

**EXTRAORDINARY**



**BUITENGEWONE**

**THE UNION OF SOUTH AFRICA**

# Government Gazette

## Staatskoerant

**VAN DIE UNIE VAN SUID-AFRIKA**

Vol. CXXXVI.] **PRICE 6d.**

CAPE TOWN, 5TH MAY, 1944.  
KAAPSTAD, 5 MEI 1944.

**PRYS 6d.**

[No. 3338.]

**OFFICE OF THE PRIME MINISTER.**

The following Government Notice is published for general information :—

No. 748.] [5th May, 1944.

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

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**KANTOOR VAN DIE EERSTE MINISTER.**

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer :—

No. 748.] [5 Mei 1944

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

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No. 20, 1944.]

# ACT

**To provide for the transfer, to the service of the Government of the Union, of certain employees of the United Transkeian Territories General Council, and for matters incidental thereto.**

*(Signed by the Officer Administering the Government in Afrikaans).*

*(Assented to 29th April, 1944.)*

**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:—

## Definitions.

### 1. In this Act—

“Council” means the United Transkeian Territories General Council constituted by Proclamation No. 279 of 1930, read in conjunction with Proclamation No. 191 of 1932, as amended from time to time;

“Council pension fund” means the United Transkeian Territories General Council Employees' Pension and Gratuity Fund established by Proclamation No. 143 of 1921, as amended from time to time;

“fixed date” means a date to be fixed by the Minister by notice in the *Gazette* with reference to the transfer of any officer from the service of the Council to the service of the Government of the Union in terms of section *two*;

“military service” means—

(a) continuous whole-time service during the present war with any force or service established by or under—

(i) the South Africa Defence Act, 1912 (Act No. 13 of 1912), as amended; or

(ii) any proclamation or regulation validated by section *two* of the War Measures Act, 1940 (Act No. 13 of 1940); or

(iii) any regulation made under section *one bis* of the latter Act, as amended; or

(b) continuous whole-time service during the present war with the land, naval or air forces of any ally of the Union;

“Minister” means the Minister of Native Affairs or any other Minister of State acting in his stead;

“the fund” means the Union public service pension fund established by section *three* of the Government Service Pensions Act, 1936 (Act No. 32 of 1936).

Transfer of certain persons employed by United Transkeian Territories General Council to the service of the Union Government.

2. (1) Subject to the succeeding provisions of this section, every person whose name is included in a list published by the Minister in the *Gazette* and who immediately prior to the fixed date was an employee of the Council and a contributor to the Council pension fund, shall, as from the fixed date, become an employee of the Government of the Union.

(2) At least sixty days prior to the publication of a list mentioned in sub-section (1), the Minister shall cause to be given to every person whose name he proposes to include in such list, written notification of his intention to do so.

(3) The Minister shall not include in any such list the name of any employee of the Council who has, within sixty days after he received a notification in terms of sub-section (2), notified the Minister in writing that he does not wish his name to be so included: Provided that if any employee to whom written notification has been so given, fails to notify the Minister within the said period of sixty days that he does not wish his name to be included in such list, he shall be deemed to have consented to the inclusion of his name therein.

(4) An employee of the Council who has, in terms of sub-section (3), notified the Minister that he does not wish his name to be included in a list proposed to be published by the Minister under sub-section (1), shall, for the purposes of the law governing the Council pension fund, be deemed to have been retired from the service of the Council owing to the abolition of his office, at the expiration of the period of sixty days mentioned in sub-section (3).

No. 20, 1944.]

# WET

**Om voorsiening te maak vir die oorpasing, na die diens van die Unieregering, van sekere werknemers van die Verenigde Algemene Raad van die Transkeise Gebiede, en vir daarmee in verband staande aangeleenthede.**

(Deur die Amptenaar Belas met die Uitoefening van die  
Uitvoerende Gesag in Afrikaans geteken.)  
(Goedgekeur op 29 April 1944.)

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

1. In hierdie Wet beteken—

„Raad” die Verenigde Algemene Raad van die Transkeise Gebiede, ingestel by Proklamasie No. 279 van 1930, saamgelees met Proklamasie No. 191 van 1932, soos van tyd tot tyd gewysig;

„pensioenfonds van die Raad” die „Transkei Gebied Algemene Raad Beambten Pensioen- en Gratifikatiefonds” ingestel by Proklamasie No. 143 van 1921, soos van tyd tot tyd gewysig;

„vasgestelde datum” ’n datum deur die Minister by kennisgewing in die *Staatskoerant* vasgestel te word met betrekking tot die oorpasing van ’n amptenaar uit die diens van die Raad na die diens van die Unieregering ooreenkomstig artikel twee;

„militêre diens”—

(a) ononderbroke voltydse diens gedurende die huidige oorlog by ’n mag of diens ingestel deur of kragtens—

(i) die „Zuid Afrika Verdedigings Wet, 1912” (Wet No. 13 van 1912), soos gewysig; of

(ii) ’n proklamasie of regulasie bekragtig deur artikel twee van die Wet op Oorlogsmaatreëls, 1940 (Wet No. 13 van 1940); of

(iii) ’n regulasie kragtens artikel een bis van laasgenoemde Wet, soos gewysig, uitgevaardig; of

(b) ononderbroke voltydse diens gedurende die huidige oorlog by die land-, see- of lugmagte van ’n bondgenoot van die Unie;

„Minister” die Minister van Naturellesake of enige ander Staatsminister wat namens hom optree;

„die fonds” die Unie-staatsdienspensioenfonds ingestel deur artikel drie van die Regeringdiens Pensioenwet, 1936 (Wet No. 32 van 1936).

2. (1) Behoudens die hieropvolgende bepalings van hierdie artikel, word iedereen wie se naam verskyn in ’n lys deur die Minister in die *Staatskoerant* gepubliseer, en wat onmiddellik vòór die vasgestelde datum ’n werknemer van die Raad en ’n bydraer tot die pensioenfonds van die Raad was, vanaf die vasgestelde datum ’n werknemer van die Unieregering.

(2) Minstens sestig dae voor die publikasie van ’n in sub-artikel (1) bedoelde lys, moet die Minister iedereen wie se naam hy voornemens is om in so ’n lys op te neem, skriftelik van sy voorneme in kennis laat stel.

(3) Die Minister neem nie in so ’n lys die naam op van ’n werknemer van die Raad wat binne sestig dae nadat hy ’n kennisgewing ingevolge sub-artikel (2) ontvang het, die Minister skriftelik in kennis gestel het dat hy nie verlang dat sy naam aldus opgeneem moet word nie: Met dien verstande dat indien ’n werknemer aan wie aldus skriftelik kennis gegee is, versuim om die Minister binne bedoelde tydperk van sestig dae in kennis te stel dat hy nie verlang dat sy naam in so ’n lys opgeneem moet word nie, dit beskou word dat hy tot die opname van sy naam daarin toegestem het.

(4) As ’n werknemer van die Raad die Minister ingevolge sub-artikel (3) in kennis gestel het dat hy nie verlang dat sy naam in ’n lys wat die Minister voornemens is om ooreenkomstig sub-artikel (1) te publiseer, opgeneem moet word nie, word dit beskou, vir die doeleindes van die wetsbepalings wat die pensioenfonds van die Raad beheers, dat die Raad hom uit sy diens laat afree het, weens afskaffing van sy pos, by die verstryking van die tydperk van sestig dae in sub-artikel (3) vermeld.

Woordbepaling.

Oorpasing van sekere persone in diens van Verenigde Algemene Raad van Transkeise Gebiede na die diens van die Unieregering.

(5) Notwithstanding the provisions of sub-sections (2) and (3), the Minister may include in any list published by him in terms of sub-section (1), the name of any such employee of the Council as is referred to in that sub-section who is absent on military service if he is satisfied that, owing to circumstances connected with such employee's military service, it is not practicable to cause written notification of the Minister's intention to be given to him in terms of sub-section (2) and, subject to the provisions of section *four*, such employee shall become an employee of the Government of the Union as if he had consented to the inclusion of his name in such list.

(6) Notwithstanding any limitation in respect of age or educational or other qualifications prescribed by or under the Public Service Act, 1923 (Act No. 27 of 1923) or any other law, the Minister may, on the recommendation of the Public Service Commission, appoint any person who has become an employee of the Government of the Union in terms of this section, to a post in the professional and technical, the administrative, the clerical or the general division of the public service.

(7) The conditions of service of a person so appointed shall be governed by the provisions of the said Public Service Act, 1923, and the regulations made thereunder: Provided that whenever the question arises whether any such person should or should not be promoted to any post in the Transkeian Territories of the Province of the Cape of Good Hope, regard shall not be had to the fact that he is proficient in the use of only one of the official languages of the Union.

(8) Except with his own consent or in accordance with the provisions of any law, no person who has become an employee of the Government in terms of this section shall be liable, after the fixed date, to suffer any reduction—

- (a) of his pensionable emoluments as they existed immediately prior to the fixed date; or
- (b) of the scale of salary applicable to him immediately prior to the fixed date, or of the rate of progression up the scale.

Pension benefits of persons who become employees of the Government under this Act.

3. For the purposes of the Government Service Pensions Act, 1936 (Act No. 32 of 1936), every person who becomes an employee of the Government of the Union in terms of section *two* shall, as from the fixed date, be deemed to be an officer who has been transferred, in terms of sub-section (1) of section *twenty-six* of the said Act, from the service of an institution referred to in that sub-section, to a post in one of the divisions of the public service, and the Council shall be deemed to be such an institution: Provided that if any amount which may become payable by the Council to the fund in terms of a determination made by the Treasury under sub-section (2) of the said section *twenty-six*, includes any amount payable from the revenue of the Council, such last-mentioned amount shall be paid from the South African Native Trust Fund referred to in section *eight* of the Native Trust and Land Act, 1936 (Act No. 18 of 1936).

Special provisions with regard to persons who become employees of the Government under section 2 while on military service.

4. (1) A person who has become an employee of the Government of the Union in terms of section *two* and whose name was included by the Minister, in terms of sub-section (5) of that section, in any list published by him shall—

- (a) be deemed to have elected, as from the fixed date, under sub-section (2) of section *twenty-six* of the Government Service Pensions Act, 1936, to reckon his past pensionable service under the Council as pensionable service under the said Act;
- (b) be called upon by the head of his department, not later than six months after his discharge from military service, to elect, within a period specified by the said head—
  - (i) to remain in the employ of the Government and to abide by the regulation of his pension rights in the manner provided by paragraph (a); or
  - (ii) to be retired.

(2) (a) If an employee elects to be retired in terms of paragraph (b) of sub-section (1), the head of his department shall fix a future date for his retirement. On that date he shall cease to be employed by the Government and he shall, for the purposes of the law governing the Council pension fund, be deemed to have been retired from the service of the Council, on the ground of abolition of his office, as from that date.

