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OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information :

No. 779.] [12th 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 :—

No. 25 of 1944 : Children's (Amendment) Act, 1944	ii
No. 26 of 1944 : Excise Amendment Act, 1944	xiv
No. 27 of 1944 : Public Servants (Military Service) Act, 1944	xxii
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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer :

No. 779.] [12 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 :—

No. 25 van 1944 : Wysigingswet op Kinders, 1944	iii
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No. 27 van 1944 : Wet op Staatsamptenare (Militêre Diens), 1944	xxiii
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No. 25, 1944.]

ACT

To amend further the Children's Act, 1937, and to amend the Finance Act, 1942.

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

(Assented to 10th May, 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 1 of Act 31 of 1937.

1. Section *one* of the Children's Act, 1937 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "board" of the following definition:

"'board', in relation to an industrial school or a reformatory, or an institution or a hostel established under sub-section (2)*bis* of section *thirty-eight*, means the board of management appointed in respect of that industrial school, reformatory, institution or hostel under sub-section (3) of that section";

(b) by the insertion in the definition of "certified hostel" after the word "means" of the words "a hostel which has been established under sub-section (2)*bis* of section *thirty-eight* or";

(c) by the insertion in the definition of "certified institution" after the word "institution" where that word occurs for the second time of the words "which has been established under sub-section (2)*bis* of section *thirty-eight* or";

(d) by the insertion in paragraph (d) of the definition of "child in need of care" after the word "guardian" of the words "or the person in whose custody it is", and by the substitution in paragraph (g) of that definition for the words "and otherwise" of the words "unless that local authority has by means of bye-laws made under section *twenty* or any other law, prescribed that such a child may engage in that form of street trading, or otherwise";

(e) by the addition at the end of the definition of "institution" of the words "and, for the purpose of section *thirty-nine bis*, also any institution maintained for the reception, protection and care of children, and any nursery school other than a nursery school maintained or subsidized by the State";

(f) by the substitution for the definition of "local authority" of the following definition:

"'local authority' means an urban local authority as defined in section *seven* of the Public Health Act, 1919 (Act No. 36 of 1919)"; and

(g) by the substitution for the definition of "street trading" of the following definition:

"'street trading' includes—

- (i) the hawking of any article and the distribution of handbills or advertisements; and
- (ii) playing, singing or performing for profit, shoe-cleaning, motor-car tending and any other like occupation carried on in a public place".

Amendment of section 5 of Act 31 of 1937.

2. Section *five* of the principal Act is hereby amended by the insertion in sub-section (6) after the word "Minister" of the words "of Justice".

Amendment of section 6 of Act 31 of 1937.

3. Section *six* of the principal Act is hereby amended by the substitution in sub-section (8)—

(a) for the words preceding the word "shall" where that word occurs for the first time of the words "A parent or the guardian or custodian of a child concerned in any proceedings in a children's court, who has attended

No. 25, 1944.]

WET

Tot verdere wysiging van die Kinderwet, 1937, en tot wysiging van die Finansiewet, 1942.

(Deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag in Engels geteken.)
(Goedgekeur op 10 Mei 1944.)

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

1. Artikel *een* van die Kinderwet, 1937 (hieronder die Hoofwet genoem), word hierby gewysig—

Wysiging van artikel 1 van Wet 31 van 1937.

 - (a) deur die omskrywing van „raad” deur die volgende omskrywing te vervang:—

„raad”, met betrekking tot ’n nywerheidskool of ’n verbeteringshuis, of ’n inrigting of tehuis wat kragtens sub-artikel (2)*bis* van artikel *agt-en-dertig* gestig is, beteken die raad van toesig wat kragtens sub-artikel (3) van daardie artikel ten opsigte van daardie nywerheidskool, verbeteringshuis, inrigting of tehuis aangestel is;
 - (b) deur in die omskrywing van „gesertifiseerde tehuis” na die woord „beteken” die woorde „’n tehuis wat kragtens sub-artikel (2)*bis* van artikel *agt-en-dertig* gestig is of” in te voeg;
 - (c) deur in die omskrywing van „gesertifiseerde inrigting” na die woord „inrigting” waar daardie woord die tweede maal voorkom die woorde „wat kragtens sub-artikel (2)*bis* van artikel *agt-en-dertig* gestig is of” in te voeg;
 - (d) deur in paragraaf (*d*) van die omskrywing van „sorg-behoewende kind” na die woord „voog” die woorde „of die persoon in wie se bewaring hy is” in te voeg en deur in paragraaf (*g*) van daardie omskrywing die woorde „en anders” deur die woorde „tensy daardie plaaslike bestuur deur middel van verordenings kragtens artikel *twintig* of ’n ander wet, voorgeskryf het dat so ’n kind daardie soort straathandel mag dryf, of anders” te vervang;
 - (e) deur aan die end van die omskrywing van „inrigting” die woorde „en, by die toepassing van artikel *negen-en-dertig bis*, ook enige inrigting wat vir die opname, beskerming en versorging van kinders onderhou word, en enige kleuterskool behalwe ’n kleuterskool wat deur die Staat onderhou of gesubsidieer word” by te voeg;
 - (f) deur die omskrywing van „plaaslike bestuur” deur die volgende omskrywing te vervang:

„plaaslike bestuur” beteken ’n stedelik-plaaslike outoriteit soos in artikel *sewe* van die „Volksgezondheidswet, 1919” (Wet No. 36 van 1919), omskryf”; en
 - (g) deur die omskrywing van „straathandel” deur die volgende omskrywing te vervang:

„straathandel” sluit in—

 - (i) die ventery van enige artikel en die verspreiding van strooi-biljette of advertensies; en
 - (ii) speel, sing of opvoer uit winsbejag, skoonmaakery, die oppas van motorkarre, en enige ander dergelyke werk wat op ’n openbare plek verrig word”.
2. Artikel *vyf* van die Hoofwet word hierby gewysig deur in sub-artikel (6) na die woord „Minister” die woorde „van Justisie” in te voeg.

Wysiging van artikel 5 van Wet 31 van 1937.
3. Artikel *ses* van die Hoofwet word hierby gewysig deur in sub-artikel (8)—

Wysiging van artikel 6 van Wet 31 van 1937.

 - (a) die woorde voor die woord „geregtig” waar daardie woord die eerste maal voorkom, deur die woorde „’n Ouer of die voog of bewaarder van ’n kind betrokke by die verrigtings van ’n kinderhof, wat daardie

those proceedings, and any person who has attended any such proceedings to give evidence or to produce a book or document"; and

- (b) for the words "if a witness was subpoenaed to attend on the application of any person other than the children's court assistant (or on the application of the representative of such a person), or if he was called as a witness by such a person or his representative, he" of the words "such a parent or guardian or custodian, or a witness who was subpoenaed to attend on the application of any person other than the children's court assistant (or on the application of the representative of such a person) or who was called as a witness by such a person or his representative."

Amendment of section 8 of Act 31 of 1937.

4. Section *eight* of the principal Act is hereby amended by the deletion of paragraph (b) of sub-section (3) and of the words "or in the circumstances described in paragraph (b) hereof" in paragraph (d) of that sub-section.

Amendment of section 9 of Act 31 of 1937.

5. Section *nine* of the principal Act is hereby amended by the deletion in sub-section (2) of the word "protected".

Amendment of section 17 of Act 31 of 1937.

6. Section *seventeen* of the principal Act is hereby amended by the deletion in sub-section (1) of the words "over the age of five years".

Amendment of section 18 of Act 31 of 1937.

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

- (a) by the insertion after sub-section (1) of the following sub-section:

"(1)*bis*. Any such officer may, if he deems it necessary for the proper examination of such a child, in writing direct the person in whose custody the child is to remove the child within a period specified in the direction, to a hospital or other place similarly specified for such examination";

- (b) by the substitution for sub-section (2) of the following sub-section:

"(2) If at that examination it appears that the child is suffering from any disease or any curable physical defect, the said officer may—

(a) in writing direct the person in whose custody the child is to remove it, within a reasonable period specified in the direction, to a hospital or any other place similarly specified for medical treatment; or

(b) if the examination was made at a hospital or place to which the child was removed in pursuance of a direction under sub-section (1)*bis*, direct that it remain in that hospital or place for such treatment; or

(c) in writing direct the person in whose custody the child is, to provide within a reasonable period specified in the direction such medical treatment for the child as may be likewise specified";

- (c) by the insertion in sub-section (4) after the word "child" of the words "or cause it to be removed" and after the word "there" of the words "examine it or cause it to be examined or"; and

- (d) by the substitution in sub-section (7) for the words "having complied therewith" of the words "that person has complied therewith or after the child or its clothing has been cleansed in terms of sub-section (4)".

Amendment of section 19 of Act 31 of 1937.

8. Section *nineteen* of the principal Act is hereby amended by the substitution in paragraph (c) of sub-section (1) for the word "otherwise" of the words "unless that local authority has by means of bye-laws made under section *twenty* or any other law, prescribed that such a child may engage in that form of street trading, or otherwise".

