

EXTRAORDINARY



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[No. 2904.]

DEPARTMENT OF THE PRIME MINISTER AND OF EXTERNAL AFFAIRS.

The following Government Notice is published for general information.

No. 669.] [5th May, 1941.]

It is notified that His Excellency the Governor-General has been pleased to assent to the following Acts which are hereby published for general information:—

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DEPARTEMENT VAN DIE EERSTE MINISTER EN VAN BUITELANDSE SAKE.

Onderstaande Goewermentskennisgewing word vir algemene informasie gepubliseer.

No. 669.] [5 Mei 1941.]

Hierby word bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande wette wat hiermee, vir algemene informasie, gepubliseer word:—

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No. 25, 1941.]

ACT

To amend certain Acts relating to Higher Education.

(Signed by the Governor-General in English.)
(Assented to 30th April, 1941.)

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

Amendment of section 16 of Act 12 of 1916, section 17 of Act 13 of 1916, and section 17 of Act 14 of 1916, as amended by section 3 of Act 42 of 1920, section 34 of Act 15 of 1921, section 34 of Act 13 of 1930, section 1 of Act 29 of 1934 and section 3 of Act 21 of 1939.

1. Section *sixteen* of the University of South Africa Act, 1916, section *seventeen* of the University of Stellenbosch Act, 1916, and section *seventeen* of the University of Cape Town Act, 1916, as amended, are hereby amended by the substitution for sub-sections (1), (2) and (5) of each of those sections of the following sub-sections:

(1) There shall be a joint board to be called the joint matriculation board which shall control and conduct the matriculation examination of the University of South Africa, the University of Cape Town, the University of Stellenbosch, the University of the Witwatersrand, Johannesburg, and the University of Pretoria, and shall, subject to the approval of the Minister, prescribe the conditions of exemption from such examination.

(2) The joint matriculation board shall consist of representatives of—

- (a) each university aforesaid appointed by the council on the recommendation of the senate;
- (b) the Secretary for Education, the head of the education department of each province, the Education Department of Southern Rhodesia, and the Education Department for the Mandated Territory of South-West Africa; and
- (c) schools preparing pupils for matriculation in the Union, Southern Rhodesia and the Mandated Territory of South-West Africa, appointed in each case from among the principals of such schools, by the Minister, on the recommendation of the head of the education department concerned.

The number of representatives appointed under each paragraph of this sub-section, the period of office and the manner of appointment shall be prescribed by joint statute: Provided that the representatives appointed under paragraph (a) shall constitute a majority of the whole board.

(2)*bis*. Such board shall issue—

- (a) matriculation certificates to successful candidates at the matriculation examination who have attained such standards in such subjects as may be prescribed by the board and approved by the Minister;
- (b) full, conditional or partial certificates of exemption from the matriculation examination, to persons who have satisfied the conditions prescribed by the board and approved by the Minister;
- (c) school-leaving certificates to candidates who have satisfied such requirements at such examinations as the board may prescribe;
- (d) certificates of success in individual subjects to candidates who have satisfied the requirements prescribed by the board.

(5) The quorum, the procedure at meetings, and the times and places at which such meetings shall be held, shall be as prescribed by the board."

Indemnification.

2. Notwithstanding anything in this or any other law contained all certificates that have been issued by the board prior to the coming into operation of this Act shall be deemed valid as though they had been issued under section *one*.

Amendment of section 17 of Act 12 of 1916, section 18 of Act 13 of 1916, section 18 of Act 14 of 1916, section 19 of Act 15 of 1921 and section 13 of Act 13 of 1930.

3. Section *seventeen* of the University of South Africa Act, 1916, section *eighteen* of the University of Stellenbosch Act, 1916, section *eighteen* of the University of Cape Town Act, 1916, section *nineteen* of the University of the Witwatersrand, Johannesburg, (Private) Act, 1921, and sub-section (1) of section *thirteen* of the University of Pretoria (Private) Act, 1930, are hereby amended by the insertion in each of those sections of the following proviso after the word "statutes":

No. 25, 1941.]

WET

Tot wysiging van sekere Wette betreffende hoër onderwys.

(Deur die Goewerneur-generaal in Engels geteken.)
(Goedgekeur op 30 April, 1941.)

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

1. Artikel *sestien* van die „Universiteit van Zuid-Afrika Wet, 1916”, artikel *sewentien* van die „Universiteit van Stellenbosch Wet, 1916”, en artikel *sewentien* van die „Universiteit van Kaapstad Wet, 1916”, soos gewysig, word hiermee gewysig deur sub-artikels (1), (2) en (5) van elk van gemelde artikels te vervang deur die volgende sub-artikels:

„(1) Er zal zijn een gemeenschappelijke raad te worden genoemd de gemeenschappelijke matrikulatieraad, welke het matrikulatie-examen van de Universiteit van Zuid-Afrika, de Universiteit van Kaapstad, de Universiteit van Stellenbosch, de Universiteit van de Witwatersrand, Johannesburg, en de Universiteit van Pretoria zal beheren en afnemen, en behoudens de goedkeuring van de Minister de voorwaarden van vrijstelling van dat examen zal voorschrijven.

(2) De gemeenschappelijke matrikulatieraad bestaat uit vertegenwoordigers van—

- (a) elke universiteit voormeld benoemd door de raad op voordracht van de senaat;
- (b) de Sekretaris van Onderwijs; het hoofd van het departement van onderwijs in elke provincie; het Departement van Onderwijs van Zuid-Rhodesië; en het Departement van Onderwijs van het Mandaatgebied Zuidwest-Afrika; en
- (c) de scholen waarin leerlingen voor matrikulatie voorbereid worden in de Unie, in Zuid-Rhodesië en in het Mandaatgebied van Zuidwest-Afrika, benoemd door de Minister uit de hoofdonderwijzers van zodanige scholen op voordracht van het hoofd van het betrokken departement van onderwijs.

Het aantal vertegenwoordigers ingevolge iedere paragraaf van dit sub-artikel benoemd, de amtsduur en de wijze van aanstelling, wordt door de gemeenschappelijke statuten voorgeschreven: Met dien verstande dat de vertegenwoordigers onder paragraaf (a) een meerderheid vormen van de raad.

(2)*bis*. Bedoelde raad reikt uit—

- (a) matrikulatiecertifikaten aan geslaagde kandidaten bij het matrikulatie-examen, die zodanige standaarden bereikt hebben in zodanige onderwerpen als door de raad voorgeschreven en door de Minister goedgekeurd mochten zijn;
 - (b) certifikaten van algehele, voorwaardelike of gedeeltelike vrijstelling van het matrikulatie-examen aan personen die voldaan hebben aan de voorwaarden die door de raad voorgeschreven en door de Minister goedgekeurd mochten zijn;
 - (c) schooleindcertifikaten aan kandidaten die voldaan hebben aan zodanige vereisten bij zodanige examens als van tijd tot tijd door de raad voorgeschreven mochten worden;
 - (d) certifikaten van slaging in individuele onderwerpen aan kandidaten die voldaan hebben aan de door de raad voorgeschreven vereisten.
- (5) Het kworum, de wijze van werken op vergaderingen en de tijden en plaatsen van de vergaderingen, worden door de raad voorgeschreven.”

2. Nieteenstaande teenorgestelde bepalingen in hierdie enige ander Wet word alle sertifikate wat voor die inwerking-treding van hierdie Wet uitgereik is, geldig geag asof hulle ingevolge artikel *een* uitgereik is.

3. (a) Artikel *sewentien* van die „Universiteit van Zuid-Afrika Wet, 1916”, artikel *agtien* van die „Universiteit van Stellenbosch Wet, 1916”, artikel *agtien* van die „Universiteit van Kaapstad Wet, 1916”, en artikel *negentien* van die „Universiteit van de Witwatersrand, Johannesburg, (Private) Wet, 1921”, word hiermee gewysig deur die volgende voorbehoudsbepaling na die woord „voorschrijven” in elk van gemelde artikels in te voeg:

Wysiging van artikel 16 van Wet 12 van 1916, artikel 17 van Wet 13 van 1916 en artikel 17 van Wet 14 van 1916, soos gewysig deur artikel 3 van Wet 42 van 1920, artikel 34 van Wet 15 van 1921, artikel 34 van Wet 13 van 1930, artikel 1 van Wet 29 van 1934 en artikel 3 van Wet 21 van 1939.

Skadetoosstelling.