(5) Ondanks die bepalings van sub-artikels (2) en (3) kan die Minister, in 'n lys wat hy ingeolge sub-artikel (1) publiseer, die naam opneem van 'n in daardie sub-artikel bedoelde werknemer van die Raad wat met militêre diens afwesig is, indien hy oortuig is dat dit, weens omstandighede wat met daardie werknemer se militêre diens in verband staan, nie doenlik is om hom ingeolge sub-artikel (2) skriftelik van die Minister se voorneme in kennis te laat stel nie, en behoudens die bepalings van artikel vier, word so 'n werknemer 'n werknemer van die Unieregering asof hy tot die opname van sy naam in so 'n lys toegestem het.

(6) Ondanks enige beperking ten opsigte van ouderdom of opvoedkundige of ander kwalifikasies voorgeskryf deur of ingeolge die „Staatsdiens Wet, 1923” (Wet No. 27 van 1923), of enige ander wetsbepaling, kan die Minister, op aanbeveling van die Staatsdienskommissie, enigeen wat ooreenkomstig hierdie artikel 'n werknemer van die Unieregering geword het, in 'n pos in die vakkundige en tegniese, die administratiewe, die klerklike of die algemene tak van die staatsdiens aanstel.

(7) Die diensvoorwaardes van 'n aldus aangestelde persoon word deur bedoelde „Staatsdiens Wet, 1923,” en die uit kragte daarvan uitgevaardigde regulasies gereël: Met dien verstande dat wanneer die vraag ontstaan of so iemand al dan nie bevorder moet word tot 'n pos in die Transkeigebiede van die Provinsie Kaap die Goeie Hoop, die feit dat hy slegs een van die amptelike tale van die Unie magtig is, nie in aanmerking geneem word nie.

(8) Behalwe met eie toestemming of ooreenkomstig een of ander wetsbepaling, mag niemand wat ingeolge hierdie artikel 'n werknemer van die Regering geword het, na die vasgestelde datum onderwerp word aan 'n vermindering—

- (a) van sy pensioengewende verdienste soos dit onmiddellik voor die vasgestelde datum was; of
- (b) van die salarisskaal wat onmiddellik voor die vasgestelde datum op hom van toepassing was, of van die snelheid waarmee hy in die skaal bevorder word,

3. By die toepassing van die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936) word iedereen wat ingeolge artikel twee 'n werknemer van die Unieregering word, geag vanaf die vasgestelde datum 'n beampete te wees wat ingeolge sub-artikel (1) van artikel ses-en-twintig van daardie Wet verplaas is van die diens van 'n in daardie sub-artikel bedoelde inrigting na 'n pos in een van die takke van die staatsdiens, en die Raad word geag so 'n inrigting te wees: Met dien verstande dat indien 'n bedrag wat deur die Raad aan die fonds verskuldig mag word ooreenkomstig 'n bepaling van die Tesourie kragtens sub-artikel (2) van bedoelde artikel ses-en-twintig 'n bedrag insluit wat uit die inkomste van die Raad betaal moet word, laasgenoemde bedrag betaal word uit die Suid-Afrikaanse Natureltrustfonds in artikel agt van die Natureltrust en -grond Wet, 1936 (Wet No. 18 van 1936) bedoel.

Pensioenvoordele van persone wat kragtens hierdie Wet werknemers van die Regering word.

4. (1) Iemand wat ingeolge artikel twee 'n werknemer van die Unieregering geword het en wie se naam ingeolge sub-artikel (5) van daardie artikel deur die Minister in 'n deur hom gepubliseerde lys opgeneem is—

Spesiale bepalings met betrekking tot persone wat ingeolge artikel 2 werknemers van Unieregering word terwyl hulle in militêre diens is.

- (a) word geag ingeolge sub-artikel (2) van artikel ses-en-twintig van die Regeringsdiens Pensioenwet, 1936, te gekies het, vanaf die vasgestelde datum, om sy vorige pensioengewende diens by die Raad as pensioengewende diens ingeolge daardie Wet te reken;
- (b) word deur die hoof van sy departement aangesê, nie later as ses maande na sy ontslag uit militêre diens nie, om binne 'n deur die hoof bepaalde tydperk te kies—
  - (i) om in diens van die Regering te bly en om hom aan die reëling van sy pensioenregte volgens voorskrif van paragraaf (a) te hou; of
  - (ii) om afgedank te word.

(2) (a) As 'n werknemer ingeolge paragraaf (b) van sub-artikel (1) kies om afgedank te word, stel die hoof van sy departement 'n toekomstige datum vir sy afdanking vas. Op daardie datum hou hy dan op om in diens van die Regering te wees, en word dit, vir die doeleindes van die wetsbepalings wat die pensioenfonds van die Raad beheers, beskou dat die Raad hom, met ingang van daardie datum, uit sy diens laat aftree het op grond van die afskaffing van sy pos.

- (b) For the purposes of his retirement he shall be deemed to have remained a contributor to the Council pension fund and to have contributed thereto, during the period for which he was employed by the Government, on the basis of the pensionable emoluments which he received while he was so employed.
- (3) If an employee is deemed to have been retired from the service of the Council in terms of sub-section (2), there shall be paid—
- (a) from the fund to the Council pension fund, whatever amount may be necessary to place the last-mentioned fund in the same position in which it would have been had the employee concerned remained a contributor thereto and had, during the period for which he was employed by the Government, contributed thereto on the basis of the pensionable emoluments which he received while he was so employed; and
- (b) from the fund to the employee concerned, any amount paid by him to the fund in excess of the contributions which he would have paid to the Council pension fund had he remained a contributor thereto and had during the period for which he was employed by the Government, contributed thereto on the basis of the pensionable emoluments which he received while he was so employed; and
- (c) from the fund to the South African Native Trust Fund, referred to in section *eight* of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), whatever amount may have been paid from it to the fund, in respect of the employee concerned, in terms of the proviso to section *three*; and
- (d) from the Union Widows' Pension Fund referred to in section *fifty* of the Government Service Pensions Act, 1936, to the employee concerned, an amount equal to his contributions to that Fund.

Previous Government service may be taken into account for pension purposes on certain conditions.

5. (1) A person who has become an employee of the Government of the Union in terms of section *two*, and who, in order to enter into the employment of the Council, resigned from pensionable service under the Government (as defined in section *one hundred and one* of the Public Service Act, 1923) may, with the approval of the Treasury (as defined in section *eighty-three* of the Government Service Pensions Act, 1936), elect in writing, within a period of three months from the date upon which he is called upon by the head of his department to make the election, to contribute to the fund (subject to the provisions of the said Government Service Pensions Act relating to the payment of arrear contributions) in respect of his past continuous pensionable service under the Government prior to his employment by the Council, and if he elects so to contribute, any period which may have elapsed between the date upon which his pensionable service under the Government terminated and the date upon which his pensionable service under the Council commenced, shall, for the purposes of the said Act, be regarded as leave of absence without pay: Provided that any period so regarded as leave of absence without pay shall not be reckoned as service for pension purposes.

(2) The provisions of sub-section (1) shall not apply in respect of a person who has not elected, in terms of sub-section (2) of section *twenty-six* of the Government Service Pensions Act, 1936, as applied by section *three* of this Act, or is not deemed under this Act so to have elected, to reckon his pensionable service under the Council as pensionable service under the said Act.

Short title.

6. This Act shall be called the General Council Employees' Transfer Act, 1944.

- (b) Vir die doeleindes van sy uitdienstreding word dit beskou dat hy 'n bydraer tot die pensioenfonds van die Raad gebly het, en dat hy, gedurende die termyn waarvoor hy in diens van die Regering was, daartoe bygedra het op grondslag van die pensioengewende verdienste wat hy ontvang het terwyl hy aldus in diens was.

(3) Indien dit ingevolge sub-artikel (2) beskou word dat die Raad 'n werknemer uit sy diens laat aftree het, word daar betaal—

- (a) uit die fonds, aan die pensioenfonds van die Raad, so 'n bedrag as wat nodig mag wees om laasgenoemde fonds in dieselfde posisie te plaas as dié waarin dit sou gewees het as die betrokke werknemer 'n bydraer daartoe gebly het en, gedurende die termyn waarvoor hy in diens van die Regering was, daartoe bygedra het op grondslag van die pensioengewende verdienste wat hy ontvang het terwyl hy aldus in diens was; en
- (b) uit die fonds, aan die betrokke werknemer, enige bedrag deur hom aan die fonds betaal, vir sover dit meer is as die bydraes wat hy tot die pensioenfonds van die Raad sou gemaak het as hy 'n bydraer daartoe gebly het en, gedurende die termyn waarvoor hy in diens van die Regering was, daartoe bygedra het op grondslag van die pensioengewende verdienste wat hy ontvang het terwyl hy aldus in diens was; en
- (c) uit die fonds, aan die Suid-Afrikaanse Naturelle-trustfonds in artikel *agt* van die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936) bedoel, enige bedrag wat ten opsigte van die betrokke werknemer daaruit aan die fonds betaal mag gewees het ingevolge die voorbehoudsbepaling by artikel *drie*; en
- (d) uit die Unie-weduweespensioenfonds in artikel *vyftig* van die Regeringsdiens Pensioenwet, 1936, bedoel, aan die betrokke werknemer, 'n bedrag gelyk aan sy bydraes tot daardie Fonds.

5. (1) Iemand wat ooreenkomstig artikel *twee* 'n werknemer van die Unieregering geword het, en wat, ten einde tot die diens van die Raad toe te tree, uit pensioengewende diens by die Regering (soos in artikel *honderd-en-een* van die „Staatsdiens Wet, 1923” omskryf) bedank het, kan, met die goedkeuring van die Tesourie (soos in artikel *drie-en-tagtig* van die Regeringsdiens Pensioenwet, 1936, omskryf) binne 'n tydperk van drie maande vanaf die datum waarop hy deur die hoof van sy departement aangesê word om die keuse te doen, skriftelik kies om tot die fonds by te dra (met inagneming van die bepalings van bedoelde Regeringsdiens Pensioenwet met betrekking tot die betaling van agterstallige bydraes) ten opsigte van sy vorige ononderbroke pensioengewende diens by die Regering vóór sy indiensneming deur die Raad, en indien hy kies om aldus by te dra, word enige tydperk wat verstryk het tussen die datum waarop sy pensioengewende diens by die Regering geëindig het en die datum waarop sy pensioengewende diens by die Raad 'n aanvang geneem het, by die toepassing van bedoelde Wet, as afwesigheidsverlof sonder besoldiging beskou: Met dien verstande dat een of ander tydperk wat aldus as afwesigheidsverlof sonder besoldiging beskou word, nie as diens vir pensioendoeleindes gereken word nie.

Vorige diens by Regering kan onder sekere voorwaardes vir pensioendoeleindes in aanmerking geneem word.