Amendment of section 24 of Act 31 of 1937.

9. Section *twenty-four* of the principal Act is hereby amended by the substitution in the English version of the proviso to sub-section (1) for the words "is believed to have been committed" of the words "has been".

Amendment of section 29 of Act 31 of 1937.

10. Section *twenty-nine* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (c) of sub-section (1) for the words "an industrial school or certified" of the words "a statutory"; and

- (b) by the addition of the following sub-section:

"(3) A children's court which is satisfied that any child is a child in need of care, may direct that the child be kept in a place of safety or be returned to the custody of its parents or guardian or the person in whose custody it was immediately before the commencement of the relevant proceedings, until the

- verrigtings bygewoon het, en iemand wat daardie verrigtings bygewoon het om getuienis af te lê of 'n boek of dokument voor te lê, is" te vervang; en
- (b) die woorde „as 'n getuie op aanvraag van 'n ander persoon as die assistent van die kinderhof (of op aanvraag van die verteenwoordiger van so 'n persoon) gedagvaar is om te verskyn, of deur so 'n persoon of sy verteenwoordiger as getuie opgeroep is, hy" deur die woorde „so 'n ouer of voog of bewaarder, of 'n getuie wat op aanvraag van 'n ander persoon as die assistent van die kinderhof (of op aanvraag van die verteenwoordiger van so 'n persoon) gedagvaar is om te verskyn, of wat deur so 'n persoon of sy verteenwoordiger as getuie opgeroep was" te vervang.
4. Artikel *agt* van die Hoofwet word hierby gewysig deur Wysiging van paragraaf (b) van sub-artikel (3) en die woorde „of onder die artikel 8 van Wet omstandighede in paragraaf (b) hiervan beskryf" in paragraaf 31 van 1937. (d) van daardie sub-artikel te skrap.
5. Artikel *nege* van die Hoofwet word hierby gewysig deur Wysiging van in sub-artikel (2) die woord „beskermd" te skrap. artikel 9 van Wet 31 van 1937.
6. Artikel *sewentien* van die Hoofwet word hierby gewysig Wysiging van deur in sub-artikel (1) die woorde „bo die leeftyd van vyf artikel 17 van Wet jaar" te skrap. 31 van 1937.
7. Artikel *agtien* van die Hoofwet word hierby gewysig— Wysiging van (a) deur na sub-artikel (1) die volgende sub-artikel in te artikel 18 van Wet voeg:— 31 van 1937.
- „(1)*bis*. So 'n beampte kan, as hy dit vir die be- hoorlike ondersoek van so 'n kind nodig ag, aan die persoon in wie se bewaring die kind is, skriftelik opdrag gee om die kind binne 'n in die opdrag gemelde tydperk na 'n insgelyks gemelde hospitaal of ander plek vir die ondersoek te bring";
- (b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:—
- „(2) Indien dit by daardie ondersoek blyk dat die kind aan 'n siekte of 'n geneesbare liggaamlike gebrek ly, kan bedoelde beampte—
- (a) aan die persoon in wie se bewaring die kind is, skriftelik opdrag gee om die kind binne 'n redelike tydperk in die opdrag gemeld na 'n insgelyks gemelde hospitaal of ander plek vir mediese behandeling te bring; of
- (b) indien die ondersoek gedoen is by 'n hospitaal of plek waarheen die kind ingeolge 'n opdrag kragtens sub-artikel (1)*bis* gebring is, opdrag gee dat die kind vir sodanige behandeling in daardie hospitaal of plek bly; of
- (c) aan die persoon in wie se bewaring die kind is, skriftelik opdrag gee om binne 'n redelike in die opdrag gemelde tydperk die insgelyks gemelde mediese behandeling vir die kind te voorsien";
- (c) deur in sub-artikel (4) na die woord „bring" die woorde „of laat bring" en na die woord „daar" die woorde „ondersoek of laat ondersoek of" in te voeg; en
- (d) deur in sub-artikel (7) die woorde „aan die opdrag voldoen is" deur die woorde „daardie persoon aan die opdrag voldoen het of nadat die kind of sy klerere ooreenkomstig sub-artikel (4) gereinig is" in te voeg.
8. Artikel *negentien* van die Hoofwet word hierby gewysig Wysiging van deur in paragraaf (c) van sub-artikel (1) na die woord „tensy" artikel 19 van Wet die woorde „daardie plaaslike bestuur deur middel van ver- 31 van 1937. ordenings kragtens artikel *twintig* of 'n ander wet, voorgeskryf het dat so 'n kind daardie soort straathandel mag dryf, en tensy" in te voeg.
9. Artikel *vier-en-twintig* van die Hoofwet word hierby Wysiging van gewysig deur in die Engelse teks van die voorbehoudsbepaling artikel 24 van Wet op sub-artikel (1) die woorde „is believed to have been com- 31 van 1937. mitted" deur die woorde „has been" te vervang.
10. Artikel *negen-en-twintig* van die Hoofwet word hierby Wysiging van gewysig— artikel 29 van Wet 31 van 1937.
- (a) deur in paragraaf (c) van sub-artikel (1) die woorde „nywerheidskool of gesertifiseerde inrigting" deur die woord „gestig" te vervang; en
- (b) deur die volgende sub-artikel by te voeg:
- „(3) 'n Kinderhof wat hom daarvan vergewis het dat 'n kind 'n sorgbehoewende kind is, kan gelas dat die kind in 'n veiligheidsplek gehou word of terugbesorg word in die bewaring van sy ouers of voog of die persoon in wie se bewaring die kind onmiddellik voor die aanvang van die betrokke ver-

Amendment of section 31 of Act 31 of 1937.

Amendment of section 38 of Act 31 of 1937.

Insertion of section 39bis in Act 31 of 1937.

court has made an order in respect of the child under sub-section (1) or until such time as any such order which it may make can be put into effect”.

11. Section *thirty-one* of the principal Act is hereby amended by the insertion after the word “guardian” of the words “or the person in whose custody it was immediately before the commencement of the enquiry”.

12. Section *thirty-eight* of the principal Act is hereby amended—

(a) by the insertion after sub-section (2) of the following sub-section :—

“(2)*bis*. The Minister may establish and maintain—

(a) institutions for the reception, maintenance and training of children in need of care ; and

(b) hostels for the reception, maintenance and training of persons sent thereto by order of any court” ; and

(b) by the insertion in sub-section (3) after the word “reformatory” of the words “and for every institution and every hostel established under sub-section (2)*bis*”.

13. The following section is hereby inserted in the principal Act after section *thirty-nine* :—

“Registration of institutions.

39bis. (1) Subject to the provisions of sub-section

(2), no person shall receive any child in an institution, other than a statutory institution which is not mentioned in section *thirty-nine* or any institution maintained and controlled by the State, unless that institution has been registered under this section in the name of that person, or otherwise than in accordance with the conditions on which that institution has been so registered.

(2) The provisions of sub-section (1) shall not be deemed to prevent the reception of any child in an institution which was in existence immediately before the date of commencement of the Children's (Amendment) Act, 1944, if application for the registration of that institution has been made within three months after that date and the applicant has not received notice of the rejection of that application.

(3) Application for the registration of an institution under this section shall be made to the Minister in accordance with the prescribed procedure, and the Minister may—

(a) before considering any such application, require the applicant concerned to publish in one or more newspapers designated by the Minister, a notice in the prescribed form to the effect that he has applied for the registration of the institution in question ;

(b) reject any such application or grant it either unconditionally or on such conditions as he may deem fit and issue to the applicant a certificate of registration in the form prescribed.

(4) If an application for the registration of an institution mentioned in section *thirty-nine* is rejected, the certificate granted to its managers under sub-section (1) or (2) of that section, shall be deemed to have been withdrawn in terms of sub-section (3) thereof.

(5) A certificate of registration issued under sub-section (3) may at any time be cancelled by the Minister or surrendered to the Minister by the person in whose name it was issued, but no such certificate shall be so cancelled except after not less than one month's written notice of the intention to cancel that certificate has been given to the person in whose name it was issued, and after consideration by the Minister of any representations which may be submitted by that person in pursuance of such notice.

(6) Save as is otherwise provided in this Act, the person in whose name an institution (other than a nursery school) has been registered under this section—

(a) shall not, without the consent of the Minister, release from that institution any child received therein, or permit any such child to leave that institution or to be removed therefrom, unless

rigtings was, totdat die hof ten opsigte van daardie kind 'n order kragtens sub-artikel (1) gemaak het of tot tyd en wyl so 'n order wat die hof mag maak ten uitvoer gelê kan word".

11. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur na die woord „voog” die woorde „of die persoon in wie se bewaring die kind onmiddellik voor die aanvang van die ondersoek was” in te voeg. Wysiging van artikel 31 van Wet 31 van 1937.

