 or more is involved. The Auditor-General shall mention the total amount involved in respect of remissions and refunds in his Report to Parliament and specify each instance where an amount of **[R5 000]** R10 000 or more is involved, as well as any instance which in his view warrants special mention.".

Application of this Act to South West Africa.

32. This Act and any amendment thereof shall apply also to the Territory of South West Africa.

Short title and date of commencement.

33. This Act shall be called the South African Transport Services Amendment Act, 1985, and shall come into operation on the date of promulgation in the *Gazette*, except that the provisions of paragraph *(b)* of section 26 shall be deemed to have come into operation on 16 March 1983.

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die woorde "vakverenigings" en "vakvereniging" te vervang waar dit ook al voorkom.

Wysiging van artikel 14 van Wet 17 van 1983.

30. Artikel 14 van die Wet op Finansies en Rekenings van die Suid-Afrikaanse Vervoerdienste, 1983, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Wanneer die Suid-Afrikaanse Vervoerdienste 'n *ex gratia*-betaling doen en die betrokke bedrag **[R10 000]** R25 000 oorskry, word die voorafgaande magtiging van die Parlement verkry deur die item in die Begroting te spesifiseer en, indien dit nie prakties moontlik is nie, word die betaling by die eersvolgende sitting van die Parlement vir geldigverklaring voorgelê, of word daar kragtens artikel 7 van hierdie Wet opgetree. Waar die betrokke bedrag nie **[R10 000]** R25 000 oorskry nie en geen belangrike beginsel ter sprake is nie, kan die Hoofbestuurder sodanige *ex gratia*-betaling goedkeur en is dit nie nodig om volgens artikel 7 van hierdie Wet op te tree nie. Alle gevalle word jaarliks deur die Hoofbestuurder aan die Ouditeur-generaal gerapporteer. Die Ouditeur-generaal dui in sy Verslag aan die Parlement die totale bedrag aan wat daarby betrokke is en spesifiseer elke geval waarby 'n bedrag van **[R1 000]** R10 000 of meer betrokke is, asook elke geval wat, na sy mening, spesiale vermelding vereis.".

Vervanging van artikel 15 van Wet 17 van 1983, soos vervang deur artikel 13 van Wet 5 van 1984.

31. Artikel 15 van die Wet op Finansies en Rekenings van die Suid-Afrikaanse Vervoerdienste, 1983, word hierby deur die volgende artikel vervang:

"Kwytskeldings of terugbetalings.

15. Indien die Hoofbestuurder in 'n besondere geval daarvan oortuig is dat daar spesiale omstandighede bestaan vir die algehele of gedeeltelike kwytskelding of terugbetaling van bedrae wat invorderbaar is of gevorder is ten opsigte van enige van die dienste van die Suid-Afrikaanse Vervoerdienste, kan hy sodanige kwytskelding of terugbetaling magtig, met dien verstande dat die bedrag wat in 'n enkele geval betrokke is nie **[R10 000]** R25 000 oorskry nie. In gevalle waar die bedrag van **[R10 000]** R25 000 wel oorskry word, word die Minister se magtiging daarvoor verkry. Die terugbetalings of kwytskeldings aldus gemagtig, word nie as *ex gratia* beskou nie en dit is nie nodig om die magtiging van die Parlement te verkry of kragtens artikel 7 op te tree nie: Met dien verstande dat die Hoofbestuurder jaarliks aan die Ouditeur-generaal die totale bedrag aan kwytskeldings en terugbetalings in die gevalle waarby bedrae van minder as **[R5 000]** R10 000 betrokke is, asook besonderhede van elke geval van kwytskelding of terugbetaling waarby 'n bedrag van **[R5 000]** R10 000 of meer betrokke is, rapporteer. Die Ouditeur-generaal dui in sy Verslag aan die Parlement die totale bedrag aan wat ten opsigte van kwytskeldings en terugbetalings betrokke is en spesifiseer elke geval waarby 'n bedrag van **[R5 000]** R10 000 of meer betrokke is, asook elke geval wat, na sy mening, spesiale vermelding vereis.".

Toepassing van hierdie Wet op Suidwes-Afrika.

32. Hierdie Wet en 'n wysiging daarvan is ook van toepassing op die gebied Suidwes-Afrika.

Kort titel en datum van inwerkingtreding.

33. Hierdie Wet heet die Suid-Afrikaanse Vervoerdienstewysigingswet, 1985, en tree in werking op die datum waarop dit in die *Staatskoerant* verskyn, behalwe dat die bepalings van paragraaf *(b)* van artikel 26 geag word op 16 Maart 1983 in werking te getree het.