(2) Die bepalings van sub-artikel (1) is nie van toepassing nie ten opsigte van iemand wat nie, ooreenkomstig sub-artikel (2) van artikel *ses-en-twintig* van die Regeringsdiens Pensioenwet, 1936, soos deur artikel *drie* van hierdie Wet toegepas, gekies het of wat nie, ingevolge hierdie Wet, geag word aldus te gekies het om sy pensioengewende diens by die Raad as pensioengewende diens ingevolge daardie Wet te reken nie.

6. Hierdie Wet heet die Wet op Oorplasing van Werknemers Kort titel van die Algemene Raad, 1944.

No. 21, 1944.]

## ACT

**To provide for the alteration of the schedule of rateable areas of land within the Breede River Conservation District ; for the adjustment of the rates and finances of the board of the said district and of the boards of minor irrigation districts comprised in the said district ; to amend Act 41 of 1930 ; to provide for the administration, maintenance and control of certain Government irrigation works by the White River Valley Conservation Board ; for the control by the said board of the water flowing in the channel of that river ; for control by the said board in respect of the construction of certain irrigation works ; for the taking over by the said board of certain irrigation works ; for the levy and collection of Government rates upon or in respect of certain land within the White River Valley Conservation District ; to empower the White River Estates Irrigation Board to enter into and give effect to certain agreements with local authorities having jurisdiction within the township of White River, and to assume and carry out obligations under an agreement between the White River Irrigation Company Limited and the White River Health Committee ; and to provide for matters incidental thereto.**

*(Signed by the Officer Administering the Government in English).*

*(Assented to 29th April, 1944.)*

Preamble.

**W**HEREAS it is expedient that the Breede River Conservation Board have complete control of the water derived from its conservation works and flowing in the channel of the Breede River within the boundaries of the Breede River Conservation District :

**AND WHEREAS** the proviso to sub-section (1) of section *three* of Act No. 41 of 1930 excludes certain works from such control :

**AND WHEREAS** it is expedient to introduce a new schedule of rateable areas of land within the said district :

**AND WHEREAS** it is expedient that the said board be empowered to levy differential rates upon or in respect of land within the said district irrigated by means of pumping installations :

**AND WHEREAS** it is expedient to amend Parliamentary resolutions Nos. 1 of 1935 and 7 of 1937 :

**AND WHEREAS** it is expedient that the said district be deemed, for certain purposes, to be an irrigation district ;

**AND WHEREAS** it is expedient that certain annual amounts to be used for the improvement or enlargement of the irrigation works under the control of the board concerned, be deposited with the Public Debt Commissioners by the said board and by the boards of the minor irrigation districts comprised in the said district :

**AND WHEREAS** the Government of the Union of South Africa has caused to be constructed a storage dam in the White River for impounding waters from the said river for use on certain riparian land for irrigation purposes :

**AND WHEREAS** it is expedient to vest in the White River Valley Conservation Board the administration, maintenance and control of the said storage dam and the control of the water flowing in the channel of the White River and its tributaries within the White River Valley Conservation District ; and to make provision for control by the said board in respect of the construction of works for abstracting water from a public stream within the said district and of additional works necessary for the measurement and proper regulation of water so abstracted, and for the taking over by the said board, under certain circumstances, of works within the said district used to divert or convey from a public stream, water derived from the said storage dam :

**AND WHEREAS** it is expedient to make provision for the levy of Government rates upon or in respect of certain land in the said district, irrigable from the said storage dam, and to require the said board to collect such rates :



No. 21, 1944.]

# WET

Om voorsiening te maak vir die verandering van die lys van belasbare oppervlaktes van grond binne die Breederivier-bewaringsdistrik; vir die reëling van die belastings en geldsake van die raad van genoemde distrik en van die rade van klein besproeiingsdistrikte wat in genoemde distrik vervat is; tot wysiging van Wet 41 van 1930; om voorsiening te maak vir die bestuur, instandhouding en beheer van sekere Staatsbesproeiingswerke deur die Bewaringsraad Witriviervallei; vir die beheer deur genoemde raad van die water wat in die bedding van daardie rivier loop; vir beheer deur genoemde raad ten opsigte van die aanlê van sekere besproeiingswerke; vir die oorname deur genoemde raad van sekere besproeiingswerke; vir die heffing en invordering van Regeringsbelastings op of ten opsigte van sekere grond binne die Bewaringsdistrik Witriviervallei; om die „White River Estates”-besproeiingsraad te magtig om sekere ooreenkomste met plaaslike besture wat binne die dorpsgebied Witrivier seggenskap het, aan te gaan en uit te voer, en verpligtings ingevolge 'n ooreenkoms tussen die „White River Irrigation Company Limited” en die Witrivier-gesondheidskomitee te aanvaar en na te kom; en om voorsiening te maak vir daarmee in verband staande sake.

(Deur die Amptenaar Belas met die Uitoefening van die  
Uitvoerende Gesag in Engels geteken.)  
(Goedgekeur op 29 April 1944.)

**NADEMAAL** dit raadsaam is dat die Breederivier-bewarings- **Aanhel.**  
raad algehele beheer moet hê van die water wat uit sy bewaringswerke afkomstig is en in die bedding van die Breederivier binne die grense van die Breederivier-bewaringsdistrik loop:

EN NADEMAAL die voorbehoudsbepaling by sub-artikel (1) van artikel drie van Wet No. 41 van 1930 sekere werke van bedoelde beheer uitsluit:

EN NADEMAAL dit raadsaam is om 'n nuwe lys van belasbare oppervlaktes van grond binne genoemde distrik in te stel:

EN NADEMAAL dit raadsaam is om genoemde raad te magtig om ongelyke belastings te hef op of ten opsigte van grond binne genoemde distrik wat deur middel van pomptoeestelle besproei word:

EN NADEMAAL dit raadsaam is om Parlementêre besluite Nos. 1 van 1935 en 7 van 1937 te wysig:

EN NADEMAAL dit raadsaam is dat genoemde distrik vir sekere doeleindes geag word 'n besproeiingsdistrik te wees;

EN NADEMAAL dit raadsaam is dat sekere jaarlikse bedrae, vir aanwending ter verbetering of vergroting van die besproeiingswerke onder beheer van die betrokke raad, deur genoemde raad en deur die rade van die klein besproeiingsdistrikte wat in genoemde distrik vervat is, by die Openbare Skuldkommisaris gestort word:

EN NADEMAAL die Regering van die Unie van Suid-Afrika 'n bewaringsdam in die Witrivier laat aanlê het vir die opgaar van water uit genoemde rivier vir gebruik op sekere oewergronde vir besproeiingsdoeleindes:

EN NADEMAAL dit raadsaam is om die Bewaringsraad Witriviervallei te beklee met die bestuur, instandhouding en beheer van genoemde bewaringsdam en die beheer van die water wat in die bedding van die Witrivier en sy takriviere binne die Bewaringsdistrik Witriviervallei loop; en om voorsiening te maak vir beheer deur genoemde raad ten opsigte van die aanlê van werke om water uit 'n openbare stroom binne genoemde distrik te haal en van addisionele werke wat nodig is om aldus uitgehaalde water te meet en behoorlik te reël, en vir die oorname deur genoemde raad, onder sekere omstandighede, van werke binne genoemde distrik wat gebruik word om water van genoemde bewaringsdam afkomstig uit 'n openbare stroom uit te keer of te lei:

EN NADEMAAL dit raadsaam is om voorsiening te maak vir die heffing van Regeringsbelastings op of ten opsigte van sekere grond in genoemde distrik wat uit genoemde bewaringsdam besproeibaar is, en genoemde raad te belas met die invordering van daardie belastings:

AND WHEREAS it is expedient to empower the White River Estates Irrigation Board to enter into and give effect to agreements with any local authority having jurisdiction within the township of White River, for the supply of water from the said river for use within the area of jurisdiction of such local authority, and to empower the said board, with retrospective effect, to assume and carry out obligations under an agreement between the White River Irrigation Company Limited and the White River Health Committee in connection with such supply of water :

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

Interpretation.

1. In this Act "principal Act" means the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), and any expression to which a meaning has been assigned in that Act bears, when used in this Act, the same meaning.

#### PART I.—BREEDER RIVER CONSERVATION DISTRICT.

New Schedule of rateable areas.

2. (1) The schedule of rateable areas set out in the Schedule to this Act shall be deemed to be a schedule of rateable areas prepared under section *sixty-seven* of the principal Act by the board of the Breeder River Conservation District constituted by Proclamation No. 124 of 1913 (in this Part referred to as the board), and the existing schedule of rateable areas of land within the said district shall be deemed to be cancelled.

(2) The Minister shall cause to be prepared by an officer in the Department of Irrigation, in consultation with the board of every minor irrigation district comprised in the said Breeder River Conservation District, and subject to his approval, a schedule of irrigable areas of land within each such district, in accordance with the rateable areas set out in the Schedule to this Act.

(3) When any schedule prepared under sub-section (2) has been approved by the Minister, it shall be deemed to be a schedule prepared by the board concerned under section *ninety* of the principal Act, and the then existing schedule of irrigable areas of land in the minor irrigation district concerned, shall be deemed to be cancelled.

(4) It shall not be competent for the board to alter the schedule referred to in sub-section (1), or for any such board of a minor irrigation district to alter any schedule or irrigable areas approved under sub-section (3) without the consent of the Minister.

Differential rates in respect of certain land.

3. Notwithstanding anything to the contrary contained in sub-section (2) of section *ninety-one* of the principal Act, the board may, with the consent of the Governor-General, levy irrigation rates upon and in respect of any area set out in the schedule of irrigable areas of land within the said Breeder River Conservation District, which is irrigable by means of a pumping installation, at rates different from the rates levied upon and in respect of other land in the area in which the land irrigable by means of such pumping installation is situated.

Amendment of resolutions of Parliament, Nos. 1 of 1935 and 7 of 1937 and alteration of certain rates

4. Notwithstanding any alteration by or under this Act or the principal Act of the schedule of irrigable areas of land within any district concerned, and the provisions of resolutions of Parliament Nos. 1 of 1935 and 7 of 1937—

(a) the rates to be levied for the purposes of redeeming the balance of the loan to be repaid by the board shall, as from the first day of January, 1944, not exceed the rates set out in sub-paragraphs (a), (b) and (c) of paragraph (iii) of resolution No. 1 of 1935 and sub-paragraphs (i), (ii) and (iii) of paragraph (b) of resolution No. 7 of 1937; and

(b) the rate to be levied in terms of the said resolutions in respect of the Angora irrigation scheme shall, as from the said date, be reduced to five shillings per morgen per annum: Provided that notwithstanding the levy of any reduced rates under paragraph (a) or (b), the board shall be liable for the full amount of the half-yearly instalments payable in terms of the said resolutions.