12. Artikel *agt-en-dertig* van die Hoofwet word hierby gewysig— Wysiging van artikel 38 van Wet 31 van 1937.

(a) deur na sub-artikel (2) die volgende sub-artikel in te voeg:—

„(2)*bis*. Die Minister kan—

(a) inrigtings vir die opname, onderhoud en opleiding van sorgbehoewende kinders; en

(b) tehuise vir die opname, onderhoud en opleiding van persone wat op las van 'n hof daarheen verwys word,

oprig en instandhou ”; en

(b) deur na sub-artikel (3) na die woord „verbeteringshuis” die woorde „en vir elke inrigting en elke tehuis wat kragtens sub-artikel (2)*bis* opgerig is” in te voeg.

13. Die volgende artikel word hierby in die Hoofwet na artikel *negen-en-dertig* ingevoeg:— Invoeging van artikel 39*bis* in Wet 31 van 1937.

„Registrasie van inrigtings. 39*bis*. (1) Behoudens die bepalings van sub-artikel (2), mag geen persoon 'n kind in 'n inrigting (behalwe 'n gestig wat nie in artikel *negen-en-dertig* genoem word nie, of 'n inrigting wat deur die Staat onderhou en beheer word) opneem nie, tensy daardie inrigting kragtens hierdie artikel in die naam van daardie persoon geregistreer is, of anders as ooreenkomstig die voorwaardes waarop daardie inrigting aldus geregistreer is.

(2) Die bepalings van sub-artikel (1) word nie geag die opname van 'n kind in 'n inrigting wat onmiddellik voor die datum van inwerkingtreding van die Wysigingswet op Kinders, 1944, bestaan het, te belet nie, indien binne drie maande na daardie datum om die registrasie van daardie inrigting aansoek gedoen is en die applikant nie in kennis gestel is dat die aansoek van die hand gewys is nie.

(3) 'n Aansoek om die registrasie van 'n inrigting kragtens hierdie artikel, moet ooreenkomstig die voorgeskrewe prosedure aan die Minister gerig word, en die Minister kan—

(a) voordat hy so 'n aansoek oorweeg, eis dat die betrokke applikant in een of meer koerante wat die Minister aanwys, 'n kennisgewing in die voorgeskrewe vorm publiseer ten effekte dat hy om die registrasie van die betrokke inrigting aansoek gedoen het;

(b) so 'n aansoek van die hand wys of dit toestaan, hetsy onvoorwaardelik of op die voorwaardes wat hy goedvind, en aan die applikant 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.

(4) Indien 'n aansoek om die registrasie van 'n inrigting *negen-en-dertig* gemelde inrigting van die hand gewys word, word die sertifikaat wat kragtens sub-artikel (1) of (2) van daardie artikel aan sy bestuurders uitgereik is, geag kragtens sub-artikel (3) van daardie artikel ingetrek te gewees het.

(5) 'n Registrasiesertifikaat wat kragtens sub-artikel (3) uitgereik is, kan te eniger tyd deur die Minister gekanselleer of deur die persoon in wie se naam dit uitgereik is, aan die Minister teruggegee word, maar so 'n sertifikaat word nie aldus gekanselleer nie, behalwe nadat minstens een maand vooraf aan die persoon in wie se naam dit uitgereik is, skriftelik kennis gegee is van die voorneme om dit te kanselleer, en nadat die Minister enige vertoë wat na aanleiding van so 'n kennisgewing deur daardie persoon voorgelê mag word, oorweeg het.

(6) Behalwe vir sover in hierdie Wet anders bepaal word—

(a) mag die persoon in wie se naam 'n inrigting (behalwe 'n kleuterskool) kragtens hierdie artikel geregistreer is, nie sonder toestemming van die Minister 'n kind wat in daardie in-

the certificate of registration of that institution has been cancelled or surrendered in terms of sub-section (5) or unless that child was received in that institution for a specified period and that period has elapsed ;

(b) shall, if he surrenders the certificate of registration of that institution, keep in that institution every child therein at the date of surrender of the certificate, and make adequate provision for the care of every child, for a period of three months after the said date, unless the Minister otherwise directs ;

(c) shall, within three months after the cancellation or surrender of the certificate of registration of that institution in terms of sub-section (5), transfer to its parents or guardian, or to an institution or other suitable place approved by the Minister, every child in such first mentioned institution other than a child placed in the custody of that institution, or sent to that institution, under this Act or under section *three hundred and fifty* of the Criminal Procedure and Evidence Act, 1917.

(7) The Minister shall cause notice of the registration of any institution, and of the cancellation or surrender of any certificate of registration issued under this section, to be published in the *Gazette*.

(8) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence."

Amendment of section 44 of Act 31 of 1937.

14. Section *forty-four* of the principal Act is hereby amended by the insertion after the word "management" of the words "of an institution or" and before the word "pupil" in both places where it occurs of the words "child or".

Amendment of section 47 of Act 31 of 1937.

15. Section *forty-seven* of the principal Act is hereby amended by the substitution for sub-section (1) of the following sub-section :

"(1) The Minister may, subject to the provisions of sub-section (3), by order in writing transfer any pupil or child from any institution or statutory institution to which he has lawfully been sent by any authority or any custody in which or control or supervision under which he has lawfully been placed by any authority, to any institution, statutory institution, custody, control or supervision mentioned in section *twenty-nine* of this Act or in section *three hundred and fifty* of the Criminal Procedure and Evidence Act, 1917."

Amendment of section 52 of Act 31 of 1937.

16. Section *fifty-two* of the principal Act is hereby amended—

(a) by the insertion in sub-section (2) before the word "pupil" of the words "child or";

(b) by the insertion in that sub-section after the word "absence", where that word occurs for the first time, of the words "from any institution or any statutory institution"; and

(c) by the addition of the following sub-section :

"(4) If the Minister has under sub-section (3) given a direction other than a direction that the child or pupil concerned be discharged, that child or pupil shall remain in the place of safety or place of detention in which he was when the direction was given, until the direction can be put into effect."

Amendment of section 53 of Act 31 of 1937.

17. Section *fifty-three* of the principal Act is hereby amended by the insertion after the word "absconded"—

(a) where it occurs for the first time of the words "or has been removed"; and

(b) where it occurs for the second time of the words "or was removed".

Amendment of section 55 of Act 31 of 1937.

18. Section *fifty-five* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "in which or" of the words "registered or required to be registered under section *thirty-nine bis*, or to enter", and by the deletion in that sub-section of the words "any such" where those words occur for the second time.

rigting opgeneem is, daaruit ontslaan, of toelaat dat so 'n kind daardie inrigting verlaat of daaruit verwyder word nie, tensy die registrasiesertifikaat van daardie inrigting volgens sub-artikel (5) gekanselleer of teruggegee is of tensy daardie kind vir 'n bepaalde tydperk in daardie inrigting opgeneem was en daardie tydperk verstryk het ;

(b) moet daardie persoon, as hy die registrasiesertifikaat van daardie inrigting teruggee, alle kinders wat tydens die teruggawe van die sertifikaat in daardie inrigting is, aldaar hou, en behoorlike voorsiening maak vir die versorging van daardie kinders, vir 'n tydperk van drie maande na gemelde datum, tensy die Minister anders gelas ;

(c) moet daardie persoon, binne drie maande na die kansellering of teruggawe van die registrasiesertifikaat van daardie inrigting ooreenkomstig sub-artikel (5), elke kind in daardie inrigting, behalwe 'n kind wat kragtens hierdie Wet of kragtens artikel *driehonderd-en-vyftig* van die Wet op de Kriminele Procedure en Bewijslevering, 1917' in die bewaring van daardie inrigting geplaas of na daardie inrigting verwys is, na sy ouers of voog of na 'n deur die Minister goedgekeurde inrigting of ander geskikte plek stuur.

(7) Die Minister moet van die registrasie van 'n inrigting kragtens hierdie artikel en van die kansellering of teruggawe van 'n registrasiesertifikaat daaronder, in die *Staatskoerant* kennis doen gee.

(8) Iemand wat 'n bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig."

14. Artikel *vier-en-veertig* van die Hoofwet word hierby gewysig deur na die woord „bestuur” die woorde „van 'n inrigting of” in te voeg ; deur voor die woord „leerling” op beide plekke waar daardie woord voorkom die woorde „kind of” in te voeg, en deur voor die woord „gestig” waar daardie woord die tweede en die derde maal voorkom die woorde „inrigting of” in te voeg. Wysiging van artikel 44 van Wet 31 van 1937.

15. Artikel *sewen-en-veertig* van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende sub-artikel te vervang : Wysiging van artikel 47 van Wet 31 van 1937.

„(1) Die Minister kan, behoudens die bepalings van sub-artikel (3), by skriftelike bevel 'n leerling of kind oorplaas van 'n inrigting of gestig waarna hy wettig deur een of ander gesag verwys is, of 'n bewaring waarin of beheer of toesig waaronder hy wettig deur een of ander gesag geplaas is, na enige inrigting, gestig, bewaring, beheer of toesig wat in artikel *negen-en-twintig* van hierdie Wet of artikel *driehonderd-en-vyftig* van die Wet op de Kriminele Procedure en Bewijslevering, 1917' vermeld word."