Wysiging van artikel 17 van Wet 12 van 1916, artikel 18 van Wet 13 van 1916, artikel 18 van Wet 14 van 1916, artikel 18 van Wet 15 van 1921 en artikel 13 van Wet 13 van 1930.

“ Provided that the University may, in addition, prescribe by regulation as a prerequisite to admission to any particular course in the University, the attaining of a specified standard in specified subjects at the matriculation examination or at an examination recognized for the purpose by the joint matriculation board.”

Insertion of new section 17*bis* in Act 20 of 1917.

4. The Higher Education Additional Provision Act, 1917, is hereby amended by the insertion after section *seventeen* of the following new section :

“ Power to require students to reside at approved places of residence. 17*bis*. A college authority shall have the right to require a student to reside for the periods during which the college is in session at a place of residence approved for the purpose by the college authority.”

Insertion of new section 18*bis* in Act 13 of 1916, and in Act 14 of 1916.

5. The University of Stellenbosch Act, 1916, and the University of Cape Town Act, 1916, are hereby amended by the insertion after section *eighteen* of the following new section :

“ Discipline and place of residence of students. 18*bis*. (1) A student of the University shall be subject to such disciplinary provisions as the statutes may prescribe.
(2) The council shall have the right to require a student to reside for the periods during which the University is in session at a place of residence approved for the purpose by the council ”.

Insertion of new section 19*bis* in Act 15 of 1921.

6. The University of the Witwatersrand, Johannesburg (Private) Act, 1921, is hereby amended by the insertion after section *nineteen* of the following new section :

“ Discipline and place of residence of students. 19*bis*. (1) A student of the University shall be subject to such disciplinary provisions as the statutes may prescribe.
(2) The council shall have the right to require a student to reside for the periods during which the University is in session, at a place of residence approved for the purpose by the council.”

Insertion of new section 13*bis* in Act 13 of 1930.

7. The University of Pretoria (Private) Act, 1930, is hereby amended by the insertion after section *thirteen* of the following new section :

“ Power to require students to reside at approved places of residence. 13*bis*. The council shall have the right to require a student to reside for the periods during which the University is in session, at a place of residence approved for the purpose by the council.”

Short title.

8. This Act shall be called the Higher Education (Amendment) Act, 1941.

„Met dien verstande dat de universiteit daarbenevens by regulatie kan voorschryven als voorvereiste voor toelating tot enige studiekursus aan die Universiteit het bereiken van een bepaalde standaard in bepaalde onderwerpen by het matrikulatie-examen of by een examen dat door de matrikulatieraad voor het doel erkend word.”

- (b) Sub-artikel (1) van artikel *dertien* van die „Private Wet op die Uniwersiteit van Pretoria, 1930”, word hiermee gewysig deur die volgende voorbehoudsbepaling na die woord „voorskryf” in te voeg:

„Met dien verstande dat die universiteit daarbenevens by regulasie kan voorskryf as voorvereiste vir toelating tot enige studiekursus aan die uniwersiteit die bereiking van ’n bepaalde standaard in bepaalde onderwerpe by die matrikulasie-eksamen of by ’n eksamen wat deur die gemeenskaplike matrikulatieraad vir hierdie doel erken word.”

4. Die „Wet tot Additionele Regeling van het Hoger Onderwys, 1917”, word hiermee gewysig deur die volgende nuwe artikel na artikel *sewentien* in te voeg:

„Recht om te eisen dat studenten by goedgekeurde verblijfplaatsen inwonen. **17bis.** Een kollegebestuur heeft het recht om te eisen dat een student zal inwonen bij een verblijfplaats voor het doel door het kollegebestuur goedgekeurd voor de tijdperken gedurende welke het kollege in zitting is.”

Invoeging van nuwe artikel *17bis* in Wet 20 van 1917.

5. Die „Universiteit van Stellenbosch Wet, 1916”, en die „Universiteit van Kaapstad Wet, 1916”, word hiermee gewysig deur die volgende nuwe artikel na artikel *agtien* in te voeg:

„Discipline en inwoning van studenten. **18bis.** (1) Iedere student van de Universiteit staat onder zodanige tuchtbepalingen als de statuten mochten voorschrijven.

(2) De raad heeft het recht om te eisen dat een student zal inwonen bij een verblijfplaats voor het doel door de raad goedgekeurd voor de tijdperken gedurende welke de Universiteit in zitting is.”

Invoeging van nuwe artikel *18bis* in Wet 13 van 1916, en in Wet 14 van 1916.

6. Die „Universiteit van de Witwatersrand, Johannesburg (Private) Wet, 1921” word hiermee gewysig deur die volgende nuwe artikel na artikel *negentien* in te voeg:

„Discipline en inwoning van studenten. **19bis.** (1) Iedere student van de Universiteit staat onder zodanige tuchtbepalingen als de statuten mochten voorschrijven.

(2) De raad heeft het recht om te eisen dat een student zal inwonen bij een verblijfplaats voor het doel door de raad goedgekeurd, voor de tijdperken gedurende welke de Universiteit in zitting is.”

Invoeging van nuwe artikel *19bis* in Wet 15 van 1921.

7. Die „Private Wet op die Uniwersiteit van Pretoria, 1930”, word hiermee gewysig deur die volgende nuwe artikel na artikel *dertien* in te voeg:

„Reg om te eisen dat studente by goedgekeurde verblyfplekke inwoon. **13bis.** Die raad het die reg om te eis dat ’n student sal inwoon by ’n verblyfplek wat vir die doel deur die raad goedgekeur is, vir die tydperke gedurende welke die Uniwersiteit in sitting is.”

Invoeging van nuwe artikel *13bis* in Wet 13 van 1930.

8. Hierdie Wet heet die Wysigingswet op Hoër Onderwys, Kort titel. 1941.

No. 26, 1941.]

ACT

To provide for annuities and gratuities for certain servants of the Railway Administration on their retirement as such servants, and for gratuities for the dependants of certain deceased former servants of the said Administration.

*(Signed by the Governor-General in Afrikaans.)
(Assented to 30th April, 1941.)*

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

Interpretation
of terms.

1. (1) Any expression to which a meaning has been assigned in section one of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), bears the same meaning when used in this Act, unless it is clear from the context that a different meaning is intended.

(2) In this Act the word—

“emoluments”, in relation to a person who was in the service of the Administration, means—

(a) his salary or wages paid by the Administration; and

(b) the value of rations supplied to him by the Administration free of charge, if he was entitled thereto under his contract of service; and

(c) one-sixth of the sum total of his emoluments under paragraphs (a) and (b), if he was entitled, under his contract of service, to quarters free of rent or to any allowance in lieu of the provision of free quarters;

“year” means a period of three hundred and sixty-five days.

Annuity or
gratuity for
certain former
servants of the
Railway
Administration.

2. (1) Any person who—

(a) was in the service of the Administration at any time after the commencement of this Act; and

(b) was in the service of the Administration during a continuous period of five years or longer or intermittently during periods which amount in the aggregate to a period of five years or longer, or was in the service of the Administration and in the service of an old Administration (whether intermittently or continuously) during periods which amount in the aggregate to a period of five years or longer; and

(c) was, after the commencement of this Act, retired from the service of the Administration because of his age or because of a reduction or reorganisation of the staff of the Administration or because of bodily injury occasioned without his own default or because of permanent ill health or physical disability in respect of which a railway medical officer has not certified that it was occasioned by the said person's own default; and

(d) on the date of such retirement is not a member of, or participant in, any pension or superannuation fund or scheme under any law and is not otherwise qualified for a pension under any law; and

(e) has never been eligible for membership of, or participation in, any such fund or scheme (except the pension scheme provided for in the Railways and Harbours Gratuity Act, 1928), or was refused admission to, or participation in, any such fund or scheme, although he was eligible for membership or participation,

shall be entitled to an annuity or to a gratuity, to be paid from revenue, in accordance with the following provisions of this Act.

(2) Any person who was intermittently in the service of the Administration shall, for the purposes of paragraphs (b) and (c) of sub-section (1) be deemed to have been retired from that service because of a fact mentioned in the said paragraph (c) if, after the termination of his last period of such service, he was not re-employed by the Administration because of any fact mentioned in that paragraph.

No. 26, 1941.]

WET

Om voorsiening te maak vir jaargelde en gratifikasies vir sekere dienare van die Spoorwegadministrasie na hulle aftreding as sulke dienare, en vir gratifikasies vir die afhanklikes van sekere oorlede gewese dienare van bedoelde Administrasie.