EN NADEMAAL dit raadsaam is om die „White River Estates” Besproeiingsraad te magtig om ooreenkomste met ’n plaaslike bestuur wat binne die dorpsgebied White River seggenskap het, vir die voorsiening van water uit genoemde rivier vir gebruik binne die magsgebied van bedoelde plaaslike bestuur, aan te gaan en uit te voer, en om genoemde raad met terugwerkende krag te magtig om verpligtings ingevolge ’n ooreenkoms tussen die „White River Irrigation Company Limited” en die Witrivier-gesondheidskomitee in verband met sodanige voorsiening van water, te aanvaar en na te kom :

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

1. In hierdie Wet beteken „Hoofwet” die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912), en het enige uitdrukking waaraan in daardie Wet ’n betekenis toegeskryf is, waar dit in hierdie Wet voorkom, dieselfde betekenis

#### DEEL I.—BEWARINGSDISTRIK BREEDERIVIER.

2. (1) Die lys van belasbare oppervlaktes in die Bylae by hierdie Wet vervat, word geag ’n lys van belasbare oppervlaktes te wees wat kragtens artikel *sewen-en-sestig* van die Hoofwet deur die raad van die Bewaringsdistrik Breederivier by Proklamasie No. 124 van 1913 ingestel (in hierdie Deel die raad genoem), opgestel is, en die bestaande lys van belasbare oppervlaktes van grond in genoemde distrik, word geag ingetrek te wees.

Nuwe lys van belasbare oppervlaktes.

(2) Die Minister laat ’n beampte in die Besproeiingsdepartement, in oorleg met die raad van elke klein besproeiingsdistrik wat in genoemde Bewaringsdistrik Breederivier vervat is, en onderworpe aan sy goedkeuring, ’n lys opstel van die besproeibare oppervlaktes van grond binne elke sodanige distrik ooreenkomstig die belasbare oppervlaktes in die Bylae by hierdie Wet vermeld.

(3) Wanneer ’n kragtens sub-artikel (2) opgestelde lys deur die Minister goedgekeur is, word dit geag ’n lys te wees wat kragtens artikel *negentig* van die Hoofwet deur die betrokke raad opgestel is, en word die dan bestaande lys van besproeibare oppervlaktes van grond in die betrokke klein besproeiingsdistrik geag ingetrek te wees.

(4) Die raad is nie bevoeg om ’n in sub-artikel (1) bedoelde lys, en so ’n raad van ’n klein besproeiingsdistrik is nie bevoeg om ’n kragtens sub-artikel (3) goedgekeurde lys van besproeibare oppervlaktes, sonder die toestemming van die Minister te verander nie.

3. Nieteenstaande andersluidende bepalinge in sub-artikel (2) van artikel *een-en-negentig* van die Hoofwet vervat, kan die raad, met die toestemming van die Goewerneur-generaal, op en ten opsigte van enige oppervlakte in die lys van besproeibare oppervlaktes van grond binne genoemde Bewaringsdistrik Breederivier vermeld, wat deur middel van ’n pomp-toestel besproeibaar is, besproeiingsbelastinge hef volgens ’n ander skaal dan die belastinge gehef op en ten opsigte van ander grond in die gebied waarin die grond wat deur middel van die pomp-toestel besproeibaar is, geleë is.

Ongelyke belastinge ten opsigte van sekere grond.

4. Nieteenstaande enige verandering deur of kragtens hierdie Wet of die Hoofwet van die lys van besproeibare oppervlaktes van grond binne enige betrokke distrik, en die bepalinge van Parlementêre besluite Nos. 1 van 1935 en 7 van 1937—

Wysiging van Parlementêre besluite Nos. 1 van 1935 en 7 van 1937 en verandering van sekere belastinge.

(a) mag die belastinge wat gehef moet word ter affossing van die restant van die lening wat deur die raad terugbetaal moet word, met ingang vanaf die eerste dag van Januarie 1944, nie hoër wees nie dan die belastinge in sub-paragrafe (a), (b) en (c) van paragraaf (iii) van besluit No. 1 van 1935 en sub-paragrafe (i), (ii) en (iii) van paragraaf (b) van besluit No. 7 van 1937 vermeld ; en

(b) word die belasting wat volgens genoemde besluite ten opsigte van die Angora-besproeiingskema gehef moet word, met ingang vanaf genoemde datum, verminder tot vyf sjielings per morg per jaar : Met dien verstande dat die raad, nieteenstaande die heffing van verminderde belastinge ingevolge paragraaf (a) of (b), aanspreeklik bly vir die volle bedrag van die half-jaarlikse paaieimente wat volgens genoemde besluite betaalbaar is.

Certain amounts to be deposited annually with Public Debt Commissioners.

5. (1) As from the first day of January, 1945, the board shall deposit with the Public Debt Commissioners annually an amount calculated at not less than two shillings per morgen of the total area of land set out in the schedule of rateable areas of the said Breede River Conservation District, but excluding the Lazarus and Klipdrift schemes and any areas rated at the different rate referred to in section *three*.

(2) The amounts to be deposited under sub-section (1) shall be paid to the Public Debt Commissioners on such dates as shall from time to time be determined by the Minister and notified to the board in writing.

(3) If the board fails to make any deposit under sub-section (1) within a period of thirty days after the date determined under sub-section (2), the Minister may take such action as is provided in sub-section (2) of section *one hundred and twenty-six* of the principal Act as if the amount of such deposit were due in respect of a loan under Chapter VIII of that Act, and the provisions of the said sub-section shall *mutatis mutandis* apply.

(4) The amounts deposited under sub-section (1) shall be regarded as deposits in terms of section *nine* of the Public Debt Commissioners Act, 1911 (Act No. 18 of 1911), and shall not be used otherwise than for the improvement or enlargement of the irrigation works from which water is derived for the irrigation of the areas of ground in respect of which those amounts are paid, or be withdrawn from the Public Debt Commissioners except with the approval of the Minister.

River district constituted an irrigation district.

6. The river district, constituted by Proclamation No. 124 of 1913 shall, for the purposes of sub-sections (4) and (5) of section *eighty-one* of the principal Act, be deemed to be an irrigation district established under the principal Act, and the board shall for the said purposes be deemed to be an irrigation board.

Amendment of section 3 of Act 41 of 1930.

7. Section *three* of the Irrigation Districts Adjustment Act, 1930, is hereby amended by the deletion in the proviso to sub-section (1) of the words between the words "shall apply to" and the words "or in any way".

#### PART II.—WHITE RIVER VALLEY CONSERVATION DISTRICT.

Administration, etc. of certain irrigation works vested in board of White River Valley Conservation District.

8. As from the commencement of this Act, the administration, maintenance and control of the irrigation works constructed by the Governor-General on the farm Klipkopje No. 49 in the district of Nelspruit, Transvaal, shall vest in, and the cost of such administration, maintenance and control shall be borne by the board of the White River Valley Conservation District constituted by Proclamation No. 101 of 1939, as amended by Government Notice No. 226, dated the seventh day of February, 1941 (in this Part referred to as the board).

Minister's powers in respect of such works.

9. (1) The Minister or the director may authorize any person in writing to inspect the said works and such person may at any time enter upon any land or premises which it may be necessary to enter for the purpose of such inspection.

(2) If the Minister is satisfied that the said works have not been properly administered, maintained or controlled, or if the board has failed to collect any Government rates referred to in section *thirteen* within a period of sixty days after such rates became due or has failed to pay to the director, in accordance with sub-section (2) of the said section, any such rates received by it, he may by notice in writing call upon the board to take, within a period specified in the notice, such action as may be so specified, and if the board fails to comply with the notice within the said period, or within such further period as the Minister may allow, he may—

(a) cause any such action to be taken at the expense of the board; or

(b) by notice in the *Gazette* and to the board, determine the period of office of the members of the board and assume the functions of the board for such period as he may deem fit, or upon such determination or any time thereafter take all such steps as may be necessary for the election of a new board.

(3) If the Minister assumes the functions of the board under paragraph (b) of sub-section (2), he shall, for the relevant period, be vested with all the powers, rights and liabilities of the board.

5. (1) Vanaf die eerste dag van Januarie 1945 moet die raad jaarliks by die Openbare Skuldkommissaris 'n bedrag stort wat bereken word teen minstens twee sjielings per morg van die totale oppervlakte van grond in die lys van belasbare oppervlaktes van genoemde Bewaringsdistrik Breederivier vermeld, maar met uitsluiting van die Lazarus- en Klipdriftskemas en enige oppervlaktes wat volgens die in artikel drie bedoelde ander skaal belas word.

Jaarlikse storting van sekere bedrae by Openbare Skuldkommissaris.

(2) Die bedrae wat kragtens sub-artikel (1) gestort moet word, word aan die Openbare Skuldkommissaris oorbetaal op die datums wat die Minister van tyd tot tyd bepaal en wat skriftelik aan die raad meegedeel word.

(3) Indien die raad versuim om binne dertig dae na die kragtens sub-artikel (2) bepaalde datum, enige storting ingevolge sub-artikel (1) te doen, kan die Minister optree soos in sub-artikel (2) van artikel honderd ses-en-twintig van die Hoofwet bepaal, asof die bedrag van die inbetaling verskuldig was ten opsigte van 'n lening ingevolge Hoofstuk VIII van daardie Wet, en is die bepaling van genoemde sub-artikel *mutatis mutandis* van toepassing.

(4) Die bedrae wat kragtens sub-artikel (1) gestort is, word geag stortings volgens artikel nege van die „Openbare Schuld Kommissarissen Wet, 1911” (Wet No. 18 van 1911) te wees, en word nie anders aangewend nie dan alleen ter verbetering en vergroting van die besproeiingswerke waaruit water vir die besproeiing van die oppervlaktes grond ten opsigte waarvan daardie bedrae betaal word, afkomstig is, of sonder goedkeuring van die Minister aan die Openbare Skuldkommissaris onttrek nie.

6. Die rivierdistrik by Proklamasie No. 124 van 1913 ingestel word, vir die doeleindes van sub-artikels (4) en (5) van artikel een-en-tagtig van die Hoofwet, geag 'n kragtens die Hoofwet ingestelde besproeiingsdistrik te wees, en die raad word vir genoemde doeleindes geag 'n besproeiingsraad te wees.

Rivierdistrik 'n besproeiingsdistrik geag.

7. Artikel drie van die Wet tot Reëling van Besproeiingsdistrikte, 1930, word hiermee gewysig deur in die voorbehoudsbepaling by sub-artikel (1) die woorde tussen die woorde „van toepassing is op” en die woorde „of enigsins” te skrap.

Wysiging van artikel 3 van Wet 41 van 1930.

## DEEL II. BEWARINGSDISTRIK WITRIVIERVALLEI.

8. Vanaf die inwerkingtreding van hierdie Wet berus die bestuur, instandhouding en beheer van die besproeiingswerke deur die Goewerneur-generaal aangelê op die plaas Klipkopje No. 49 in die distrik Nelspruit, Transvaal, by, en val die koste van bedoelde bestuur, instandhouding en beheer ten laste van die raad van die Bewaringsdistrik Witriviervallei wat by Proklamasie No. 101 van 1939, soos gewysig deur Goewermentskennisgewing No. 226, gedagteken die sewende dag van Februarie 1941, ingestel is (in hierdie Deel die raad genoem).