16. Artikel *twee-en-vyftig* van die Hoofwet word hierby gewysig— Wysiging van artikel 52 van Wet 31 van 1937.

(a) deur in sub-artikel (2) voor die woord „leerling” die woorde „kind of” in te voeg.

(b) deur in daardie sub-artikel na die woord „verlof”, waar daardie woord die eerste maal voorkom, die woorde „tot afwesigheid van 'n inrigting of 'n gestig” in te voeg ; en

(c) deur die volgende sub-artikel by te voeg :—

„(4) Indien die Minister kragtens sub-artikel (3) 'n ander opdrag gegee het as 'n opdrag dat die betrokke kind of leerling ontslaan moet word, moet daardie kind of leerling in die veiligheidsplek of plek van bewaring bly waarin hy was toe die opdrag gegee is, totdat die opdrag ten uitvoer gelê kan word."

17. Artikel *drie-en-vyftig* van die Hoofwet word hierby gewysig— Wysiging van artikel 53 van Wet 31 van 1937.

(a) deur na die woord „ontvlug” die woorde „of verwyder” in te voeg ; en

(b) deur na die woorde „weggelopen het” die woorde „of verwyder is” in te voeg.

18. Artikel *vyf-en-vyftig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woord „waarin” deur die woorde „wat volgens artikel *negen-en-dertig bis* geregistreer is of moet wees” te vervang, en deur in daardie sub-artikel die woord „so 'n” te skrap. Wysiging van artikel 55 van Wet 31 van 1937.

Amendment of section 59 of Act 31 of 1937.

19. Section *fifty-nine* of the principal Act is hereby amended by the insertion after the word "institution" where that word occurs for the first time of the words "or a protected infant".

Amendment of section 68 of Act 31 of 1937.

20. Section *sixty-eight* of the principal Act is hereby amended—

- (a) by the insertion in sub-section (2) after the words "Provided that" of the words "a widower or widow or unmarried or divorced person may adopt a child born of him or her, which has previously been adopted by any person under this Act or the Adoption of Children Act, 1923, whether or not he or she is under the age of twenty-five years or is less than twenty-five years older than the child; and provided further that";
- (b) by the substitution in that sub-section for the words "illegitimate child" of the words "child born"; and
- (c) by the addition at the end of sub-section (3) of the words "or that person is a widower or widow or unmarried or divorced person and is a natural parent of the child".

Amendment of section 81 of Act 31 of 1937.

21. Section *eighty-one* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "first day of January last preceding" of the words "day on which the estimate is made".

Amendment of section 84 of Act 31 of 1937, as amended by section 19 of Act 41 of 1942.

22. (1) Section *eighty-four* of the principal Act is hereby amended by the substitution for paragraph (c) of sub-section (1) of the following paragraph:

- "(c) towards the maintenance—
 - (i) of any child by its parent, step-parent or guardian or the person in whose custody it has been placed under this Act or under section *three hundred and fifty* of the Criminal Procedure and Evidence Act, 1917, as amended by this Act; or
 - (ii) of a parent, step-parent or guardian of any child; or
 - (iii) of a grandparent or brother or unmarried sister of any child in whose custody that child has been placed under this Act or under section *three hundred and fifty* of the Criminal Procedure and Evidence Act, 1917, as amended by this Act."

(2) Section *nineteen* of the Finance Act, 1942 (Act No. 41 of 1942), is hereby repealed.

(3) The provisions of sub-section (1) shall be deemed to have come into operation on the date of commencement of the principal Act.

Amendment of section 85 of Act 31 of 1937, as amended by section 2 of Act 18 of 1939.

23. Section *eighty-five* of the principal Act is hereby amended—

- (a) by the substitution for the expression "sub-sections (1), (2) and (3) of section *thirty-eight*" of the expression "sub-sections (1), (2), (2)*bis* and (3) of section *thirty-eight*";
- (b) by the insertion after the word "*thirty-nine*" of the words "section *thirty-nine bis*";
- (c) by the deletion of the expression "sub-section (3) of section *fifty-two*"; and
- (d) by the substitution for the expression "section *fifty-six* and sub-section (3) of section *fifty-seven*" of the expression "and section *fifty-six*".

Amendment of section 86 of Act 31 of 1937.

24. Section *eighty-six* of the principal Act is hereby amended—

- (a) by the insertion in paragraph (c) after the word "reformatories" where that word occurs for the first time of the words "and of institutions and hostels established under sub-section (2)*bis* of section *thirty-eight*"; and
- (b) by the substitution in that paragraph for the words "pupils in industrial schools and reformatories" of the words "children in institutions and of pupils in statutory institutions";
- (c) by the substitution in paragraph (d)—
 - (i) for the words "pupils in reformatories or certified hostels" of the words "children in institutions or pupils in statutory institutions"; and
 - (ii) for the words "reformatories and certified hostels" of the words "institutions or statutory institutions";

19. Artikel *negen-en-vyftig* van die Hoofwet word hierby gewysig deur na die woord „gestig” die woorde „of ’n beskermde jong kind” in te voeg. Wysiging van artikel 69 van Wet 31 van 1937.

20. Artikel *agt-en-sestig* van die Hoofwet word hierby gewysig— Wysiging van artikel 68 van Wet 31 van 1937.

(a) deur in sub-artikel (2) na die woorde „Met dien verstande dat” die woorde „’n wewenaar of weduwee of ’n ongetroude of geskeie persoon ’n kind wat uit hom of haar gebore is en wat tevore kragtens hierdie Wet of die „Aanneming van Kinderen Wet, 1923” deur enig iemand aangeneem is, kan aanneem, hetsy hy of sy onder die leeftyd van vyf-en-twintig jaar of minder as vyf-en-twintig jaar ouer as daardie kind is, al dan nie; en met dien verstande verder dat”;

(b) deur in daardie sub-artikel die woorde „onegte kind van een van hulle” deur die woorde „kind wat uit een van hulle gebore is” te vervang; en

(c) deur aan die end van sub-artikel (3) die woorde „of tensy daardie persoon ’n wewenaar of weduwee of ’n ongetroude of geskeie persoon is en ’n natuurlike ouer van die kind is” in te voeg.

21. Artikel *een-en-tagtig* van die Hoofwet word hierby gewysig deur in sub-artikel (2) die woorde „laaste voorafgaande eerste dag van Januarie” deur die woorde „dag waarop die skatting gemaak is” te vervang. Wysiging van artikel 81 van Wet 31 van 1937.

22. (1) Artikel *vier-en-tagtig* van die Hoofwet word hierby gewysig deur paragraaf (c) van sub-artikel (1) deur die volgende paragraaf te vervang:— Wysiging van artikel 84 van Wet 31 van 1937, soos gewysig deur artikel 19 van Wet 41 van 1942.

„(c) bydra tot die onderhoud—

(i) van ’n kind deur sy ouer, stiefouer of voog of die persoon in wie se bewaring die kind ingevolge hierdie Wet of ingevolge artikel *driehonderd-en-vyftig* van die „Wet op de Kriminele Procedure en Bewijslevering, 1917”, soos deur hierdie Wet gewysig, geplaas is; of

(ii) van ’n ouer, stiefouer of voog van ’n kind; of

(iii) van ’n grootouer of broer of ongetroude suster van ’n kind, in wie se bewaring daardie kind ingevolge hierdie Wet of ingevolge artikel *driehonderd-en-vyftig* van die „Wet op de Kriminele Procedure en Bewijslevering, 1917”, soos deur hierdie Wet gewysig, geplaas is.”

(2) Artikel *negentien* van die Finansiewet, 1942 (Wet No. 41 van 1942), word hierby herroep.

(3) Die bepalings van sub-artikel (1) word geag op die datum van inwerkingtreding van die Hoofwet in werking te getree het.

23. Artikel *vyf-en-tagtig* van die Hoofwet word hierby gewysig— Wysiging van artikel 85 van Wet 31 van 1937, soos gewysig deur artikel 2 van Wet 18 van 1939.

(a) deur die uitdrukking „sub-artikels (1), (2) en (3) van artikel *agt-en-dertig*” deur die uitdrukking „sub-artikels (1), (2), (2)*bis* en (3) van artikel *agt-en-dertig*” te vervang;

(b) deur na die woord „*negen-en-dertig*” die woorde „artikel *negen-en-dertig bis*” in te voeg;

(c) deur die uitdrukking „sub-artikel (3) van artikel *twee-en-vyftig*” te skrap; en

(d) deur die uitdrukking „artikel *ses-en-vyftig* en sub-artikel (3) van artikel *sewen-en-vyftig*” deur die uitdrukking „en artikel *ses-en-vyftig*” te vervang.