(Deur die Goewerneur-generaal in Afrikaans geteken.)
(Goedgekeur op 30 April 1941.)

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

1. (1) 'n Uitdrukking waaraan in artikel *een* van die „Spoorweden en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), 'n betekenis verleen is, het dieselfde betekenis wanneer hy in hierdie Wet voorkom, tensy uit die samehang blyk dat 'n ander betekenis bedoel word. Woordomskrywing

(2) In hierdie Wet beteken die woord—

„besoldiging” met betrekking tot iemand wat in diens van die Administrasie was—

(a) sy salaris of loon deur die Administrasie betaal; en

(b) die waarde van rantsoene wat die Administrasie kosteloos aan hom verstrekket, as hy kragtens sy dienskontrak daarop geregtig was; en

(c) een-sesde van die totaal van sy besoldiging ingevolge paragrawe (a) en (b), as hy ingevolge sy dienskontrak geregtig was op 'n huurvrye woonplek of op 'n toelae in plaas van 'n vrye woonplek;

„jaar”, 'n tydperk van driehonderd vyf-en-sestig dae.

2. (1) Iemand wat—

(a) te eniger tyd na die inwerkingtreding van hierdie Wet in diens van die Administrasie was; en

(b) in diens van die Administrasie was gedurende 'n onafgebroke tydperk van vyf jaar of langer of met tussenpose gedurende tydperke wat alles tesame 'n tydperk van vyf jaar of langer uitmaak of in diens van die Administrasie en in diens van 'n ou Administrasie was (hetsy met tussenpose of onafgebroke) gedurende tydperke wat tesame 'n tydperk van vyf jaar of langer uitmaak; en

(c) na die inwerkingtreding van hierdie Wet uit die diens van die Administrasie afgedank is weens sy ouderdom of weens 'n vermindering of reorganisasie van die personeel van die Administrasie of weens liggaamlike letsels wat hy buiten sy eie skuld opgeloopt het of weens voortdurende slegte gesondheid of 'n liggaamsgebrek waaromtrent 'n mediese spoorwegamptenaar nie gesertifiseer het nie dat dit deur bedoelde persoon se eie skuld veroorsaak is; en

(d) op die dag van bedoelde afdanking nie 'n lid of deelnemer is nie van of in een of ander pensioen- of ouderdomsvoorsorgfonds- of skema ingevolge een of ander wet en nie andersins in aanmerking kom nie vir 'n pensioen ingevolge een of ander wet; en

(e) nooit geregtig was om lid te word van of deel te neem aan so 'n fonds of skema (behalwe die pensioenskema waarvoor die Spoorweë en Havens Gratifikasie Wet, 1928, voorsiening maak), of aan wie toegang tot of deelneming aan so 'n fonds of skema geweier is, alhoewel hy tot lidmaatskap of deelneming bevoeg was,

is geregtig op 'n jaargeld of op 'n gratifikasie wat uit inkomste te betaal is, volgens onderstaande bepalings van hierdie Wet.

(2) Iemand wat met tussenpose in diens van die Administrasie was, word by die toepassing van paragrawe (b) en (c) van sub-artikel (1) geag uit daardie diens afgedank te geword het weens 'n feit wat in bedoelde paragraaf (c) vermeld word, as hy na die beëindiging van sy laaste termyn van sodanige diens nie weer deur die Administrasie in diens geneem is nie weens een of ander in bedoelde paragraaf vermelde feit.

Jaargeld of gratifikasie vir sekere voormalige dienare van die Spoorwegadministrasie.

Scale of annuities or gratuities.

3. If a person mentioned in section *two* has served as aforesaid during a period of—

(a) five years or longer, but less than fifteen years, he shall be entitled to a gratuity equal to the aggregate of his emoluments for the last thirteen weekdays of his service for which he earned full emoluments, in respect of each year of his service ;

(b) fifteen years or longer, but less than twenty-five years, he shall be entitled to an annuity, not exceeding one-half of his average annual emoluments during the last ten years of his service, calculated upon the following scale :

Emoluments on the date immediately preceding the date of retirement :	Amount of annuity :
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at a rate of—

(i) 7s. 6d. or more per day thirty shillings per annum in respect of each year of his service ;

(ii) less than 7s. 6d. per day twenty shillings per annum in respect of each year of his service ;

or, at his request and with the concurrence of the General Manager, to a gratuity equal to one-eighteenth of the said average emoluments in respect of each year of his service ;

(c) twenty-five years or longer, he shall be entitled to an annuity calculated upon the following scale :

Emoluments on the date immediately preceding the date of retirement :	Amount of annuity :
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at a rate of—

(i) 7s. 6d. or more per day forty-five shillings per annum in respect of each year of his service, not exceeding forty years ;

(ii) less than 7s. 6d. per day thirty shillings per annum in respect of each year of his service, not exceeding forty years ;

or to an annuity equal to two-thirds of his average annual emoluments during the last ten years of his service, whichever is the less ; or, at his request and with the concurrence of the General Manager, to a gratuity equal to one-twelfth of such average emoluments in respect of each year of his service, not exceeding forty years,

but subject to the provisions of sub-section (3) of section *four*.

Gratuities for dependants of certain deceased former servants of the Administration.

4. (1) If a person has died while he was in the service of the Administration and he would, if he had, on the date of his death, been retired from that service because of any fact mentioned in paragraph (c) of sub-section (1) of section *two* have been entitled to a pension under this Act, the General Manager may, in his discretion, pay such a gratuity as he deems desirable to pay (but not exceeding a sum equal to one quarter of the emoluments which the deceased earned during the last twenty-six weekdays of his service, for which he earned full emoluments in respect of each year of that service), to or for the benefit of any dependant or dependants of the deceased whom the General Manager may indicate, and the General Manager may apportion the gratuity among two or more such dependants in such a manner as he deems equitable and he may pay out the gratuity in such instalments as he deems desirable.

(2) If any person who was intermittently in the service of the Administration died while he was not in such service, he shall, for the purposes of sub-section (1) be deemed to have been in such service at the time of his death, if he would, but for his death or any fact mentioned in paragraph (c) of sub-section (1) of section *two*, probably have been re-employed by the Administration.

(3) If a person who is entitled to a pension under this Act, dies, his right to the pension or any part of the pension which has not yet been paid to him, shall lapse ; but the General Manager may, in his discretion, deal with any dependants of the deceased *mutatis mutandis* in accordance with the provisions of sub-section (1) : Provided that the maximum sum which

3. As iemand bedoel in artikel twee soos voormeld gedien het— Skaal van jaargelde of gratifikasies.

(a) vyf jaar lank of langer, maar minder as vyftien jaar, dan is hy geregtig op 'n gratifikasie gelyk aan sy hele besoldiging vir die laaste dertien weeksdag van sy diens waarvoor hy volle besoldiging verdien het, vir elke jaar van sy diens ;

(b) vyftien jaar lank of langer, maar minder as vyf-en-twintig jaar, dan is hy geregtig op 'n jaargeld, maar nie meer nie as die helfte van sy gemiddelde jaarlikse besoldiging oor die laaste tien jaar van sy diens, bereken volgens die volgende skaal :

Besoldiging op die datum
wat onmiddellik die datum . . . Jaargeld :
van uitdienstreding voor-
afgaan :

teen 'n skaal van—

(i) 7s. 6d. of meer per dag dertig sjielings per jaar vir elke jaar van sy diens ;

(ii) minder as 7s. 6d. per dag twintig sjielings per jaar vir elke jaar van sy diens ; of

op sy versoek en met toestemming van die Algemene Bestuurder, op 'n gratifikasie gelyk aan een-ogtiende van voormelde gemiddelde besoldiging vir elke jaar van sy diens ;

(c) vyf-en-twintig jaar lank of langer, dan is hy geregtig op 'n jaargeld bereken volgens die volgende skaal :

Besoldiging op die datum
wat onmiddellik die datum Jaargeld :
van uitdienstreding voor-
afgaan :

teen 'n skaal van—

(i) 7s. 6d. of meer per dag vyf-en-veertig sjielings per jaar vir elke jaar van sy diens, maar nie meer as veertig jaar nie ;

(ii) minder as 7s. 6d. per dag dertig sjielings per jaar vir elke jaar van sy diens maar nie meer as veertig jaar nie ; of

op 'n jaargeld gelyk aan twee-derdes van sy gemiddelde jaarlikse besoldiging oor die laaste tien jaar van sy diens, na gelang die een of die ander minder is ; of op sy versoek en met toestemming van die Algemene Bestuurder, op 'n gratifikasie gelyk aan een-twaalfde van voormelde gemiddelde besoldiging vir elke jaar van sy diens, maar nie meer as veertig jaar nie,

dog behoudens die bepalinge van sub-artikel (3) van artikel vier.