Bestuur, ens., van sekere besproeiingswerke berus by raad van Bewaringsdistrik Witriviervallei.

9. (1) Die Minister of die direkteur kan enig iemand skriftelik magtig om genoemde werke te ondersoek, en so iemand kan te eniger tyd enige grond of perseel betree wat dit nodig is om vir die doel van die ondersoek te betree.

Magte van Minister ten opsigte van sodanige werke.

(2) Indien die Minister oortuig is dat genoemde werke nie na behore bestuur, in stand gehou of beheer is nie, of indien die raad versuim het om Regeringsbelasting in artikel dertien bedoel, binne 'n tydperk van sestig dae nadat bedoelde belasting verskuldig geword het, in te vorder, of versuim het om enige sodanige belasting wat hy ontvang het, ooreenkomstig sub-artikel (2) van bedoelde artikel aan die direkteur oor te betaal, dan kan hy by skriftelike kennisgewing die raad aansê om binne 'n tydperk in die kennisgewing vermeld, die stappe wat aldus vermeld word te doen, en indien die raad versuim om binne genoemde tydperk of binne die verdere tydperk wat die Minister mag toestaan, aan die kennisgewing te voldoen, dan kan hy—

(a) enige sodanige stappe op rekening van die raad laat doen; of

(b) by kennisgewing in die *Staatskoerant* en aan die raad, die ampsduur van die lede van die raad beëindig, en die werksaamhede van die raad vir die tydperk wat hy mag goedvind, op hom neem, of by bedoelde beëindiging of te eniger tyd daarna, al die nodige stappe vir die verkiesing van 'n nuwe raad doen.

(3) Indien die Minister kragtens paragraaf (b) van sub-artikel (2) die werksaamhede van die raad op hom neem, gaan al die bevoegdhede, regte en verpligtings van die raad vir die onderhawige tydperk op hom oor.

(4) The Minister may, by action in a competent court or in such other manner as he may deem fit (including the levying of Government rates) recover the costs of any action taken by him under sub-section (2).

Control by board of water flowing in public streams in district.

10. (1) The board is hereby empowered at any time when the water derived from the irrigation works referred to in section *eight* is flowing in the channel of any public stream within the White River Valley Conservation District, to exercise control over such portions of all irrigation works constructed or to be constructed within such district for the purpose of abstracting water from such public stream, as may be necessary for the purpose of effecting an equitable distribution of the water derived from the first-mentioned irrigation works.

(2) The board may, in writing, notify the owner of any works used for the purpose of abstracting water from any such public stream to construct such additional works as may be necessary for the measurement and proper regulation of the water so abstracted and if he fail to construct such works to the satisfaction of the board within six months of the date of notification, the board may cause them to be constructed at the expense of the owner and may, by action in a competent court, recover the costs of constructing them from such owner.

Control by board of construction of works.

11. (1) No person shall construct any irrigation work on any public stream within the aforesaid conservation district for the purpose of abstracting water from such stream (other than water to which he is entitled in terms of any order, award, decision, permission, authority or apportionment given or made by a court of law) without the consent in writing of the board.

(2) If the board refuses an application for its consent under sub-section (1), the applicant may within three months after the refusal, appeal from the decision of the board to the Water Court having jurisdiction within the said district.

(3) If the board grants any application for the construction of any irrigation works under sub-section (1), any person who is likely to be affected by the works may, within three months after the granting of the application, appeal against the decision of the board to the said court.

(4) The said court may, whenever an appeal is made to it in terms of sub-section (2) or (3), confirm, set aside or vary the decision of the board.

(5) An appeal shall lie against the decision of the said court to the Appellate Division.

(6) No consent of the board or decision of the said courts under this section shall entitle any person to abstract from any public stream any water other than water to which he is entitled in terms of any order, award, decision, permission, authority, or apportionment given or made by a court of law.

Board may take over maintenance, etc. of privately owned works.

12. The board may, with the written consent of the Minister, take over for such period as the board may determine the maintenance and control of any works within the aforesaid conservation district which do not belong to the board but are used to divert or convey from any public stream within such district water derived from the irrigation works referred to in section *eight*, if in the opinion of the board the water so diverted or conveyed is not being distributed equitably among the persons entitled thereto; and the board may in such case levy upon the land served by such works a rate sufficient to defray the costs of such maintenance and control: Provided that nothing in this section contained shall apply to any works which are or may be owned or controlled within its area of jurisdiction by a local authority having jurisdiction within the township of White River, so long as they are owned or controlled by such local authority.

Government rates.

13. (1) The Minister may from time to time levy rates (to be called Government rates) upon or in respect of land which is situated within the aforesaid conservation district and which is irrigable by water from the irrigation works referred to in section *eight* and is included in the schedule of irrigable areas of land within such district: Provided that, except for the purposes of sub-section (4) of section *nine*, such rates shall not exceed five shillings per morgen per annum.

(2) The rates referred to in sub-section (1) shall be collected by the board and any such rates received by the board shall be paid to the director on such dates as the Minister may from time to time determine.

(4) Die Minister kan, by aksie in 'n bevoegde hof of op sodanige ander wyse as wat hy mag goedvind (met inbegrip van die heffing van Regeringsbelastings) die koste verhaal van enige stappe wat hy kragtens sub-artikel (2) gedoen het.

10. (1) Die raad word hiermee gemagtig om, te eniger tyd wanneer die water wat uit die in artikel *agt* bedoelde besproeiingswerke, afkomstig is, in die bedding van een of ander openbare stroom binne die Bewaringsdistrik Witriviervallei loop, beheer uit te oefen oor sodanige dele van alle besproeiingswerke wat binne bedoelde distrik aangelê is of sal word om water uit so 'n openbare stroom te haal, as wat nodig mag wees om 'n billike verdeling van die water uit eersgenoemde besproeiingswerke afkomstig, te verkry.

Beheer deur raad van water wat in openbare strome binne distrik loop.

(2) Die raad kan die eienaar van enige werke wat gebruik word om water uit so 'n openbare stroom te haal, skriftelik kennisgee dat hy sodanige addisionele werke moet aanlê as wat nodig mag wees om die aldus uitgehaalde water te meet en behoorlik te reël, en indien hy versuim om binne ses maande vanaf die datum van kennisgewing, sodanige werke tot bevrediging van die raad aan te lê, kan die raad dit op koste van die eienaar laat aanlê, en kan die koste van hul aanleg by aksie in 'n bevoegde hof op die eienaar verhaal.

11. (1) Niemand mag sonder skriftelike toestemming van die raad 'n besproeiingswerk op 'n openbare stroom binne voormelde bewaringsdistrik aanlê ten einde water (behalwe water waarop hy volgens 'n order, uitspraak, beslissing, vergunning, magtiging of verdeling deur 'n geregshof gegee, verleen of gedoen, geregtig is) uit so 'n stroom te haal nie.

Beheer deur raad oor aanbou van werke.

(2) Indien die raad 'n aansoek om sy toestemming ingevolge sub-artikel (1) weier, kan die applikant binne drie maande na die weiering teen die beslissing van die raad na die Waterhof appelleer wat in genoemde distrik regsbevoegdheid besit.

(3) Indien die raad 'n aansoek om die aanleg van besproeiingswerke ingevolge sub-artikel (1) toestaan, kan elkeen wat waarskynlik deur die werke geraak sal word, binne drie maande na die toestaan van die aansoek, teen die beslissing van die raad na genoemde hof appelleer.

(4) Genoemde hof kan, wanneer ooreenkomstig sub-artikel (2) of (3) na hom geappelleer word, die beslissing van die raad bekragtig, vernietig of wysig.

(5) Teen die beslissing van genoemde hof kan na die appélhof geappelleer word.

(6) 'n Toestemming van die raad of 'n beslissing van genoemde howe kragtens hierdie artikel verleen aan niemand die reg om uit 'n openbare stroom water te haal nie behalwe water waarop hy volgens 'n order, uitspraak, beslissing, vergunning, magtiging of verdeling deur 'n geregshof gegee, verleen of gedoen, geregtig is.

12. Die raad kan met die Minister se skriftelike toestemming, vir die tydperk wat die raad mag bepaal, die instandhouding en beheer oorneem van enige werke binne voormelde bewaringsdistrik wat nie aan die raad behoort nie maar wat gebruik word om van een of ander openbare stroom binne bedoelde distrik water uit te keer of te lei wat van die in artikel *agt* bedoelde besproeiingswerke afkomstig is, as die aldus uitgekeerde of geleide water volgens die raad se oordeel nie billik onder die persone wat daarop geregtig is, verdeel word nie; en die raad kan in so 'n geval op die grond wat deur bedoelde werke bedien word 'n belasting hef wat voldoende is om die koste van die instandhouding en beheer te dek: Met dien verstande dat die bepalinge van hierdie artikel nie van toepassing is nie op enige werke binne die magsgebied van 'n plaaslike bestuur wat binne die dorpsgebied Witrivier seggenskap het, wat die eiendom of onder die beheer van die plaaslike bestuur is of mag wees, solank hul die eiendom of onder beheer van daardie plaaslike bestuur bly.

Raad kan instandhouding, ens., van werke wat nie aan hom behoort nie oorneem.

13. (1) Die Minister kan van tyd tot tyd belastinge (Regeringsbelastinge genoem) hef op of ten opsigte van grond wat binne voormelde bewaringsdistrik geleë is en wat besproeibaar is deur water uit die in artikel *agt* bedoelde besproeiingswerke en in die lys van besproeibare oppervlakte van grond binne bedoelde distrik opgeneem is: Met dien verstande dat, behalwe vir die doeleindes van sub-artikel (4) van artikel *nege* bedoelde belastinge nie meer dan vyf sjielings per morg per jaar mag bedra nie.

Regeringsbelastinge.

(2) Die raad vorder die in sub-artikel (1) bedoelde belastinge in, en enige sodanige belastinge deur die raad ontvang, word aan die direkteur oorbetal op die datums wat die Minister van tyd tot tyd mag bepaal.

(3) For the purposes of the recovery of the rates referred to in sub-section (1), the provisions of sections *seventy* and *ninety-three* of the principal Act shall *mutatis mutandis* apply.

(4) No cessation under section *ninety-three* of the principal Act, as so applied, of the supply of water shall relieve any person from any liability in respect of the period of such cessation for Government rates levied upon or in respect of the land in question.

(5) Whenever Government rates have for the first time been levied upon or in respect of any land referred to in sub-section (1), the director shall give notice thereof in writing to the registrar of deeds concerned.

(6) Every person who becomes the owner of any land upon or in respect of which any Government rates have been levied shall be liable for any such rates which remain unpaid at the time when he becomes the owner.

(7) It shall not be competent for the board or for the board of a minor irrigation district comprised in the White River Valley Conservation District to alter any schedule of irrigable areas within its district, without the consent of the Minister.

Agreements with local authority.