24. Artikel *ses-en-tagtig* van die Hoofwet word hierby gewysig— Wysiging van artikel 86 van Wet 31 van 1937.

(a) deur in paragraaf (c) na die woord „verbeteringshuise” waar daardie woord die eerste maal voorkom die woorde „en van inrigtings en tehuse wat kragtens sub-artikel (2)*bis* van artikel *agt-en-dertig* gestig is” in te voeg;

(b) deur in daardie paragraaf die woorde „leerlinge in nywerheidskole en in verbeteringshuise” deur die woorde „kinders in inrigtings en leerlinge in gestigte” te vervang;

(c) deur in paragraaf (d)—

(i) die woorde „leerlinge in verbeteringshuise of gesertifiseerde tehuse” deur die woorde „kinders in inrigtings of leerlinge in gestigte” te vervang; en

(ii) die woorde „sulke huise of tehuse” deur die woorde „inrigtings of gestigte” te vervang;

- (d) by the insertion in paragraph (e)—
- (i) after the word "prescribing" of the words "the procedure relating to the registration of institutions under section *thirty-nine bis*, the cancellation and surrender of certificates of registration issued under that section"; and
 - (ii) after the word "associations" of the words "under section *thirty-nine* or section *forty-five*"; and
- (e) by the substitution in paragraph (g) for the words "pupils in industrial schools, reformatories, certified institutions and certified hostels" of the words "children in institutions or pupils in statutory institutions."

Short title and commencement.

25. This Act shall be called the Children's (Amendment) Act, 1944, and shall come into operation upon a date to be fixed by the Governor-General by Proclamation in the *Gazette*.

(d) deur in paragraaf (e)—

(i) na die woorde „bepaling van” die woorde „die prosedure met betrekking tot die registrasie van inrigtings kragtens artikel *negen-en-dertig bis*, die kansellering en teruggawe van registrasie-sertifikate wat kragtens daardie artikel uitgereik is” in te voeg; en

(ii) na die woord „sertifikate” die woorde „ingevolge artikel *negen-en-dertig* of artikel *vyf-en-veertig*” in te voeg; en

(e) deur in paragraaf (g) die woorde „leerlinge in nywerheidskole, verbeteringshuise, gesertifiseerde inrigtings en gesertifiseerde tehuise” deur die woorde „kinders in inrigtings of leerlinge in gestigte” te vervang.

25. Hierdie Wet heet die Wysigingswet op Kinders, 1944, Kort titel en inwerkingtreding.
en tree in werking op 'n datum deur die Goewerneur-generaal
by proklamasie in die *Staatskoerant* vasgestel te word.

No. 26, 1944.]

ACT

To amend the law relating to Excise.

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

(Assented to 10th May, 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 1 of Act
45 of 1942.

1. Section *one* of the Excise Act, 1942 (which, as amended, is hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion in the definition of the term "agricultural distiller" after the word "Hope" of the words "or in the mandated territory of South West Africa";
- (b) by the insertion after the definition of the term "feints" of the following new definition:
"fortified wine" means the unfermented, fermented or concentrated juice of fresh grapes (including vermouth and aromatic wines) or of dried vine products, to which any wine brandy or grape brandy has been added, or any mixture of any such juice and fortified wine (as herein defined) but does not include any wine to which fortified wine (as herein defined) has been added for the purpose of preservation, if the alcoholic strength of such wine is not thereby increased by more than one degree proof strength per annum;";
- (c) by the substitution for paragraph (c) of the definition of the term "manufacture" of the following paragraph:
"(c) the mixing together of two or more substances which, when so mixed, constitute excisable goods;";
- (d) by the insertion after the definition of the term "schedule" of the following new definition:
"sparkling wine" means—
 - (a) wine; or
 - (b) the product of the alcoholic fermentation of the juice of vine products other than fresh grapes, or of other fruit or fruit products, manufactured in the Union and naturally or artificially surcharged with carbonic acid gas, but does not include cider or perry which has been so surcharged;".

Amendment of
section 7 of Act
45 of 1942, as
amended by section
1 of Act 23 of 1943.

2. Section *seven* of the principal Act is hereby amended by the addition thereto of the following new sub-section:

"(4) For the purpose of calculating the duty payable under item 10 of Schedule No. 1 the Minister may by notice in the *Gazette* determine a weight for any reconditioned tyre cover, based on the average weight of a new tyre cover of corresponding dimensions".

Amendment of
section 68 of Act
45 of 1942.

3. Section *sixty-eight* of the principal Act is hereby amended by the addition thereto of the following proviso:

"Provided that the highest rate of duty shall not apply in respect of any mixture of wine brandy upon which no excise duty has been paid and any spirituous extract or essence, if the proper officer is satisfied that such spirituous extract or essence is added to such wine brandy merely for sweetening or flavouring purposes".

Amendment of
section 76 of Act
45 of 1942.

4. Section *seventy-six* of the principal Act is hereby amended by the addition thereto of the following new sub-sections:

- (3) The Commissioner may—
 - (a) determine, in respect of every baker registered under this Act, the maximum quantity of yeast which such baker may obtain under the rebate of duty provided for in item 44 of Schedule No. 2 or in respect of which such baker may obtain a refund of duty provided for

No. 26, 1944.]

WET

Tot wysiging van die wetsbepalings op Aksyns.

(Deur die Amptenaar Belas met die Uitoefening van die
Uitvoerende Gesag in Afrikaans geteken.)
(Goedgekeur op 10 Mei 1944.)

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

1. Artikel een van die Aksynswet, 1942 (wat soos gewysig, hieronder die Hoofwet genoem word) word hierby gewysig—

Wysiging van
artikel 1 van
Wet 45 van 1942.

 - (a) deur in die omskrywing van die uitdrukking "landbou-distilleerder" na die woord "Hoop" die woorde "of in die mandaatgebied Suidwes-Afrika" in te voeg;
 - (b) deur die volgende nuwe woordomskrywing na die omskrywing van die uitdrukking "voor- en naloop" in te voeg:

„gefertifiseerde wyn' die ongegiste, gegiste of gekonsentreerde sap van vars druiwe (met inbegrip van vermouthe en geurige wyn) of van gedroogde wingerdprodukte, waaraan wynbrandewyn of druiwebrandewyn toegevoeg is, of 'n mengsel van sulke sap en gefertifiseerde wyn (soos hierin omskryf) dog omvat nie wyn waaraan gefertifiseerde wyn (soos hierin omskryf) vir bewaringsdoeleindes toegevoeg is nie mits die alkoholiese sterkte van sodanige wyn nie daardeur met meer as een graad proefsterkte per jaar verhoog word nie;”;
 - (c) deur paragraaf (c) van die omskrywing van die uitdrukking „vervaardiging” deur die volgende paragraaf te vervang:

„(c) die vermenging van twee of meer stowwe wat, wanneer hulle aldus vermeng is, sinsbare goedere uitmaak;”;
 - (d) deur die volgende nuwe omskrywing na die omskrywing van die uitdrukking „bylae” in te voeg:

„skuimwyn’—

 - (a) wyn; of
 - (b) die produk van die alkoholiese gisting van die sap van ander wingerdprodukte as vars druiwe, of van ander vrugte of vrugte-produkte, in die Unie vervaardig en met natuurlike of kunsmatig toegevoegde koolsuurgas oorlaai, maar omvat dit nie appelwyn of peerwyn wat aldus oorlaai is nie;”.
2. Artikel sewe van die Hoofwet word hierby gewysig deur die volgende nuwe sub-artikel daaraan toe te voeg:

Wysiging van
artikel 7 van
Wet 45 van 1942,
soos gewysig deur
artikel 1 van Wet
23 van 1943.

„(4) Die Minister kan, vir doeleindes van berekening van die aksynsreg wat ingevolge item 10 van Bylae No. 1 betaalbaar is, by kennisgewing in die *Staatskoerant* 'n gewig vir enige herstellde buiteband vasstel, gebaseer op die gemiddelde gewig van 'n nuwe buiteband van ooreenstemmende grootte.”
3. Artikel agt-en-sestig van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling daaraan toe te voeg:

Wysiging van
artikel 68 van
Wet 45 van 1942.

„Met dien verstande dat die hoogste reg nie van toepassing is nie ten opsigte van 'n mengsel van wynbrandewyn waarop geen aksynsreg betaal is nie, en enige alkoholiese ekstrak of essens, mits die bevoegde amptenaar oortuig is dat bedoelde alkoholiese ekstrak of essens tot bedoelde wynbrandewyn toegevoeg word slegs met die doel om dit soet te maak of smaak te gee.”
4. Artikel ses-en-sewentig van die Hoofwet word hierby gewysig deur die volgende nuwe sub-artikels daaraan toe te voeg:

Wysiging van
artikel 76 van
Wet 45 van 1942.