4. (1) As iemand oorlede is terwyl hy in diens van die Administrasie was en hy, as hy op die dag van sy dood uit daardie diens afgedank was weens een of ander in paragraaf (c) van sub-artikel (1) van artikel twee vermelde feit, geregtig sou gewees het op 'n pensioen ingevolge hierdie Wet, dan kan die Algemene Bestuurder volgens goeëdunke aan of ten bate van 'n afhanklike of van afhanklikes van die oorledene, wat die Algemene Bestuurder mag aandui, so 'n gratifikasie betaal as wat hy wenslik ag om te betaal (dog nie meer nie as 'n som gelyk aan een-kwart van die besoldiging wat die oorledene verdien het gedurende die laaste ses-en-twintig weeksdag van sy diens waarvoor hy volle besoldiging verdien het, vir elke jaar van daardie diens) en die Algemene Bestuurder kan die gratifikasie verdeel tussen twee of meer sulke afhanklikes op 'n wyse wat hy regverdig ag, en hy kan die gratifikasie in sulke paaielemente uitbetaal as wat hy wenslik ag.

Gratifikasies vir afhanklikes van sekere oorlede voormalige dienare van die Administrasie.

(2) As iemand wat met tussenpose in diens van die Administrasie was, oorlede is terwyl hy nie aldus in diens was nie, dan word by die toepassing van sub-artikel (1) beskou dat hy op die tyd van sy dood wel aldus in diens was, indien die Administrasie hom, afgesien van sy dood of van een of ander in paragraaf (c) van sub-artikel (1) van artikel twee vermelde feit, waarskynlik weer in diens sou geneem het.

(3) As iemand wat op 'n pensioen ingevolge hierdie Wet geregtig is, sterf, dan vervel sy reg op die pensioen of enige deel van die pensioen wat nog nie aan hom uitbetaal is nie ; maar die Algemene Bestuurder kan volgens goeëdunke met afhanklike van die oorledene handel *mutatis mutandis* volgens die bepalinge van sub-artikel (1) : *Met dien verstande dat die

the General Manager may pay out to such dependants under sub-section (1) shall be reduced by any part of a gratuity or by the aggregate of all payments of an annuity which the deceased received under this Act prior to his death.

Method of calculating periods of service.

5. (1) In calculating the period of service of any person as a basis for a pension under this Act (whether for himself or for his dependants), all separate periods, reckoned in days, during which that person was in the service of the Administration or of an old Administration shall, subject to the provisions of sub-section (2), be added together, and if the total period of his service amounts to a number of full years and a number of days less than a year, that number of days shall be taken into account as a corresponding fraction of a year.

(2) For the purpose of calculating a pension under this Act any period of service which terminated because of any fact other than a fact mentioned in paragraph (c) of sub-section (1) of section *two*, or any period of service in respect whereof the person concerned received any pension shall not be taken into account.

Application for a pension.

6. (1) An applicant for a pension under this Act shall submit his application in a form and to an officer prescribed by regulations made under section *seven*.

(2) The officer who received the application shall refer it to a local committee established in accordance with regulations made under section *seven*, and the local committee shall examine the application and report thereon to the said officer, who shall transmit the application and report to the General Manager for his decision.

Regulations.

7. The Administration may, subject to the approval of the Governor-General, make regulations not inconsistent with this Act—

- (a) prescribing the form of an application for a pension under this Act and the officer to whom such an application shall be submitted ;
- (b) providing for the establishment of local committees to examine and report upon applications for pensions under this Act ;
- (c) prescribing the functions of such local committees and the procedure which they shall follow in the performance of those functions.

Pensions cannot be ceded or attached in execution.

8. The provisions of section *twenty-one* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), shall, in so far as they are applicable, apply *mutatis mutandis* in connection with a pension or a right to a pension under this Act.

Repeal of laws.

9. The Railways and Harbours Gratuity Act, 1928 (Act No. 8 of 1928), and the Railways and Harbours Gratuity Amendment Act, 1935 (Act No. 25 of 1935), are hereby repealed: Provided that, if a person who was, before the commencement of this Act, eligible for the grant of a gratuity under the said Act No. 8 of 1928 (as amended by the said Act No. 25 of 1935), but was not granted such a gratuity before the said commencement, has applied, whether before or after the said commencement, for such a gratuity, the said Act No. 8 of 1928 shall continue to apply in connection with him until his application has been disposed of.

Short title.

10. This Act shall be called the Railways and Harbours Pensions Amendment Act, 1941.

maksimaal bedrag wat die Algemene Bestuurder aan bedoelde afhanklikes kan uitbetaal, verminder word met enige deel van 'n gratifikasie of met die som van alle uitkerings van 'n jaargeld wat die oorledene voor sy dood ingevolge hierdie Wet ontvang het.

5. (1) By die berekening van die dienstydyperk van iemand as grondslag vir 'n pensioen ingevolge hierdie Wet (hetsy vir homself of vir sy afhanklikes) word alle afsonderlike tydperke, in dae bereken, wat bedoelde persoon deurgebring het in diens van die Administrasie of van 'n ou Administrasie, bymekaar getel (dog behoudens die bepalings van sub-artikel (2)), en as die totaaltydperk van sy diens bestaan uit 'n aantal volle jare en 'n aantal dae wat minder as 'n jaar uitmaak, dan word daardie aantal dae in aanmerking geneem as 'n eweredige breukdeel van 'n jaar.

Wyse van berekening van dienstydyperke.

(2) Ter berekening van 'n pensioen ingevolge hierdie Wet word elke dienstydyperk wat beëindig is weens 'n ander feit as 'n feit vermeld in paragraaf (c) van sub-artikel (1) van artikel twee, of elke dienstydyperk waarvoor die betrokke persoon enige pensioen ontvang het, nie in aanmerking geneem nie.

6. (1) Iemand wat 'n pensioen ingevolge hierdie Wet aanvra, moet sy aansoek indien in 'n vorm en by 'n amptenaar wat voorgeskryf is in regulasies uitgevaardig kragtens artikel sewe.

Aansoek om 'n pensioen.

(2) Die amptenaar wat die aansoek ontvang het moet dit verwys na 'n plaaslike komitee wat ingestel is volgens regulasies uitgevaardig kragtens artikel sewe en die plaaslike komitee moet die aansoek ondersoek en daarvoor verslag doen aan bedoelde amptenaar, wat die aansoek en verslag ter beslissing moet deursteur aan die Algemene Bestuurder.

7. Die Administrasie kan, met goedkeuring van die Goewerneur-generaal, regulasies uitvaardig wat nie in stryd met hierdie Wet mag wees nie en wat—

Regulasies.

- (a) bepaal in watter vorm en by watter amptenaar 'n aansoek om 'n pensioen ingevolge hierdie Wet ingedien moet word;
- (b) voorsiening maak vir die instelling van plaaslike komitees om aansoeke om pensioene ingevolge hierdie Wet te ondersoek en daaromtrent verslag te doen;
- (c) die werksaamhede van sulke plaaslike komitees omskryf en bepaal watter prosedure hulle in ag moet neem by die verrigting van daardie werksaamhede.

8. Die bepalings van artikel een-en-twintig van die „Spoorweden en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925), is vir so ver as wat hulle toepaslik is, van toepassing *mutatis mutandis* in verband met 'n pensioen of 'n reg tot 'n pensioen ingevolge hierdie Wet.

Pensioene kan nie gesedeer of in beslag geneem word nie.

9. Die Spoorweë en Hawens Gratifikasie Wet, 1928 (Wet No. 8 van 1928), en die Spoorweg en Hawe Gratifikasie Wysigingswet, 1935 (Wet No. 25 van 1935), word hiermee herroep: Met dien verstande dat as iemand wat voor die inwerkingtreding van hierdie Wet in aanmerking gekom het vir 'n gratifikasie ingevolge voormelde Wet No. 8 van 1928 (soos gewysig deur voormelde Wet No. 25 van 1935), dog aan wie so 'n gratifikasie nie voor bedoelde inwerkingtreding toegeken is nie, hetsy voor of na bedoelde inwerkingtreding, om so 'n gratifikasie aansoek gedoen het, dan bly voormelde Wet No. 8 van 1928 in verband met hom van toepassing totdat sy aansoek afgehandel is.