14. (1) The board of the White River Estates Irrigation District, constituted by Proclamation No. 191 of 1927, may, subject to the approval of the Minister, enter into any agreement with any local authority having jurisdiction within the township of White River, in the district of Nelspruit, Transvaal, for the supply of water not exceeding fifty thousand gallons per day from the said river from a point within the said irrigation district, for use within the area of jurisdiction of such local authority, and may give effect to any agreement so entered into.

(2) For the purposes of the agreement entered into on the first day of November, 1934, between the White River Irrigation Company Limited and the White River Health Committee, in connection with the supply of water from the said river for use within the area of jurisdiction of the said committee, and of the assumption of any obligation in pursuance of the said agreement by the said board as successor in title to the said company, the said company shall be deemed to have had authority to dispose of such water for the said use, and the said board shall be deemed to have had and to have authority to assume and to carry out such obligation.

Rights of riparian owners to normal flow not affected.

15. The provisions of this Part shall not in any way derogate from any right which a riparian owner may have to use the normal flow of any public stream within the White River Valley Conservation District, or to take such action as is provided for in the principal Act for the determination of the share of the normal flow to which he may be entitled.

Short title.

16. This Act shall be called the Irrigation Districts Adjustment Act, 1944.

**Schedule.**

**BREEDER RIVER CONSERVATION DISTRICT.**

SCHEDULE OF RATEABLE AREAS.

Name.	Extent of rateable area expressed in morgen.
Angora irrigation district .. .. .	921.00
Breede River (Robertson) irrigation district ..	2,708.00
Zanddrift irrigation district .. .. .	3,360.60
Le Chasseur and Goree irrigation district ..	2,152.50
Klipdrift scheme .. .. .	105.00
Wakkerstroom scheme .. .. .	100.00
Moordkuil scheme .. .. .	280.00
Lazarus scheme .. .. .	149.00
Pumping installations .. .. .	192.00
Total .. .. .	9,968.10



(3) Die bepalings van artikels *sewentig* en *drie-en-negentig* van die Hoofwet is vir die doeleindes van die invordering van die in sub-artikel (1) bedoelde belastings, *mutatis mutandis* van toepassing.

(4) Geen staking van watertoevoer kragtens artikel *drie-en-negentig* van die Hoofwet soos aldus toegepas, onthef enig iemand van enige aanspreeklikheid ten opsigte van die tydperk van die staking, vir Regeringsbelastings wat op of ten opsigte van die betrokke grond gehef is nie.

(5) Wanneer Regeringsbelastings vir die eerste maal op of ten opsigte van grond in sub-artikel (1) bedoel, gehef is, moet die direkteur die betrokke registrateur van aktes skriftelik daarvan verwittig.

(6) Iedereen wat die eienaar word van grond waarop of ten opsigte waarvan enige Regeringsbelastings gehef is, is aanspreeklik vir enige sodanige belastings wat nog onbetaald is wanneer hy die eienaar word.

(7) Die raad, of die raad van 'n klein besproeiingsdistrik wat in die Bewaringsdistrik Witriviervallei vervat is, is nie bevoeg om 'n lys van besproeibare oppervlakte binne sy distrik, sonder die toestemming van die Minister te verander nie.

14. (1) Die raad van die „White River Estates”-besproeiingsdistrik by Proklamasie No. 191 van 1927 ingestel, kan, onderworpe aan die goedkeuring van die Minister, met 'n plaaslike bestuur wat binne die dorpsgebied Witrivier, in die distrik Nelspruit, Transvaal, seggenskap het, enige ooreenkoms aangaan vir die voorsiening van water van hoogstens vyftigduisend gelling per dag uit genoemde rivier vanaf 'n plek binne genoemde besproeiingsdistrik, vir gebruik binne die magsgebied van bedoelde plaaslike bestuur, en 'n aldus aangegane ooreenkoms uitvoer.

Ooreenkomste met plaaslike bestuur.

(2) Vir die doeleindes van die ooreenkoms op die eerste dag van November 1934 tussen die „White River Irrigation Company Limited” en die Witriviergesondheidskomitee aangegaan in verband met die voorsiening van water uit genoemde rivier vir gebruik binne die magsgebied van genoemde komitee, en van die aanvaarding van enige verpligting ingevolge genoemde ooreenkoms deur genoemde raad as regsopvolger van genoemde maatskappy, word genoemde maatskappy geag bevoeg te gewees het om bedoelde water vir genoemde gebruik van die hand te sit, en word genoemde raad geag bevoeg te gewees het en te wees om die verpligting te aanvaar en na te kom.

15. Die bepalings van hierdie Deel doen op gener wyse afbreuk aan enige reg wat 'n oewereienaar mag besit om die normale stroming van 'n openbare stroom in die Bewaringsdistrik Witriviervallei te gebruik nie of om die stappe te doen waarvoor in die Hoofwet voorsiening gemaak word, ter bepaling van die deel van die normale stroming waarop hy geregtig mag wees nie.

Regte van oewereienaars op normale stroming nie geraak nie.

16. Hierdie Wet heet die Wet tot Reëling van Besproeiingsdistrikte, 1944.

Kort titel.

### Bylae.

#### BREEDERIVIER-BEWARINGSDISTRIK.

##### LYS VAN BELASBARE OPPELVAKTES.

Naam.	Grootte van belasbare grond in morges aangegee.
Angora-besproeiingsdistrik . . . . .	921·00
Breederivier (Robertson) besproeiingsdistrik . . . . .	2,708·00
Zanddrift-besproeiingsdistrik . . . . .	3,360·60
Le Chasseur- en Goree-besproeiingsdistrik . . . . .	2,152·50
Klipdrift-skema . . . . .	105·00
Wakkerstroom-skema . . . . .	100·00
Moordkuil-skema . . . . .	280·00
Lazarus-skema . . . . .	149·00
Pomptoestelle . . . . .	192·00
Totaal . . . . .	9,968·10

No. 22, 1944.]

## ACT

**To amend the National Roads Act, 1935, and the Advertising on Roads and Ribbon Development Act, 1940.***(Signed by the Officer Administering the Government in Afrikaans.)**(Assented to 29th April, 1944.)*

**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.**

1. In this Act, "principal Act" means the National Roads Act, 1935 (Act No. 42 of 1935), and any expression to which a meaning has been assigned in the principal Act bears, when used in this Act, the same meaning.

**Amendment of section 1 of Act 42 of 1935.**

2. Section *one* of the principal Act is hereby amended by the addition at the end of the definition of "declared road" of the words "and includes any deviation of such a road which is in terms of any law deemed to form part of the road";

**Amendment of section 3 of Act 42 of 1935.**

3. Section *three* of the principal Act is hereby amended by the substitution in sub-sections (1) and (3) for the words "chief technical adviser" of the words "chief engineer".

**Amendment of section 4 of Act 42 of 1935, as amended by section 17 of Act 21 of 1940.**

4. Section *four* of the principal Act is hereby amended by the insertion after sub-section (1) of the following sub-section:

"(1)*bis*. Any deviation of a declared road, consented to by the board or an officer thereof under section *thirteen*, shall be deemed to form part of the declared road as from the date on which the deviation is proclaimed by the Administrator concerned, or if the deviation is not to be so proclaimed, as from the date on which any notice, mark or other indication at or along the deviation whereby the deviation is brought to the notice of the public, is put up, made or given in terms of any law."

**Amendment of section 5 of Act 42 of 1935, as amended by section 6 of Act 35 of 1936, and section 13 of Act 50 of 1937.**

5. Section *five* of the principal Act is hereby amended by the insertion of the word "and" at the end of paragraph (c) of sub-section (1), and the addition after the said paragraph, of the following paragraph:

"(d) any other moneys received by the board."

**Substitution of section 7 of Act 42 of 1935.**

6. Section *seven* of the principal Act is hereby repealed and the following section substituted therefor:

"Expenses of 7. The board shall pay out of the fund its administrative expenses (including the remuneration and allowances of the members) and the expenses incurred in connection with the performance of its functions."

**Amendment of section 13 of Act 42 of 1935.**

7. Section *thirteen* of the principal Act is hereby amended—

(a) by the addition at the end thereof of the following proviso: "Provided that the board may, subject to such conditions as it may deem fit to impose, authorize in writing, either generally or in respect of a specific road, any technical officer of the board to consent, on behalf of the board, to any permanent deviation of any such road which may become necessary for the purposes of its proper construction or reconstruction."; and

(b) by the addition of the following sub-section, the existing section becoming sub-section (1):

"(2) The provisions of sub-section (1) shall not authorize the board to consent to a deviation of such a nature that the road as deviated does not conform to the description of the road in or referred to in the relevant proclamation under sub-section (1) of section *four*."

**Amendment of section 15 of Act 42 of 1935.**

8. Section *fifteen* of the principal Act is hereby amended—

(a) by the substitution in paragraph (i) of sub-section (1), for the words "its officers" of the words "any of its members or officers";

(b) by the substitution in paragraph (k) of the said sub-section, for the word "calendar" of the word "financial"; and

No. 22, 1944.]

## WET

**Tot wysiging van die Wet op Nasionale Paaie, 1935, en die Wet op Adverteer langs en Toebou van Paaie, 1940.**

(Deur die Amptenaar Belas met die Uitoefening van die  
Uitvoerende Gesag in Afrikaans geteken.)  
(Goedgekeur op 29 April 1944.)

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

1. In hierdie Wet beteken „Hoofwet” die Wet op Nasionale Paaie, 1935 (Wet No. 42 van 1935), en het ’n uitdrukking waaraan in die Hoofwet ’n betekenis toegeskryf is, waar dit in hierdie Wet voorkom, dieselfde betekenis. Woordebepaling.
2. Artikel *een* van die Hoofwet word hiermee gewysig deur aan die end van die omskrywing van „verklaarde pad” die woorde „en ook ’n verlegging van so ’n pad wat volgens wetsbepaling geag word deel van die pad uit te maak;” by te voeg. Wysiging van artikel 1 van Wet 42 van 1935.
3. Artikel *drie* van die Hoofwet word hiermee gewysig deur in sub-artikels (1) en (3) die woorde „tegniese hoofadviseur” te vervang deur die woord „hoofingenieur”. Wysiging van artikel 3 van Wet 42 van 1935.
4. Artikel *vier* van die Hoofwet word hiermee gewysig deur die volgende sub-artikel na sub-artikel (1) in te voeg:
 

„(1)*bis*. ’n Verlegging van ’n verklaarde pad waarin die raad of ’n amptenaar daarvan kragtens artikel *dertien* toegestem het, word geag deel van die verklaarde pad uit te maak vanaf die datum waarop die verlegging deur die betrokke Administrateur geproklameer word, of as die verlegging nie aldus geproklameer moet word nie, vanaf die datum waarop ’n kennisgewing, merk of ander aanwysing by of langs die verlegging, waardeur die verlegging onder die aandag van die publiek gebring word, ooreenkomstig ’n wetsbepaling aangebring, gemaak of gegee word”.