„(3) Die Kommissaris kan—

 - (a) ten opsigte van elke bakker kragtens hierdie Wet geregistreer, die maksimum-hoeveelheid gis vasstel wat so 'n bakker onder die korting van aksynsreg waarvoor in item 44 van Bylae No. 2 voorsiening gemaak word, mag verkry, of ten opsigte waarvan so 'n bakker 'n terugbetaling van aksynsreg waarvoor in daardie item voorsiening gemaak word,

in that item, and no rebate or refund shall be granted to any person in respect of any quantity of yeast supplied to or acquired by such baker in excess of the maximum so determined;

- (b) if any person uses in the baking of bread or other foodstuffs for sale, any yeast which was not obtained by him in terms of a permit issued under this Act or under the regulations framed under sub-section (3) of section *one hundred and twenty-three* of the Liquor Act, 1928 (Act No. 30 of 1928), cancel the registration of such person as a baker entitled to the refund of duty provided for in paragraph (a) of item 44 of Schedule No. 2, or as a baker entitled to obtain yeast under the rebate of duty provided for in paragraphs (a) and (b) of that item;
- (c) refuse a refund of duty under paragraph (a) of the said item 44 to any baker—
- (i) who has, at any time after the commencement of the Excise Amendment Act, 1944, whether on his own behalf or as agent for any other person, sold or otherwise disposed of yeast to any other person; or
- (ii) who has an interest in any other business which has so sold or disposed of yeast; or
- (iii) if any person associated with such baker as a director, manager or partner, or who holds a controlling interest in the business of such baker, has an interest in any other business which has so sold or disposed of yeast,

and the Commissioner may also refuse to permit any such baker or any other baker who he suspects may sell or otherwise improperly deal with any yeast acquired by him, to obtain yeast under the rebate of duty provided for in paragraphs (a) and (b) of the said item 44.

(4) If a baker who has obtained yeast under the rebate of duty provided for in paragraph (a) or (b) of item 44 of Schedule No. 2 uses such yeast for any purpose other than those mentioned in the item, he shall be guilty of an offence and shall, in addition, be liable for the full duty on all yeast obtained by him under rebate of duty during the thirty days immediately preceding—

- (a) the day upon which he so used such yeast for such other purpose; or
- (b) if such use occurred over a period of time, the last day of that period.

(5) For the purposes of sub-sections (3) and (4) the expression 'baker' shall include a biscuit manufacturer."

Amendment of section 96 of Act 45 of 1942.

5. Section *ninety-six* of the principal Act is hereby amended by the insertion after paragraph (h), of the following new paragraph:

"(i) uses any yeast in contravention of sub-section (4) of section *seventy-six*,".

Amendment of Schedule No. 1 to Act 45 of 1942, as amended by section 5 of Act 23 of 1943.

6. Schedule No. 1 to the principal Act, as amended, is hereby further amended, with effect from the twenty-fifth day of February, 1944, in the manner shown in the First Schedule to this Act.

Amendment of Schedule No. 2 of Act 45 of 1942, as amended by section 6 of Act 23 of 1943.

7. Schedule No. 2 to the principal Act, as amended, is hereby further amended in the manner shown in the Second Schedule to this Act.

Continuation of existing rebates under items 16 and 18 of Schedule No. 2 to Act 45 of 1942.

8. Notwithstanding the repeal of item 16 and the replacement of item 18 of Schedule No. 2 to the principal Act by this Act, any rebate of duty which prior to the commencement of this Act was granted in terms of the said items on plain spirits used for any particular purpose therein mentioned, shall continue to be allowed until a rebate on such spirits for the same purpose is granted in terms of item 18 as substituted by this Act, but shall in any case cease to be allowed after the expiration of a period of two years from the date of commencement of this Act unless the Minister has previously declared by notice in the *Gazette* that it shall continue to be allowed.

Short title.

9. This Act shall be called the Excise Amendment Act, 1944.

kan verkry, en geen korting of terugbetaling word aan iemand toegestaan ten opsigte van enige groter hoeveelheid gis as die aldus vasgestelde maksimum, wat aan so 'n bakker gelewer of deur hom verkry is nie ;

- (b) as iemand by die bak van brood of ander eetware vir verkoop, enige gis gebruik wat nie deur hom verkry is nie ingevolge 'n permit uitgereik kragtens hierdie Wet of die regulasies uitgevaardig kragtens sub-artikel (3) van artikel *honderd drie-en-twintig* van die Drankwet, 1928 (Wet No. 30 van 1928), die registrasie van so iemand as 'n bakker wat geregtig is op die terugbetaling van aksynsreg waarvoor in paragraaf (a) van item 44 van Bylae No. 2 voorsiening gemaak word, of as 'n bakker wat geregtig is om gis te verkry onder die korting van aksynsreg waarvoor in paragrawe (a) en (b) van daardie item voorsiening gemaak word, kanselleer ;
- (c) 'n terugbetaling van aksynsreg kragtens paragraaf (a) van bedoelde item 44 weier aan 'n bakker—
- (i) wat te eniger tyd na die inwerkingtreding van die Wysigingswet op Aksyns, 1944, gis aan iemand anders verkoop of andersins van die hand gesit het, ditsy vir homself of ten behoeve van 'n ander ; of
- (ii) wat 'n belang het in enige ander besigheid wat aldus gis verkoop of van die hand gesit het ; of
- (iii) as 'n persoon wat aan daardie bakker verbonde is as direkteur, bestuurder of vennoot, of wat 'n beheersende belang in die besigheid van daardie bakker het, 'n belang het in enige ander besigheid wat aldus gis verkoop of van die hand gesit het,

en die Kommissaris kan ook weier om so 'n bakker of enige ander bakker wat, volgens vermoede van die Kommissaris, gis wat deur hom verkry is mag verkoop of andersins op onbehoorlike wyse daarmee mag handel, toe te laat om gis te verkry onder die korting van aksynsreg waarvoor in paragrawe (a) en (b) van bedoelde item 44 voorsiening gemaak word.

(4) As 'n bakker wat gis verkry het onder die korting van aksynsreg waarvoor in paragraaf (a) of (b) van item 44 van Bylae No. 2 voorsiening gemaak word, daardie gis gebruik vir enige ander doel as die wat in die item vermeld word, is hy aan 'n misdryf skuldig en is hy daarbenewens aanspreeklik vir die volle reg op alle gis deur hom onder korting van aksynsreg verkry gedurende die dertig dae onmiddellik voorafgaande aan—

- (a) die datum waarop hy daardie gis aldus vir sodanige ander doel gebruik het ; of
- (b) as bedoelde gebruik oor 'n tydperk plaasgevind het, die laaste dag van daardie tydperk.

(5) Vir die doeleindes van sub-artikels (3) en (4) sluit die uitdrukking „bakker” ook 'n vervaardiger van beskuitjies in.”

5. Artikel *ses-en-negentig* van die Hoofwet word hierby Wysiging van artikel 98 van Wet 45 van 1942. voeg :

„(i) gis gebruik in stryd met sub-artikel (4) van artikel *ses-en-sewentig*.”

6. Bylae No. 1 by die Hoofwet, soos gewysig, word hierby Wysiging van Bylae No. 1 by Wet 45 van 1942, verder gewysig, met ingang van die vyf-en-twintigste dag van Februarie 1944, op die wyse in die Eerste Bylae by hierdie Wet aangetoon. soos gewysig deur artikel 5 van Wet 23 van 1943.

7. Bylae No. 2 by die Hoofwet, soos gewysig, word hierby Wysiging van Bylae No. 2 by Wet 45 van 1942, verder gewysig op die wyse in die Tweede Bylae by hierdie Wet aangetoon. soos gewysig deur artikel 6 van Wet 23 van 1943.

8. Ondanks die herroeping van item 16 en die vervanging van item 18 van Bylae No. 2 by die Hoofwet deur hierdie Wet, moet volgehou word met die toestaan van enige korting van aksynsreg wat vòór die inwerkingtreding van hierdie Wet ooreenkomstig bedoelde items toegestaan is op skoon spiritus vir een of ander besondere daarin vermelde doel gebruik, tot tyd en wyl 'n korting op sodanige spiritus vir dieselfde doel ooreenkomstig item 18 soos deur hierdie Wet vervang, toegestaan word, maar dit word in iedere geval gestaak na verloop van 'n tydperk van twee jaar vanaf die datum van inwerkingtreding van hierdie Wet, tensy die Minister vooraf by kennisgewing in die *Staatskoerant* verklaar het dat met die toestaan daarvan volgehou moet word.

9. Hierdie Wet heet die Wysigingswet op Aksyns, 1944. Kort titel.

First Schedule.

Amendments to Schedule No. 1 of the Excise Act, 1942, as amended.

Tariff item.	Article.	Rate of Duty.		
		£	s.	d.
5 and 6	By deleting the items and substituting therefor the following: "Matches manufactured in the Union: 5. (a) in boxes or packages of not more than 60 matches per gross of boxes or packages (b) in boxes or packages containing more than 60 matches but not more than 100 matches per gross of boxes or packages (c) in boxes or packages containing more than 100 matches but not more than 200 matches per gross of boxes or packages (d) and for every 100 additional matches in boxes or packages per gross of 100 matches 6. (No paragraph)	0	1	0
16	By deleting the rates 0.0.1½, 0.0.1¾ and 0.0.3½ opposite sub-paragraphs (a), (b) and (c) respectively of paragraph (1) and substituting therefor the rates 0.0.2, 0.0.2½ and 0.0.4 respectively.	0	2	0
17	By deleting the rates 0.0.1½, 0.0.1¾ and 0.0.3½ opposite paragraphs (a), (b) and (c) respectively and substituting therefor the rates 0.0.2, 0.0.2½ and 0.0.4 respectively.	0	4	0
20	By deleting the rate 0.1.0 opposite paragraph (d) and substituting therefor the rate 0.2.0.	0	2	0
22	By the insertion of the following new item: "Wine manufactured in the Union: 22. (a) Fortified wine per imperial gallon (b) Sparkling wine per imperial gallon	0	7	6."