Wetsherroeping.

10. Hierdie Wet heet die Wysigingswet op Spoorweg- en Kort titel. Hawepensioene, 1941.

No. 27, 1941.]

ACT**To close a certain railway line in the City of Durban and to ratify a certain agreement between the Government and the City Council of Durban.***(Signed by the Governor-General in English.)
(Assented to 30th April, 1941.)*

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

- Closing of Durban-Point railway line.** 1. The railway line extending from and including the street called Walnut Road to and including the street called Bay Terrace, both in the City of Durban, is hereby closed to traffic and the Railway Administration may demolish and remove all structures and remove all articles used or intended for use in connection with the said railway line.
- Ratification of agreement.** 2. The agreement of which a copy is set forth in the Schedule to this Act (and which amends the agreement of which a copy is set forth in the Second Schedule to the Railways and Harbours Construction Act, 1931 (Act No. 43 of 1931) is hereby ratified.
- Short title.** 3. This Act shall be called the Durban Railway Agreement Act, 1941.

Schedule.

MEMORANDUM OF SUPPLEMENTARY AGREEMENT made and entered into between the MINISTER OF RAILWAYS AND HARBOURS OF THE UNION OF SOUTH AFRICA, and as such representing the Government of the Union in its Railways and Harbours Administration (hereinafter referred to as the "Government") of the one part, and the WORSHIPFUL MAYOR OF DURBAN as representing the Mayor, Councillors and Burgesses of the City of Durban (hereinafter referred to as the "Corporation") of the other part.

WHEREAS an agreement dated 23rd and 30th January, 1931, was entered into between the Government and the Corporation relative to the construction of a double line of railway from Congella to Cato Creek and certain reclamation and harbour works at Durban more fully described in the said agreement and which is hereinafter referred to as the Principal Agreement.

AND WHEREAS it has been deemed necessary and advisable in the interests of both parties hereto to amend the terms and conditions of the Principal Agreement in certain respects and to substitute for plan annexure "A" an amended plan to be referred to and known as annexure "C", and to obtain the sanction of Parliament to such amendments and substitution of plan.

Now it is hereby agreed between the Government and the Corporation, but subject always to the sanction of Parliament, as follows:

(1) Clause 2 of the Principal Agreement is hereby amended to read:

"(a) A double line of railway from Cato Creek to Congella (hereinafter referred to as the "railway") shall be constructed by and at the cost of the Government in front of the Victoria Embankment on land thirty-three (33) feet in width to be reclaimed for the purpose (hereinafter referred to as the "railway reserve"). The railway boundary nearer the existing wall line of the Victoria Embankment shall be located at a minimum distance of seventy (70) feet from such existing wall line."

"(b) An ornamental stone wall shall be erected by the Government on either side of the railway reserve area of thirty-three (33) feet above referred to, and shall when erected be handed over to the Corporation, and the Corporation shall from such date of erection be liable for future maintenance and upkeep of such ornamental stone wall. For the purpose of this agreement, the date of the erection of such wall shall be deemed to be 1st January, 1941."

(2) Clause 3 of the Principal Agreement is hereby amended to read:

"(a) The area of land between the Victoria Embankment and the railway reserve, together with a strip of land twenty-five (25) feet wide on the Bay side of the railway reserve shall be reclaimed to the level of the Victoria Embankment, viz., ten (10) feet above low water level ordinary spring tides."

"(b) An additional area of land south of the new line of the Victoria Embankment, in extent approximately two (2) acres, and situated between Field and Broad Streets, as indicated on diagram marked "C" and hereto annexed shall be reclaimed to the level of the Victoria Embankment, viz. ten (10) feet above low water level ordinary spring tides."

No. 27, 1941.]

WET

Om 'n sekere spoorbaan in die Stad Durban te sluit en om 'n sekere ooreenkoms tussen die Regering en die Stadsraad van Durban te bekragtig.

(Deur die Goewerneur-generaal in Engels geteken.)
(Goedgekeur op 30 April 1941.)

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

1. Die spoorbaan wat strek vanaf en met inbegrip van die straat wat Walnutweg heet tot en met inbegrip van die straat wat Bay Terrace heet, albei in die Stad Durban, word hierby vir verkeer gesluit, en die Spoorwegadministrasie kan alle geboue wat in verband met bedoelde spoorbaan gebruik is of vir gebruik in verband daarmee bestem was, sloop en verwyder, en alle voorwerpe wat in verband daarmee gebruik is of vir sodanige gebruik bestem was, verwyder.

Sluiting van Durban-Punt spoorbaan.

2. Die ooreenkoms waarvan 'n vertaling in die Bylae tot hierdie Wet vervat is (en waardeur wysigings aangebring word in die ooreenkoms waarvan 'n vertaling vervat is in die Tweede Bylae tot die Spoorweg- en Hawe-Aanleg-Wet, 1931 (Wet No. 43 van 1931) word hierby bekragtig.

Bekragtiging van ooreenkoms.

3. Hierdie Wet heet die Wet op die Durbanse Spoorweg-ooreenkoms, 1941.

Kort titel.

Bylae.

VERTALING VAN AANVULLENDE AKTE VAN OOREENKOMS gesluit en aangegaan tussen die MINISTER VAN SPOORWEE EN HAWENS VAN DIE UNIE VAN SUID-AFRIKA, as verteenwoordiger van die Regering van die Unie in sy Administrasie van Spoorweë en Hawens (hieronder die „Regering” genoem), aan die een kant en die AGBARE BURGEMEESTER VAN DURBAN as verteenwoordiger van die Burgemeester, Raadslede en Burgers van die Stad Durban (hieronder die „Korporasie” genoem) aan die ander kant.

AANGESIEN 'n ooreenkoms gedagteken 23 en 30 Januarie 1931, aangegaan is tussen die Regering en die Korporasie met betrekking tot die bou van 'n dubbele spoorlyn van Congella na Cato-Creek en sekere droogleggings- en hawewerke te Durban wat meer breedvoerig in bedoelde ooreenkoms (hieronder die Hofooreenkoms genoem) beskryf word;

EN AANGESIEN dit in belang van albei kontrakterende partye nodig en raadsaam geag is om die voorwaardes van die Hofooreenkoms in sekere opsigte te wysig en om kaart-aanhangsel „A” te vervang deur 'n gewysigde kaart wat aanhangsel „C” genoem word, en om die goedkeuring van die Parlement tot bedoelde wysigings en vervanging van kaart te verkry.

DERHALWE kom die Regering en die Korporasie hiermee ooreen, mits die Parlement dit goedkeur, as volg:

(1) Klousule 2 van die Hofooreenkoms word hierby deur die volgende klousule vervang:—

„(a) 'n Dubbele spoorlyn van Cato-Creek na Congella (hieronder die „Spoorweg” genoem), moet deur en op koste van die Regering gebou word voor die Victoria-wal op grond drie-en-dertig (33) voet breed, wat vir daardie doel drooggelé moet word (hieronder die „Spoorwegreserwe” genoem). Die spoorweggrens naaste aan die lyn van die bestaande muur van die Victoria-wal word getrek op 'n afstand van minstens sewentig (70) voet van bedoelde bestaande muurlyn.

(b) 'n Sierlike klipmuur moet deur en op koste van die Regering opgerig word aan albei kante van die voormelde spoorwegreserwe-terrein van drie-en-dertig (33) voet, en moet, wanneer dit opgerig is, aan die Korporasie oorhandig word, en die Korporasie is, vanaf die datum van oprigting, aanspreeklik vir die toekomstige onderhoud en instandhouding van bedoelde sierlike klipmuur. In verband met hierdie ooreenkoms word die datum van oprigting van bedoelde muur geag 1 Januarie 1941 te wees.”

(2) Klousule 3 van die Hofooreenkoms word hierby deur die volgende klousule vervang:—

„(a) Die terrein tussen die Victoria-wal en die spoorwegreserwe, benewens 'n strook grond vyf-en-twintig (25) voet breed aan die baikant van die spoorwegreserwe, moet drooggelé word tot op die hoogte van die Victoria-wal n.l. tien (10) voet bo laagwater by gewone springty.