Wysiging van artikel 4 van Wet 42 van 1935, soas gewysig deur artikel 17 van Wet 21 van 1940.
5. Artikel *vyf* van die Hoofwet word hiermee gewysig deur aan die end van paragraaf (c) van sub-artikel (1) die woord „en” in te voeg, en na genoemde paragraaf die volgende paragraaf by te voeg:
 

„(d) enige ander gelde deur die raad ontvang.”.

Wysiging van artikel 5 van Wet 42 van 1935, soas gewysig deur artikel 6 van Wet 35 van 1936, en artikel 13 van Wet 50 van 1937.
6. Artikel *sewe* van die Hoofwet word hiermee herroep en deur die volgende artikel vervang:
 

„Uitgawe van raad uit fonds betaalbaar. 7. Die raad betaal sy administratiewe uitgawe (met inbegrip van die besoldiging en toelae van die lede) en die uitgawe wat hy in verband met die verrigting van sy werksaamhede beloop, uit die fonds.”.

Vervanging van artikel 7 van Wet 42 van 1935.
7. Artikel *dertien* van die Hoofwet word hiermee gewysig—
 

(a) deur aan die end daarvan die volgende voorbehoudsbepaling by te voeg: „Met dien verstande dat die raad ’n tegniese amptenaar van die raad, onderworpe aan die voorwaardes wat hy na goeëduke mag opleë, skriftelik kan magtig om, of in die algemeen of ten opsigte van ’n bepaalde pad, ten behoeve van die raad toestemming te verleen tot enige permanente verlegging van so ’n pad wat vir die doeleindes van sy behoorlike aanleg of vernuwing nodig mag word.”; en

(b) deur die volgende sub-artikel by te voeg; terwyl die bestaande artikel sub-artikel (1) word:
 

„(2) Die bepalings van sub-artikel (1) magtig nie die raad om sy toestemming te verleen tot ’n verlegging van so ’n aard dat die aldus verlegde pad nie met die beskrywing van die pad in of waarna verwys word in die toepaslike proklamasie kragtens sub-artikel (1) van artikel *vier*, ooreenstem nie.”.

Wysiging van artikel 13 van Wet 42 van 1935.
8. Artikel *vyftien* van die Hoofwet word hiermee gewysig—
 

(a) deur in paragraaf (i) van sub-artikel (1) die woorde „sy amptenare” te vervang deur die woorde „enigeen van sy lede of amptenare”; en

(b) deur in paragraaf (k) van genoemde sub-artikel die woord „kalender-jaar” te vervang deur die woord „boekjaar”; en

Wysiging van artikel 15 van Wet 42 van 1935.

(c) by the substitution for paragraph (m) of the said sub-section of the following paragraphs :

“(m) to hire such premises or, with the approval of the Minister, to acquire such premises or to acquire land and erect thereon such buildings, as may be necessary to enable it to perform its functions, and with the said approval, to enlarge or alter any building so acquired or erected ;

(m)bis. to acquire or hire such vehicles, animals, machinery, appliances, instruments, equipment and materials as may be necessary to enable it to perform its functions ;

(m)ter. to sell, exchange or lease any part of its property ;”.

Insertion of section 15bis in Act 42 of 1935.

9. The following section is hereby inserted in the principal Act after section *fifteen* :

“Investigations and surveys.

15bis. (1) Any officer of the board who has been directed to carry out on any land any investigation or survey necessary for or incidental to the performance of any function of the board under this Act or any other law, may, after notice to the owner, or if a person other than the owner is the occupier, to the occupier of the land, enter upon the land with such persons, animals, vehicles, machinery, appliances, instruments, equipment or materials, and perform such acts thereon, as may be necessary for or incidental to the purposes of the investigation or survey.

(2) Any person who hinders or obstructs any officer in the exercise of his powers under sub-section (1), shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months.”.

Amendment of section 16 of Act 42 of 1935.

10. Section *sixteen* of the principal Act is hereby amended by the insertion in paragraph (d) of sub-section (1), after the words “ conditions of service ”, of the words “ (including the payment into a pension or provident fund of contributions by the board and such officers and the benefits to which they shall be entitled out of the fund) ”.

Amendment of section 1 of Act 21 of 1940.

11. Section *one* of the Advertising on Roads and Ribbon Development Act, 1940, is hereby amended by the addition at the end of the definition of “ declared road ” of the words “ and includes any deviation of such a road which is in terms of any law deemed to form part of the road ; ”.

Amendment of section 11 of Act 21 of 1940.

12. (1) Section *eleven* of the Advertising on Roads and Ribbon Development Act, 1940, is hereby amended by the insertion after sub-section (6) of the following sub-section :

“(6)bis. A condition mentioned in sub-section (6) may be imposed in such a manner as to permit of non-compliance therewith or departure therefrom with the approval or consent of the controlling authority.”.

(2) Sub-section (1) shall be deemed to have come into operation on the twentieth day of May, 1940.

Certain deviations to form part of declared roads.

13. (1) For the purposes of the principal Act and of the Advertising on Roads and Ribbon Development Act, 1940, any permanent deviation of a declared road consented to by the board under section *thirteen* of the principal Act or approved by the technical officer of the board concerned, before the commencement of this Act, shall, whether or not the deviation is of such a nature that the road as deviated conforms to the description of the road in or referred to in the relevant proclamation under sub-section (1) of section *four* of the principal Act, be deemed to form part of the declared road and to have formed part thereof as from the date on which the deviation is or was proclaimed by the Administrator concerned, or if the deviation is not to be or was not so proclaimed, as from the date on which any notice, mark or other indication at or along the deviation, whereby the deviation is brought to the notice of the public, is or was put up, made or given in terms of any law.

(2) The provisions of sub-section (1) shall not render any act which was done or any failure which occurred before the commencement of this Act an offence under sub-section (2) of section *fourteen* or sub-section (3) of section *sixteen* of the principal Act or section *fifteen* of the Advertising on Roads and Ribbon Development Act, 1940.

Short title.

14. This Act shall be called the National Roads and Ribbon Development Amendment Act, 1944.

(c) deur paragraaf (m) van genoemde sub-artikel te vervang deur die volgende paragraawe :

„(m) om die persele te huur of, met goedkeuring van die Minister, die persele te verkry of grond te verkry en daarop die geboue op te rig, wat nodig is om hom in staat te stel om sy werksaamhede te verrig, en om met genoemde goedkeuring, 'n gebou wat aldus verkry of opגעng is, te vergroot of te verander ;

(m)bis. om die voertuie, diere, masjinerie, toestelle, werktuie, uitrusting en materiaal te verkry of te huur wat nodig is om hom in staat te stel om sy werksaamhede te verrig ;

(m)ter. om enige deel van sy eiendom te verkoop, te verruil of te verhuur ;”.

9. Die volgende artikel word hiermee na artikel *vyftien* in die Hoofwet ingevoeg : Invoeging van artikel 15bis in Wet 42 van 1935.

„Ondersoeke en opmetings. 15bis. (1) 'n Amptenaar van die raad aan wie opdrag gegee is om op enige grond 'n ondersoek in te stel of 'n opmeting te doen wat vir die verrigting van 'n werksaamheid van die raad ingevolge hierdie Wet of 'n ander wet nodig is of daarmee in verband staan, kan, na kennisgewing aan die eienaar, of as 'n ander persoon dan die eienaar die okkupeerder is, aan die okkupeerder van die grond, die grond betree met die persone, diere, voertuie, masjinerie, toestelle, werktuie, uitrusting of materiaal, en die handelings daarop verrig, wat vir die doeleindes van die ondersoek of opmeting nodig is of daarmee in verband staan.

(2) Iemand wat 'n amptenaar by die uitoefening van sy bevoegdhede ingevolge sub-artikel (1) hinder of belemmer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.”.

10. Artikel *sestien* van die Hoofwet word hiermee gewysig deur in paragraaf (d) van sub-artikel (1) na die woord „diensvoorwaardes”, die woorde „(met inbegrip van die storting in 'n pensioen- of voorsorgsfonds van bydraes deur die raad en bedoelde amptenare asook die voordele waarop hul uit die fonds geregtig is)”, in te voeg. Wysiging van artikel 16 van Wet 42 van 1935.

11. Artikel *een* van die Wet op Adverteer langs en Toebou van Paaie, 1940, word hiermee gewysig deur aan die end van die omskrywing van „verklaarde pad” die woorde „en ook 'n verlegging van so 'n pad wat volgens wetsbepaling geag word deel van die pad uit te maak ;” by te voeg. Wysiging van artikel 1 van Wet 21 van 1940.

12. (1) Artikel *elf* van die Wet op Adverteer langs en Toebou van Paaie, 1940, word hiermee gewysig deur die volgende sub-artikel na sub-artikel (6) in te voeg : Wysiging van artikel 11 van Wet 21 van 1940.

„(6)bis. 'n In sub-artikel (6) bedoelde voorwaarde kan op so 'n wyse opgelê word dat dit 'n nie-nakoming of afwyking daarvan met goedkeuring of toestemming van die beherende gesag toelaat.”.

(2) Sub-artikel (1) word geag op die twintigste dag van Mei 1940 in werking te getree het.

13. (1) 'n Permanente verlegging van 'n verklaarde pad waarin die raad kragtens artikel *dertien* van die Hoofwet toegestem het of wat deur die betrokke tegniese amptenaar van die raad goedgekeur is, voor die inwerkingtreding van hierdie Wet, word, onverskillig of die verlegging al dan nie van so 'n aard is dat die verlêde pad met die beskrywing van die pad in of waarna verwys word in die toepaslike proklamasie kragtens sub-artikel (1) van artikel *vier* van die Hoofwet, ooreenstem, by die toepassing van die Hoofwet en van die Wet op Adverteer langs en Toebou van Paaie, 1940, geag deel van die verklaarde pad uit te maak en deel daarvan uit te gemaak het vanaf die datum waarop die verlegging deur die betrokke Administrateur geproklameer word of was, of as die verlegging nie aldus geproklameer moet word of was nie, vanaf die datum waarop 'n kennisgewing, merk of ander aanwysing by of langs die verlegging, waardeur die verlegging onder die aandag van die publiek gebring word, ooreenkomstig 'n wetsbepaling aangebring, gemaak of gegee word of was. Sekere verleggings maak deel uit van verklaarde paaie.

(2) Die bepalings van sub-artikel (1) het nie die uitwerking dat 'n handeling wat verrig is of 'n versuim wat plaasgevind het voor die inwerkingtreding van hierdie Wet, 'n misdryf ingevolge sub-artikel (2) van artikel *veertien* of sub-artikel (3) van artikel *sestien* van die Hoofwet of artikel *vyftien* van die Wet op Adverteer langs en Toebou van Paaie, 1940, word nie.

14. Hierdie Wet heet die Wysigingswet op Nasionale Paaie Kort titel. en Toebou van Paaie, 1944.

No. 23, 1944.]