Second Schedule.

Amendments to Schedule No. 2 of the Excise Act, 1942, as amended.

Tariff item.	Article.	Rebate.	Refund.
16	By deleting the item and substituting therefor the following: "16. (No paragraph.)"	—	—"
18	By deleting the item and substituting therefor the following new item: "18. Plain spirits for use in the manufacture or preparation of any article or class of article for sale, in respect of which a rebate is approved by the Minister on the recommendation of the Board of Trade and Industries ..	As determined by the Minister by notice in the <i>Gazette</i> ."	
41bis	By deleting in the item under the heading "Rebate" the words "but not exceeding fourpence per lb."		
44	By deleting the item and substituting therefor the following new item: "44. Supplied by a manufacturer under permit issued by the Commissioner, to a baker or a biscuit manufacturer registered under this Act and used in his bakery or factory for— (a) baking bread intended for sale (b) baking foodstuffs other than bread, intended for sale	The whole.	The whole.
	NOTE: The rebate provided for in paragraphs (a) and (b) of this item shall come into operation on a date to be fixed by the Minister by notice in the <i>Gazette</i> , and in respect of paragraph (a) shall take the place of the refund provided for thereunder."	As determined by the Minister by notice in the <i>Gazette</i> ."	
46	By deleting the item and substituting therefor the following new item: "46. (1) Produced by a brewer licensed as such under this Act in the manufacture of beer and disposed of—		

Eerste Bylae.

Wysigings van Bylae No. 1 by die Aksynswet, 1942, soos gewysig.

Tarief-item.	Artikel.	Tarief.
		£ s. d.
5 en 6	Deur die items te skrap en deur die volgende te vervang: „Vuurhoutjies in die Unie vervaardig : 5. (a) in dosies of pakkies van hoogstens 60 vuurhoutjies per gros dosies of pakkies (b) in dosies of pakkies wat meer as 60 vuurhoutjies maar nie meer as 100 vuurhoutjies bevat nie per gros dosies of pakkies (c) in dosies of pakkies wat meer as 100 vuurhoutjies maar nie meer as 200 vuurhoutjies bevat nie per gros dosies of pakkies (d) en vir elke 100 verdere vuurhoutjies in dosies of pakkies per gros van 100 vuurhoutjies 6. (Geen paragraaf)	0 1 0 0 2 0 0 4 0 0 2 0
16	Deur die tariewe 0.0.1½, 0.0.1¾, en 0.0.3½ teenoor sub-paragraawe (a), (b) en (c) onderskeidelik van paragraaf (1) te skrap en deur die tariewe 0.0.2, 0.0.2½ en 0.0.4 onderskeidelik te vervang.	
17	Deur die tariewe 0.0.1½, 0.0.1¾ en 0.0.3½ teenoor paragraawe (a), (b) en (c) onderskeidelik te skrap en deur die tariewe 0.0.2, 0.0.2½ en 0.0.4 onderskeidelik te vervang.	
20	Deur die tarief 0.1.0 teenoor paragraaf (d) te skrap en deur die tarief 0.2.0 te vervang.	
22	Deur die volgende nuwe item in te voeg „Wyn in die Unie vervaardig : 22. (a) Gefortifiseerde wyn per imperiale gelling (b) Skuimwyn per imperiale gelling	0 1 11 0 7 6.

Tweede Bylae.

Wysigings van Bylae No. 2 by die Aksynswet, 1942, soos gewysig.

Tarief-item.	Artikel.	Korting.	Terugbetaling.
16	Deur die item te skrap en deur die volgende te vervang : „16. (Geen paragraaf)	—	—
18	Deur die item te skrap en deur die volgende nuwe item te vervang : „18. Skoon spiritus vir gebruik by die vervaardiging of voorbereiding, vir verkoop, van enige artikel of soort artikel ten opsigte waarvan 'n korting deur die Minister op aanbeveling van die Raad van Handel en Nywerheid goedgekeur word	Soos deur die Minister by kennisgewing in die Staatskoerant bepaal.”	
41bis	Deur in die item, onder die opskrif „korting” die woorde „maar hoogstens vier pennies per lb.” te skrap.		
44	Deur die item te skrap en deur die volgende nuwe item te vervang : „44. Deur 'n vervaardiger uit kragte van 'n deur die Kommissaris uitgereikte permit verskaf aan 'n bakker of 'n vervaardiger van beskuitjies kragtens hierdie Wet geregistreer en in sy bakkerij of fabriek gebruik vir— (a) die bak van brood vir verkoop bestem (b) die bak van ander eetware as brood, vir verkoop bestem	Die geheel.	Die geheel.
	NOTA.—Die korting waarvoor in paragraawe (a) en (b) van hierdie item voorsiening gemaak word, tree in werking op 'n datum deur die Minister by kennisgewing in die Staatskoerant te bepaal, en ten opsigte van paragraaf (a) neem dit die plek in van die terugbetaling waarvoor daarin voorsiening gemaak word.”	Soos deur die Minister by kennisgewing in die Staatskoerant bepaal.	
46	Deur die item te skrap en deur die volgende nuwe item te vervang : „46. (1) Deur 'n brouer as sulks kragtens hierdie Wet gelisenseer, by die vervaardiging van bier voortbring en van die hand gesit—		

Tariff item.	Article.	Rebate.	Refund.
	(a) to a manufacturer approved by the Commissioner, for use in the making of non-alcoholic substances	The whole.	
	(b) for medicinal purposes subject to such conditions as the Commissioner may impose.	The whole.	
	(2) Other than yeast produced by a brewer licensed under this Act, for the manufacture of such substances as are approved by the Commissioner and under such conditions as he may impose	As determined by the Minister by notice in the <i>Gazette</i> ."	
47, 48, 49, 50, 51, 52, 53, 54,	By the insertion of the following new items: "Wine.		
	47. Fortified wine and sparkling wine exported from the Union (except to Basutoland, Bechuanaland Protectorate and Swaziland) by a wholesale dealer, a wine grower or the 'Ko-operatieve Wijnbouwers Vereniging van Zuid-Afrika Beperkt'	The whole.	
	48. Fortified wine supplied by a wholesale dealer or the 'Ko-operatieve Wijnbouwers Vereniging van Zuid-Afrika Beperkt' to a licensed vinegar maker for making vinegar ..	The whole.	
	49. Fortified wine supplied by a wholesale dealer or a wine farmer for use in any church for religious purposes ..	The whole.	
	50. Fortified wine or sparkling wine lost through evaporation, leakage or other cause— (a) whilst on the premises of a wholesale dealer, wine-grower or the 'Ko-operatieve Wijnbouwers Vereniging van Zuid-Afrika Beperkt'	The whole.	
	(b) whilst in transit	The whole.	
	51. Fortified wine or sparkling wine destroyed under excise supervision on the premises of a wholesale dealer, a wine-grower or the 'Ko-operatieve Wijnbouwers Vereniging van Zuid-Afrika Beperkt'	The whole.	
	52. Fortified wine supplied in exchange for wine of his own production to a member of the 'Ko-operatieve Wijnbouwers Vereniging van Zuid-Afrika Beperkt' or of any other wine-growers' co-operative agricultural society, for his private use: Provided that the quantity together with any brandy supplied in terms of item 29 of this Schedule does not exceed 15 gallons per calendar year at proof strength	The whole.	
	53. Fortified wine of his own production for the private use of a winegrower on the farm where it was produced, not exceeding (together with any quantity obtained in terms of item 52) a quantity of 50 imperial gallons per calendar year ..	The whole.	
	54. Fortified wine used for flavouring or sweetening brandy on which duty has not been paid	The whole.	
	55. Fortified wine or sparkling wine supplied by a wholesale dealer solely for the use of His Majesty's Naval Forces ..	The whole.	
	56. Fortified wine used in distillation	The whole.	"