(b) 'n Addisionele terrein suid van die nuwe lyn van die Victoria-wal, groot ongeveer twee (2) akkers, en geleë tussen Field- en Broadstrate, soos aangedui op die aangehegte kaart gemerk „C”, moet drooggelé word tot op die hoogte van die Victoria-wal n.l. tien (10) voet bo laagwater by gewone springty.

- “(c) The transfer of the said additional area to the Corporation shall be subject to the condition that the area shall be used solely for recreational yachting, recreational boating and similar recreational purposes. The said additional area shall be stone pitched and rat-proofed on the Bay side and four sets of landing steps shall be provided, together with a slipway suitable for the convenient handling of small craft. The maintenance of the said additional area together with the maintenance of the rat-proofing, steps, slipway, and handrailing on the north side of the said additional area, etc., shall be the responsibility of the Corporation”.
- “(d) A further additional area of land (in extent one (1) rood thirty-six (36) perches forty-four (44) square feet) south of the new line of the Victoria Embankment and situated opposite Jonsson Lane as indicated on diagram annexed hereto and marked “C” shall notwithstanding the provisions of Clause 15 of the Principal Agreement be reclaimed and retained by the Government for use by it for such purposes as it may deem fit”.
- (3) Clause 4 of the Principal Agreement is hereby amended to read :
 “The strip of land twenty-five (25) feet wide referred to in Clause 3 (a) hereof shall extend from the western boundary of the further area reclaimed situated opposite Jonsson Lane referred to in Clause 3 (d) hereof, to the subway opposite Russell Street, and with the exception of that portion adjoining the additional area specified in Clause 3 (b) hereof, shall be faced with a reinforced concrete piled wall and railing, and the Government shall be entitled to use for this purpose the standards and railings from the Victoria Embankment, the property of the Corporation.
 “The Government shall before 31st July, 1942, cause the said concrete piled wall to be sealed and waterproofed to the mutual satisfaction of the Corporation and the Government from the level of low water of spring tides to a level of 8 feet above low water of spring tides, and notwithstanding anything contained in Clause 9 of the principal agreement and Clause 7 (d) hereof the Government shall be responsible for the maintenance of the said wall until 31st December, 1942”.
- (4) Clause 5 of the Principal Agreement is hereby amended to read :
 “The areas of land referred to in Clauses (3) (a) and (3) (b) hereof (exclusive of the area thirteen feet (13 ft.) in width required for railway purposes from a point opposite Jonsson Lane to the Aliwal Street subway, and abutting on the railway reserve area of thirty-three (33) feet in width referred to in Clause (2) hereof) in extent 20·6332 acres as shown on diagram hereto annexed marked “C” shall when reclaimed be transferred in freehold to the Corporation against payment by the Municipality in the sum of thirty-five thousand pounds (£35,000) South African currency.
 “The cost of survey and transfer including transfer fees shall be borne by the Corporation”.
- (5) Clause 6 of the Principal Agreement is hereby amended to read :
 “The Government undertakes that, subject to the exigencies of the service, the railway shall be operated by means of electric or other smokeless engines and that the overhead wires, if any, shall be carried by ornamental reinforced concrete masts, or other suitable structures if required, placed at suitable distances along the track on both sides thereof”.
- (6) Clause 8 of the Principal Agreement is hereby amended as follows :
 “The Government shall extend all existing drains passing under the Victoria Embankment for such distances as may be necessary for the discharge of the said drains into the Bay of Natal, and will increase the size of the extensions at Aliwal Street, Field Street and Bay Terrace and other culvert and pipe drains to the dimensions laid down by the Corporation. The approximate positions of existing drainage servitudes are indicated in blue on diagram annexure “C”.
 “The Government shall further excavate in front of the reinforced concrete wall bounding the new line of reclamation a channel twenty (20) feet in width and to a depth of two (2) feet below low water level ordinary spring tides, into which the extended drains may discharge. Maintenance of this channel shall be at the cost of the Corporation”.
- (7) Clause 9 of the Principal Agreement is hereby amended as follows :
 “(a) For the purpose of providing access from the Victoria Embankment to the strip of land on the bay side of the railway reserve and referred to in clause 3 (a) hereof, the Government shall provide and maintain two (2) subways, twelve (12) feet in the barrel, of ornamental design at Gardiner Street and at a point between Broad Street and Field Street, also a level crossing for the removal of yachts at a point adjacent to Field Street, as shown on the diagram hereto annexed, marked “C”.
 “(b) The Government shall also provide two additional subways twelve (12) feet wide in the barrel, of ornamental design under the railway at points mutually agreed upon between the Corporation and the Government and situated approximately opposite Aliwal and Russell Streets on the basis of half the cost of construction and maintenance being borne by the Corporation and the other half by the Government.
 “(c) The Government shall harden with bituminous macadam a footpath fifteen (15) feet in width for the length of the frontage as shown on the diagram hereto annexed marked “C”.

- (c) Die oordrag van bedoelde addisionele terrein aan die Korporasie is onderworpe aan die voorwaarde dat die terrein uitsluitend vir jag- en bootvaart by wyse van ontspanning en vir dergelike ontspanningsdoeleindes gebruik moet word. Bedoelde addisionele terrein moet aan die baaikant met klippe skuins bestraat word en teen rotte bestand wees, en vier stelle landingstrappe moet aangebring word, en ook 'n sleepelling wat geskik is vir die maklike hantering van klein vaartuie. Die Korporasie is verantwoordelik vir die instandhouding van bedoelde addisionele terrein, en ook vir die instandhouding van die rotteskerm, trappe, sleepelling en handrelings aan die noordekant van bedoelde addisionele terrein.
- (d) 'n Verdere addisionele terrein, groot 1 roede 36 „perches”-en 44 vierkant voet, suid van die nuwe lyn van die Victoria-wal en geleë teenoor Jonssonsteeg, soos aangedui op die hieraangehegte kaart gemerk „C” moet, ondanks die bepalinge van Klousule 15 van die Hoofwooreenkoms, deur die Regering drooggelê en behou word om deur hom gebruik te word soos hy wenslik ag.”
- (3) Klousule 4 van die Hoofwooreenkoms word hierby deur die volgende klousule vervang:—
„Die strook grond vyf-en-twintig (25) voet breed, wat in Klousule 3 (a) vermeld word, strek vanaf die westelike grens van die addisionele drooggelegde terrein, geleë teenoor Jonssonsteeg, wat in Klousule 3 (d) vermeld word, tot die duikweg teenoor Russelstraat, en moet met uitsondering van die gedeelte wat grens aan die addisionele terrein in Klousule 3 (b) bedoel, voorsien wees van 'n gestapelde voormuur van gewapende beton, met 'n reling, en die Regering het die reg om daarvoor gebruik te maak van die pale en relings van die Victoria-wal, wat die eiendom van die Korporasie is.
Die Regering moet bedoelde gestapelde betonmuur voor 31 Julie 1942 waterdig laat toemaak tot wedersydse bevestiging van die Korporasie en die Regering, vanaf laagwaterpeil by gewone springty tot 'n hoogte van 8 voet bo laagwaterpeil by springty, en ondanks die bepalinge van Klousule 9 van die Hoofwooreenkoms, en Klousule 7 (d) hiervan, is die Regering verantwoordelik vir die instandhouding van bedoelde muur tot 31 Desember 1942.”
- (4) Klousule 5 van die Hoofwooreenkoms word hierby deur die volgende klousule vervang:—
„Die in Klousules 3 (a) en 3 (b) bedoelde terreine (met uitsluiting van die dertien (13) voet breë terrein wat vir spoorwegdoeleindes nodig is vanaf 'n punt teenoor Jonssonsteeg tot by die Aliwalstraat-duikweg, en wat aan die drie-en-dertig (33) voet breë spoorwegreserwe-terrein, in Klousule 2 vermeld, grens) groot 20-6332 akkers, soos aangetoon op die hieraangehegte kaart gemerk „C”, moet, na drooglegging, in volle eiendom oorgedra word aan die Korporasie, teen betaling deur die Munisipaliteit van die som van vyf-en-dertig duisend pond (£35,000) in Suid-Afrikaanse betaalmiddel.
Die koste van opmeting en transport met inbegrip van here-regte, moet deur die Korporasie gedra word.”
- (5) Klousule 6 van die Hoofwooreenkoms word hierby deur die volgende klousule vervang:—
„Die Regering belowe dat, vir sover as wat die diens dit toelaat, die spoorweg geëksploteer sal word deur middel van elektriese of ander rooklose lokomotiewe en dat die bogronde geleiding (as daar een is) gedra sal word deur sierlike gewapende betonmaste of, indien dit verlang word, deur ander geskikte standers, op gepaste afstande aan weerskante van die baan opperig.”
- (6) Klousule 8 van die Hoofwooreenkoms word hierby deur die volgende klousule vervang:—
„Die Regering moet alle bestaande afvoerpype onder die Victoria-wal so ver verleng dat hulle in die Baai van Natal inloop, en sal die verlengings in Aliwalstraat, Fieldstraat en Bay Terrace en ander afvoerdikers- en pype in die mate vergroot dat hulle afmetings ooreenkom met die wat die Korporasie vasgestel het. Die ligging van bestaande afvoerserwitute word, by benadering, op die aangehegte kaart „C” in blou aangedui.
Die Regering moet verder voor die gewapende betonmuur wat die nuwe drooglegging begrens, 'n kanaal, twintig (20) voet breed, uitgawe tot 'n diepte van twee (2) voet onder laagwaterpeil by gewone springty, waarin die verlengde afvoerleidings kan uitloop. Die Korporasie dra die koste van instandhouding van hierdie kanaal.”
- (7) Klousule 9 van die Hoofwooreenkoms word hierby deur die volgende klousule vervang:—
„(a) Ter verlening van toegang vanaf die Victoria-wal tot die in Klousule (3) (a) bedoelde strook grond aan die baaikant van die spoorwegreserwe moet die Regering sorg vir die aanleg en onderhoud van twee duikweë, met 'n deursnee van twaalf (12) voet aan die binnekant en in 'n sierlike styl uitgevoer, ene by Gardinerstraat en die ander op 'n plek tussen Broadstraat en Fieldstraat, asook van 'n spoorweg-oorgang vir die oorbrengring van jagte, op 'n plek aan Fieldstraat, soos aangetoon op die aangehegte kaart gemerk „C”.
- (b) Die Regering moet ook twee verdere duikweë onder die spoorweg aanlê, met 'n deursnee van twaalf (12) voet aan die binnekant, en in 'n sierlike styl uitgevoer op plekke deur ooreenkoms tussen die Korporasie en die Regering te bepaal, min of meer teenoor Aliwal- en Russelstrate, en wel op die grondslag dat die helfte van die koste van aanleg en instandhouding deur die Korporasie en die ander helfte deur die Regering gedra word.
- (c) Die Regering moet 'n vyftien voet breë voetpad oor die lengte van die voorkant, soos aangetoon op die hieraangehegte kaart gemerk „C”, met teernakadam verhard.