# ACT

**To amend the Railways and Harbours Service Act, 1912, the Railways and Harbours Service Act, 1925, the Railways and Harbours Superannuation Fund Act, 1925, and the Railways and Harbours Pensions Amendment Act, 1941.**

(Signed by the Officer Administering the Government in English.)

(Assented to 29th April, 1944.)

**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 47 of Act 28 of 1912.

1. Section *forty-seven* of the Railways and Harbours Service Act, 1912, is hereby amended by the insertion after the word "dismissal" of the words "or in anticipation of a charge of misconduct being laid against him," and by the insertion after the words "dismissed for fraud or dishonesty" in the first proviso to the said section, of the words, figures and symbols: "(including a member who is deemed to have been dismissed in terms of paragraph (a) of sub-section (4) of section *sixteen* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925) where the offence in respect of which he has been convicted involves fraud or dishonesty)."

Amendment of section 7 of Act 23 of 1925.

2. Section *seven* of the Railways and Harbours Service Act, 1925, is hereby amended by the addition thereto of the following sub-section:

"(3) Notwithstanding the provisions of sub-section (1) or (2)—

- (i) a policeman below the rank of commissioned officer who is in temporary employment shall, on termination of his employment on a ground other than misconduct, be entitled to receive ninety days notice or pay in lieu thereof;
- (ii) a policeman below the rank of commissioned officer who is in temporary or permanent employment shall not, without the permission of an authorized officer, leave the Service on resignation unless he has given a like period of notice of his intention to do so or has been permitted to purchase his discharge in accordance with the prescribed conditions.

For the purpose of this sub-section 'policeman' means a person appointed under section *fifty-seven* of the Railways and Harbours Regulation, Control and Management Act, 1916 (Act No. 22 of 1916), as amended."

Amendment of section 5 of Act 24 of 1925 as amended by section 4 of Act 19 of 1931.

3. (1) Section *five* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the deletion in sub-section (3) of the word "temporary" in both places where it occurs.

(2) A member of the New Fund who at the commencement of this Act is contributing thereto with effect from the commencement of his previous continuous temporary employment and who, but for the amendment of sub-section (3) of section *five* of the principal Act, by section *four* of the Railways and Harbours Service and Superannuation Fund Acts Amendment Act, 1931 (Act No. 19 of 1931), would, in terms of the said sub-section (3), have had the option of electing to make contributions in respect of his previous continuous employment after he attained the age of sixteen years, shall have the option of electing within six months after the date of commencement of this Act to make contributions (subject to the provisions of sub-section (3) of section *ten* of the principal Act), in respect of the whole of such period of continuous employment after he attained the age of sixteen years.

For the purposes of this sub-section "principal Act" means the Railways and Harbours Superannuation Fund Act, 1925, and the expression "New Fund" means the New Railways and Harbours Superannuation Fund constituted by section *three* of the principal Act.

No. 23, 1944.]

# WET

**Tot wysiging van die „Spoorweg- en Havendienstwet, 1912”, die „Spoorwegen en Havens Dienst Wet, 1925”, die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925”, en die Wysigingswet op Spoorweg- en Hawepensioene, 1941.**

(Deur die Amptenaar Belas met die Uitoefening van die  
Uitvoerende Gesag in Engels geteken.)  
(Goedgekeur op 29 April 1944.)

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

1. Artikel *sewen-en-veertig* van die „Spoorweg- en Havendienstwet, 1912” word hierby gewysig deur die woorde „of in afwachting van het inbrengen van een aanklacht van wangedrag teen hem” na die woord „voorkomen” in te voeg, en deur na die woorde „wegens bedrog of oneerlikheid” in die eerste voorbehoudsbepaling by genoemde artikel, die volgende woorde, syfers en simbole in te voeg: „(met inbegrip van een lid die geacht wordt ontslagen te zijn ingevolge paragraaf (a) van sub-artikel (4) van artikel *zestien* van de Spoorwegen en Havens Dienst Wet, 1925 (Wet No. 23 van 1925), zo er bedrog of oneerlikheid opgesloten ligt in het misdrijf waaraan hij schuldig bevonden is).”

Wysiging van artikel 47 van Wet 28 van 1912.

2. Artikel *sewe* van die „Spoorwegen en Havens Dienst Wet, 1925” word hierby gewysig deur die volgende sub-artikel daaraan toe te voeg:

Wysiging van artikel 7 van Wet 23 van 1925.

„(3) Nietteenstaande het bepaalde bij sub-artikel (1) of (2)—

- (i) is een politiebeambte beneden officiersrang die in tijdelike dienst is, bij het beëindigen van zijn dienst op andere gronden dan die van wangedrag gerechtigd tot kennisgeving van negentig dagen of betaling in plaats daarvan;
- (ii) verlaat een politiebeambte beneden officiersrang die in tijdelike of permanente dienst is, de Dienst bij bedanking niet, zonder de toestemming van een gemachtigde ambtenaar, tenzij hij een dergelijk tijdvak van kennisgeving gegeven heeft van zijn voornemen om zulks te doen of tenzij hem vergunt is overeenkomstig de voorgeschreven voorwaarden zijn ontslag te koopen.

Voor de doeleinden van dit sub-artikel betekent „politiebeambte” een persoon krachtens artikel *zeven en vijftig* van de Spoorwegen en Havens Reglement, Bestuur en Beheer Wet, 1916 (Wet No. 22 van 1916) zoals gewijzigd, aangesteld.”

3. (1) Artikel *vyf* van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925”, word hierby gewysig deur in sub-artikel (3) die woord „tijdelike” op albei plekke waar dit voorkom, te skrap.

Wysiging van artikel 5 van Wet 24 van 1925, soos gewysig deur artikel 4 van Wet 19 van 1931.

(2) 'n Lid van die Nuwe Fonds wat by die inwerkingtreding van hierdie Wet tot daardie Fonds bydra met ingang van die aanvang van sy vorige ononderbroke tydelike diens en wat, sonder die wysiging van sub-artikel (3) van artikel *vyf* van die Hoofwet deur artikel *vier* van die Spoorweg- en Hawediens- en Superannuasiefondswette Wysigingswet, 1931 (Wet No. 19 van 1931), ooreenkomstig bedoelde sub-artikel (3) die reg sou gehad het om te verkies om bydraes te stort ten opsigte van sy vorige ononderbroke diens nadat hy die leeftyd van sestien jaar bereik het, het die reg om binne ses maande na die datum van inwerkingtreding van hierdie Wet te verkies om bydraes te stort (onderworpe aan die bepalings van sub-artikel (3) van artikel *tien* van die Hoofwet) ten opsigte van die hele sodanige termyn van ononderbroke diens nadat hy die leeftyd van sestien jaar bereik het.

By die toepassing van hierdie sub-artikel beteken „Hoofwet” die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925” en beteken die uitdrukking „Nuwe Fonds” die „Nieuwe Spoorwegen en Havens Superannuatie Fonds”, deur artikel *drie* van die Hoofwet ingestel.

Amendment of  
section 28 of  
Act 24 of 1925.

4. Section *twenty-eight* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the insertion after the word "dismissal" of the words "or in anticipation of a charge of misconduct being laid against him", and by the insertion after the words "dismissed for fraud or dishonesty" in the proviso to the said section, of the following words, figures and symbols: "(including a member who is deemed to have been dismissed in terms of paragraph (a) of sub-section (4) of section *sixteen* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), where the offence in respect of which he has been convicted involves fraud or dishonesty)."

Amendment of  
section 49 of  
Act 24 of 1925.

5. Section *forty-nine* of the Railways and Harbours Superannuation Fund Act, 1925, is hereby amended by the insertion after the word "dismissal" of the words "or in anticipation of a charge of misconduct being laid against him", and by the insertion after the words "dismissed for fraud or dishonesty" in the proviso thereto, of the following words, figures and symbols: "(including a member who is deemed to have been dismissed in terms of paragraph (a) of sub-section (4) of section *sixteen* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), where the offence in respect of which he has been convicted involves fraud or dishonesty)."

Amendment of  
section 2 of  
Act 26 of 1941.

6. Section *two* of the Railways and Harbours Pensions Amendment Act, 1941, is hereby amended—

- (i) by the insertion, in paragraph (d) of sub-section (1), after the word "not" where it occurs for the first time, of the words "in respect of the period of service for which a benefit is claimed under this Act", and by the insertion in the said paragraph after the word "law" where it occurs for the second time of the words "in respect of such period";
- (ii) by the insertion, in paragraph (e) of sub-section (1), after the word "never" of the words "in respect of the period of service for which a benefit is claimed under this Act,".

Short title.

7. This Act shall be called the Railways and Harbours Acts Amendment Act, 1944.



4. Artikel *agt-en-twintig* van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925”, word hierby gewysig deur die woorde „of in afwachting van het inbrengen van een aanklacht van wangedrag tegen hem” na die woord „voorkomen” in te voeg, en deur na die woorde „wegens bedrog of oneerlikheid” in die voorbehoudsbepaling by genoemde artikel, die volgende woorde, syfers en simbole in te voeg: „(met inbegrip van een lid die geacht wordt ontslagen te zijn ingevolge paragraaf (a) van sub-artikel (4) van artikel *zestien* van de Spoorwegen en Havens Dienst Wet, 1925 (Wet No. 23 van 1925), zo er bedrog of oneerlikheid opgesloten ligt in het misdrijf waaraan hij schuldig bevonden is.)”.
5. Artikel *negen-en-veertig* van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925”, word hierby gewysig deur die woorde „in afwachting van het inbrengen van een aanklacht van wangedrag tegen hem” na die woord „voorkomen” in te voeg, en deur na die woorde „wegens bedrog of oneerlikheid” in die voorbehoudsbepaling daarby, die volgende woorde, syfers en simbole in te voeg: „(met inbegrip van een lid die geacht wordt ontslagen te zijn ingevolge paragraaf (a) van sub-artikel (4) van artikel *zestien* van de Spoorwegen en Havens Dienst Wet, 1925 (Wet No. 23 van 1925) zo er bedrog of oneerlikheid opgesloten ligt in het misdrijf waaraan hy schuldig bevonden is)”.
6. Artikel *twee* van die Wysigingswet op Spoorweg- en Hawepensioene, 1941, word hierby gewysig—
- (i) deur in paragraaf (d) van sub-artikel (1) die woorde „ten opsigte van die dienstermyn waarvoor op 'n voordeel ingevolge hierdie Wet aanspraak gemaak word” na die woorde „afdanking nie” in te voeg, en deur na die woord „wet” waar dit vir die tweede maal in genoemde paragraaf voorkom, die woorde „ten opsigte van sodanige termyn” in te voeg;
- (ii) deur in paragraaf (e) van sub-artikel (1) die woorde „ten opsigte van die dienstermyn waarvoor op 'n voordeel ingevolge hierdie Wet aanspraak gemaak word” na die woorde „geregtig was om” in te voeg.
7. Hierdie Wet heet die Wysigingswet op die Spoorweg- en Hawewette, 1944.