“(d) The upkeep and maintenance of the new embankment wall fronting the area of land to be transferred to the Corporation, together with the lighting, upkeep and maintenance of the aforementioned footpath and the embellishment of the remaining strip ten (10) feet wide between Aliwal and Russell Streets subways shall be undertaken by and at the expense of the Corporation”.

Except to the extent amended by this Supplementary Agreement the Principal Agreement is continued in full force and effect.

SIGNED by the Minister of Railways and Harbours as representing the Government of the Union in its Railways and Harbours Administration, on this the sixth day of March, 1941.

(Sgd.) F. CLAUD STURROCK.

As Witnesses :

1. (Sgd.) J. VILJOEN.
2. (Sgd.) D. F. TOERIEN.

SIGNED by RUPERT ELLIS BROWN, Esq., on this the 12th day of February, 1941, as Mayor of Durban on behalf of the said Mayor, Councillors and Burgesses of the Borough of Durban and the Common Seal of the said Mayor, Councillors and Burgesses has been hereto affixed in pursuance of a resolution of the Council dated the 7th day of February, 1941.

(Sgd.) R. ELLIS BROWN,
Mayor.

As Witnesses :

1. (Sgd.) JOHN McINTYRE,
Assistant Town Clerk.
2. (Sgd.) W. L. HOWES.

In terms of section *one hundred and twenty-four*, sub-section (2) of Ordinance No. 19 of 1924, I certify that the foregoing contract has been duly authorised by a resolution of the Durban City Council passed on the 7th day of February, 1941.

(Sgd.) JOHN McINTYRE,
for Town Clerk.

- (d) Die onderhoud en instandhouding van die nuwe wal voor die terrein wat aan die Korporasie oorgedra moet word, en die verligting, onderhoud en instandhouding van voormelde voetpad, en die verfraaiing van die orige tien (10) voet breë strook tussen die duikweë in Aliwalstraat en Russelstraat, word deur en op koste van die Korporasie onderneem."

Behalwe vir sover dit deur hierdie Aanvullende ooreenkoms gewysig word, bly die Hofooreenkoms van volle krag.

ONDERTEKEN deur die Minister van Spoorweë en Hawens, as verteenwoordiger van die Regering van die Unie in sy Administrasie van Spoorweë en Hawens, op hede die sesde dag van Maart 1941.

(W.g.) F. CLAUD STURROCK.

As Getuie :

1. (W.g.) J. VILJOEN.
2. (W.g.) D. F. TOERIEN.

ONDERTEKEN deur RUPERT ELLIS BROWN op hede die 12e dag van Februarie 1941, as Burgemeester van Durban, namens genoemde Burgemeester, Raadslede en Burgers van die Stad Durban, en die Seël van genoemde Burgemeester, Raadslede en Burgers is hier aangeheg ingevolge 'n besluit van die Raad gedateer 7 Februarie 1941.

(W.g.) R. ELLIS BROWN,
Burgemeester.

As Getuie :

1. (W.g.) JOHN McINTYRE,
Assistent-Stadsklerk.
2. (W.g.) W. L. HOWES.

KRAGTENS artikel *honderd vier-en-twintig*, sub-artikel (2) van Ordonnansie No. 19 van 1924, sertifiseer ek dat die stadsraad van Durban by 'n besluit geneem op 7 Februarie 1941 sy magtiging verleen het tot die aangaan van die voorgaande ooreenkoms.

(W.g.) JOHN McINTYRE,
namens die Stadsklerk.

DEPARTMENT OF THE INTERIOR.

The following Government Notice is published for general information :—

No. 670.]

[5th May, 1941.

REGULATIONS FOR THE TAKING OF THE
CENSUS, 1941.

His Excellency the Governor-General has been pleased in terms of section *three* (2) of the Census, Delimitation and Electoral Act (Act No. 23 of 1941) to make the following regulations, framed under the provisions of that Act, in connection with the census of the European population of the Union of South Africa to be taken on the 6th day of May, 1941 :—

REGULATIONS FRAMED UNDER THE PROVISIONS OF THE CENSUS, DELIMITATION AND ELECTORAL ACT, 1941, IN CONJUNCTION WITH THE CENSUS ACT, NO. 2 OF 1910, FOR CARRYING OUT THE OBJECTS AND PURPOSES OF THE SAID ACTS AT THE CENSUS OF THE EUROPEAN POPULATION OF THE UNION OF SOUTH AFRICA TO BE TAKEN IN THE YEAR 1941.

1. At the census to be taken on the sixth day of May, 1941, the form set forth in the Schedule annexed hereto marked A, shall be the form to be completed with reference to the persons referred to in section *three* (2) of Act No. 23 of 1941. The said forms shall be supplied by the Director of Census.

2. The Secretary for Defence shall be the person responsible for furnishing the information on behalf of the persons referred to in section *three* (2) of Act No. 23 of 1941.

3. Every European adult Union National who is serving with the Defence Forces or is employed by the State in connection with the war and as a consequence of such service or employment is absent from the Union on the night of the census shall furnish the census officer with the required particulars for the completion of the form set forth in Schedule A of these regulations.

4. Every such person as is in the last preceding regulation mentioned who is travelling by any vehicle, railway train, or aircraft outside the Union on Census night shall, if he has not been enumerated elsewhere, furnish the census officer at his place of destination with such particulars as may be required for the completion in respect of such person of the form set forth in Schedule A of these regulations.

5. Every European adult Union National who on the night of the census was on board any vessel outside any Union Port or Union waters, if he has not been enumerated elsewhere, shall furnish the census officer at the first port of call within the Union or at the camp of destination elsewhere in Africa with such particulars as are required for the completion in respect of such person of the form set forth in Schedule A of these regulations.

6. Any person who fails to comply with any of the foregoing regulations shall be liable on conviction to the penalties provided by the *Census Act*, 1910.

Schedule "A."

PARTICULARS TO BE FURNISHED IN RESPECT OF SOUTH AFRICAN UNION NATIONALS ON MILITARY, NAVAL, CIVIL OR OTHER SERVICE OUTSIDE THE BORDERS OF THE UNION.

Question

(1)

A. *Name in full.*

Name

B. *Military Rank and Number (if any).*

C. *Race : (Europeans only to be enumerated).*

DEPARTEMENT VAN BINNELANDSE SAKE.

Onderstaande Goewermentskennisgewing word vir algemene informasie gepubliseer :—

No. 670.]

[5 Mei 1941.

REGULASIES VIR DIE OPNEMING VAN DIE SENSUS, 1941.

Dit het Sy Eksellensie die Goewerneur-generaal behaag om, kragtens artikel *drie* (2) van die Sensus-, Afbakenings- en Kieswet (Wet No. 23 van 1941) onder staande regulasies, opgestel ooreenkomstig die bepalings van daardie Wet, te maak in verband met die sensus van die blanke bevolking van die Unie van Suid-Afrika wat op die 6de dag van Mei 1941 gehou word :—

REGULASIES OPGESTEL OOREENKOMSTIG DIE BEPALINGS VAN DIE SENSUS—AFBAKENINGS- EN KIESWET, 1941; SAAMGELEES MET DIE CENSUS WET, WET NO. 2 VAN 1910, TER VOLDOENING AAN DIE OOGMERKE EN DOELSTELLINGS VAN GENOEMDE WETTE BY DIE SENSUS VAN DIE BLANKE BEVOLKING VAN DIE UNIE VAN SUID-AFRIKA WAT IN DIE JAAR 1941 GEHOU WORD.

1. By die sensus wat op die sesde dag van Mei 1941 gehou word, is die vorm omskryf in bygaande Bylae, gemerk A, die vorm wat ingevul moet word ten opsigte van die persone waarna in artikel *drie* (2) van Wet No. 23 van 1941 verwys is. Genoemde vorms word deur die Direkteur van Sensus verskaf.

2. Die Sekretaris van Verdediging is die persoon verantwoordelik vir die verskaffing van die gegewens ten behoeve van die persone waarna in artikel *drie* (2) van Wet No. 23 van 1941 verwys is.

3. Elke blanke volwasse Unie-burger wat in die verdedigingsmagte dien of in verband met die oorlog by die Staat in diens is, en wat as gevolg van sodanige diens in die sensusnag uit die Unie afwesig is, moet aan die sensusbeampte die nodige besonderhede verskaf wat vereis word by die invul van die vorm in Bylae A van hierdie regulasies uiteengesit.

4. Elkeen in Regulasie 3 hierbo genoem, wat in die sensusnag buite die Unie met 'n voertuig, trein of vliegtuig reis, en nie elders opgeneem is nie, moet aan die sensusbeampte by die plek van sy bestemming die nodige besonderhede verskaf wat vereis word by die invul van die vorm in Bylae A van hierdie regulasies uiteengesit.

5. Elke blanke volwasse Unie-burger wat in die sensusnag aan boord van 'n vaartuig buite 'n Unie-hawe of Unie-waters is, en nie elders opgeneem is nie, moet aan die sensusbeampte by die eerste Unie-hawe wat die vaartuig aandoen, of by die kamp van bestemming elders in Afrika, die nodige besonderhede verskaf wat vereis word by die invul van die vorm in Bylae A van hierdie regulasies uiteengesit.

6. Iemand wat in gebreke bly om aan een of meer van bostaande regulasies te voldoen, is by veroordeling strafbaar met die strawwe in die *Census Wet*, 1910, voorgeskryf.

Bylae A.

BESONDERHEDE WAT VERSTREK MOET WORD TEN OPSIGTE VAN SUID-AFRIKAANSE UNIE-BURGERS WAT BUTTE DIE GRENSE VAN DIE UNIE MILITÊRE-, VLOOT-, BURGERLIKE OF ANDER DIËNS DOEN.

Vraag.

(i)

A. Volle Naam.

Naam.

B. Militêre Rang en Nommer.

C. Ras : (Slegs blankes moet opgeneem word.)

Question.

(1)

D. *Sex* : Write M for male and F for female.

E. *Date of Birth*. Day. Month. Year.

F. *Age* : In years and months. If age unknown state approximate age. Years. Months

G. *Marriage* :

If never married Fill in 1
 If married Fill in 2
 If widowed, but not remarried Fill in 3
 If divorced, but not remarried Fill in 4

Special Note : Volunteers on Military Service should state their normal civil occupation.

H. (i) *Personal Occupation* : Blacksmith, Carpenter, Miner, Farmer, Typist, Housewife, etc.

(ii) If on military service enter " M "
 If on civil or other service enter " C "

(iii) *Industry or Profession in civil life* : e.g. Building, Gold Mining, Coal Mining, Medical, Legal, etc.

(iv) *Name of Employer in civil life* : Firm, Person, Company, or Public Body

(v) If unemployed at time of enlistment (that is without a job) Fill in N.W.
 If in employment at time of enlistment Fill in W.
 For all others Fill in X.

I. (i) *Present Nationality* : South African (Union Nationals only to be enumerated).

(ii) *Naturalization* : If naturalized South African, or British state previous nationality.

J. *Period of Residence in Union* : If not born in the Union, state the number of years and months resident. Years. Months

K. *Birthplace* : If born in South Africa, state the Province or Territory in which born. In other cases insert name of country only.

L. *Province of Normal Residence* :

(i) *S.A. Permanent Forces*. State Province of the Union in which resident prior to September, 1939.

(ii) *Active Citizen Forces, Volunteers and Others*. State Province of the Union in which resident prior to enlistment, etc.

For use of Census Office only.

M. *Home Language* : What is the language usually spoken in your home ?

VRAAG.

(1)

D. *Geslag* : Skryf M vir manlik en V vir vroulik.

E. *Datum van Geboorte*.

Dag. Maand. Jaar.

F. *Leeftyd* : In jare en maande. As leeftyd onbekend is, gee dan geskatte leeftyd. Jaar. Maande.

G. *Huwelik* :

Indien nooit getroud nie vul in 1
 Indien getroud vul in 2
 Indien in wedustaat en nie weer getroud
 nie vul in 3
 Indien geskei en nie weer getroud nie.... vul in 4

Let wel.—Vrywilligers op Militêre Diens moet hul normale burgerlike beroep opgee.

H. (i) *Persoonlike Beroep* : Grofsmid, Timmerman, Mynwerker, Boer, Hoedemaker, Tikster, Huisvrou, ens.

(ii) Indien op militêre diens vul in—„M”.
 Indien op burgerlike of ander diens vul in—„C”.

(iii) *Bedryf of Beroep in Burgerlike Lewe* : b.v. Boubedryf, Goudmynbedryf, Koolmynbedryf, Medisyne, Regte, ens.

(iv) *Naam van Werkgewer in Burgerlike Lewe* : Firma, Persoon, Maatskappy of Openbare liggaam.

(v) Indien Werkloos by aansluiting (dit is, sonder werk) vul in N.W.
 Indien in die Werk by aansluiting . . . vul in W.
 Vir alle andere vul in X.

I. (i) *Huidige Nasionaliteit* : Suid-Afrikaans (Slegs Unieburgers moet opgeneem word.)

(ii) *Naturalisasie* : Indien genaturaliseerde Suid-Afrikaner of Brit, meld vorige nasionaliteit.

J. *Tydperk van Verblyf in die Unie* : Indien nie in die Unie gebore nie, vermeld die getal jare en maande hier woonagtig. Jaar. Maande.

K. *Geboorteplek*. Indien in Suid-Afrika gebore, vermeld die provinsie of gebied. In ander gevalle vermeld alleen naam van geboorteland.

L. *Provinsie van Gewone Verblyf* :

(i) *S.A. Staande Magte*. Meld provinsie in die Unie waarin woonagtig voor September 1939.

(ii) *Aktiewe Burkgemagte, Vrywilligers en ander*. Meld provinsie van die Unie waarin woonagtig voor aansluiting.

Slegs vir gebruik van Sensuskantoor.

M. Watter taal word gewoonlik in u huis gebesig ?