Tarief-item.	Artikel.	Korting.	Terugbetaling.
	(a) aan 'n deur die Kommissaris goedgekeurde vervaardiger, vir gebruik by die maak van nie-alkoholiese stowwe	Die geheel.	
	(b) vir geneeskragtige doeleindes onderworpe aan die voorwaardes wat die Kommissaris stel.	Die geheel.	
	(2) Ander gis as gis voortbring deur 'n brouer kragtens hierdie Wet gelisensieer, vir die vervaardiging van sulke stowwe as wat deur die Kommissaris goedgekeur word, en onder die voorwaardes wat hy stel	Soos deur die Minister by kennisgewing in die <i>Staatskoerant</i> bepaal."	
47, 48, 49, 50, 51, 52, 53, 54,	Deur die volgende nuwe items in te voeg: "Wyn. 47. Gefortifiseerde wyn en skuimwyn uit die Unie uitgevoer (behalwe na Basoetoland, Betsjoeanaland-Protectoraat en Swasieland) deur 'n groot-handelaar, 'n wynbouer of die 'Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika Beperkt'	Die geheel.	
	48. Gefortifiseerde wyn verskaf deur 'n groothandelaar of die 'Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika Beperkt' aan 'n gelisensieerde asynmaker vir die maak van asyn	Die geheel.	
	49. Gefortifiseerde wyn deur 'n groothandelaar of 'n wynbouer verskaf vir gebruik in 'n kerk vir godsdienstige doeleindes. .	Die geheel.	
	50. Gefortifiseerde wyn of skuimwyn verlore gegaan deur verdamping, lekkasie of ander oorsaak— (a) terwyl dit op die perseel van 'n groothandelaar, 'n wynbouer of die 'Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika Beperkt' is (b) terwyl dit vervoer word. .	Die geheel. Die geheel.	
	51. Gefortifiseerde wyn of skuimwyn wat onder aksynstoets vernietig is op die perseel van 'n groothandelaar, 'n wynbouer of die 'Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika Beperkt'	Die geheel.	
	52. Gefortifiseerde wyn verskaf in ruil vir wyn deur homself vervaardig, aan 'n lid van die 'Ko-operatiewe Wijnbouwers Vereniging van Zuid-Afrika Beperkt' of van 'n ander koöperatiewe landbouvereniging van wynbouers, vir sy eie gebruik: Met dien verstande dat die hoeveelheid, tesame met enige brandewyn wat ooreenkomstig item 29 van hierdie Bylae verskaf is, nie 15 gelling per kalenderjaar teen proefsterkte te bowe gaan nie.	Die geheel.	
	53. Gefortifiseerde wyn deur 'n wynbouer self vervaardig vir sy privaatgebruik op die plaas waar dit vervaardig is, in hoeveelheid (tesame met enige hoeveelheid ooreenkomstig item 52 verkry) nie 50 imperiale gelling per kalenderjaar te bowe gaande nie	Die geheel.	
	54. Gefortifiseerde wyn gebruik om brandewyn waarop aksynsreg nie betaal is nie, smaak te gee of soet te maak.	Die geheel.	
	55. Gefortifiseerde wyn of skuimwyn deur 'n groothandelaar verskaf uitsluitend vir die gebruik van Sy Majesteit se Vlootmagte	Die geheel.	
	56. Gefortifiseerde wyn gebruik in distillering	Die geheel.	"

No. 27, 1944.]

ACT

To make special provision for the re-admission to the service of the Government of persons who resigned from or otherwise relinquished their employment under the Government for the purpose of rendering military or other war service during the present war ; for the appointment to the said service of persons who have so rendered military or other war service, and for matters incidental to the re-admission or appointment of such persons.

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

(Assented to 10th May, 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.

- I. In this Act, unless the context indicates otherwise—
 - “ Commission ” means the Public Service Commission referred to in section *two* of the Public Service Act ;
 - “ department ” means a department of State, and includes a provincial administration and the administration of the mandated territory of South West Africa ;
 - “ employee ” means a person other than an officer, who is or was in the whole-time employ of the Government (excluding the Railway Administration), and includes an apprentice ;
 - “ General Manager ” means the officer appointed to be General Manager of the Railways and Harbours of the Union, or any person lawfully acting in that capacity, and includes any person authorized by regulation or by the Railway Administration to perform any duty imposed upon, or to exercise any power vested in, the General Manager by or under this Act or any regulation framed thereunder ;
 - “ Government ” includes the Railway Administration, a provincial administration and the administration of the mandated territory of South-West Africa ;
 - “ military service ” means—
 - (a) whole-time service during the 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) whole-time service during the war with the land ; naval or air forces of any ally of the Union ; or
 - (c) whole-time service during the war in the mercantile marine of the Union or of any ally of the Union ;
 - “ New Fund ” means the New Railways and Harbours Superannuation Fund constituted under section *three* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925) ;
 - “ officer ” means a person who is or was the holder of an office or post on the fixed establishment in the public service (including a person appointed on probation) or any person whose pension rights and retirement benefits are or were governed by section *six* of the Vocational Education and Special Schools Act, 1928 (Act No. 29 of 1928) ;
 - “ pensionable service ” in relation to any person means service which is pensionable service in terms of any statutory provision governing that person's pension rights ;

No. 27, 1944.]

WET

Om spesiale voorsiening te maak vir die heropname, in die Regeringsdiens, van persone wat uit hul diens by die Regering bedank, of bedoelde diens andersins prysgegee het, met die doel om militêre of ander oorlogsdien gedurende die huidige oorlog te verrig; vir die aanstelling, in bedoelde diens, van persone wat aldus militêre of ander oorlogsdien verrig het, en vir aangeleenthede wat met die heropname of aanstelling van sulke persone in verband staan.

*(Deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag in Engels geteken.)
(Goedgekeur op 10 Mei 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, tensy uit die samehang anders blyk, Woordbepaling. beteken—

„Kommissie” die „Staatsdienstkommis­sie” in artikel twee van die Staatsdienswet bedoel;

„departement” ’n Staatsdepartement en ook ’n provinsiale administrasie en die administrasie van die mandaatgebied Suidwes-Afrika;

„werknemer” ’n ander persoon as ’n beampte wat in die voltydse diens van die Regering (met uitsluiting van die Spoorwegadministrasie) is of was, en sluit dit ook ’n vakleerling in;

„Hoofbestuurder” die beampte aangestel as Hoofbestuurder van die Spoorweë en Havens van die Unie, of iemand wat wettig in daardie hoedanigheid optree, en sluit dit ook iemand in wat by regulasie of deur die Spoorwegadministrasie gemagtig is om enige plig of bevoegdheid wat deur of kragtens hierdie Wet of ’n uit kragte daarvan uitgevaardigde regulasie aan die Hoofbestuurder opgelê of verleen is, te verrig of uit te oefen;

„Regering” ook die Spoorwegadministrasie, ’n provinsiale administrasie en die administrasie van die mandaatgebied Suidwes-Afrika;

„militêre diens”—

(a) voltydse diens gedurende die 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 uitgevaardig kragtens artikel een bis van laasbedoelde Wet, soos gewysig; of

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

(c) voltydse diens gedurende die oorlog in die handelsvloot van die Unie of van ’n bondgenoot van die Unie;

„Nuwe Fonds” die „Nieuwe Spoorwega en Havens Superannuatie Fonds” in artikel drie van die „Spoorwega en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925) bedoel;

„beampte” iemand wat die bekleër is of was van ’n betrekking of pos op die vaste diensstaat in die staatsdiens (met inbegrip van iemand wat op proef aangestel is) of iemand wie se pensioenregte en uitdiens­tre­dings­voor­dele deur artikel ses van die Wet op Beroepsonderwys en Spesiale Skole, 1928 (Wet No. 29 van 1928) gereël word of was;

„pensioengewende diens” met betrekking tot een of ander persoon, diens wat pensioengewende diens is volgens een of ander wetsbepaling wat daardie persoon se pensioenregte reël;

- “ public service ” means the public service as defined in section *one* of the Public Service Act, and includes a reference to any division of the public service, as so defined, and to the services ;
- “ Public Service Act ” means the Public Service Act, 1923 (Act No. 27 of 1923), as amended ;
- “ resignation ” includes desertion and any other circumstances under which a person without permission vacated his office or post or relinquished his employment under the Government for the purpose of rendering military service, and “ resign ” has a corresponding meaning ;
- “ the pension fund ” means the Union public service pension fund established by section *three* of the Government Service Pensions Act, 1936 (Act No. 32 of 1936), as amended ;
- “ the war ” means the period from and including the sixth day of September, 1939, to the date which the Governor-General may by proclamation declare to be the date of termination of the war ;
- “ Treasury ” means the Minister of Finance or any officer in the Department of Finance authorized by the said Minister to perform the functions assigned to the Treasury in this Act.

PART I.

RE-ADMISSION AND APPOINTMENT OF PERSONS TO THE SERVICE OF THE GOVERNMENT, EXCLUDING THE RAILWAY ADMINISTRATION.

Re-admission to employment of officers and employees who resigned for purpose of rendering military service.

2. (1) Notwithstanding the provisions of any other law, an officer or employee who prior to the first day of April, 1944—

- (a) resigned his office, post or employment for the purpose of rendering military service ; and
- (b) within a reasonable period after his resignation actually enlisted and entered military service, or was, on presenting himself for military service, rejected on medical or other grounds,

may be re-admitted to the office, post or employment which he so resigned or to any other office, post or employment for which he is suitable, if he makes written application to the head of the department in which he was employed within six months after the date of—

- (i) his discharge from military service ; or
- (ii) his rejection for military service ; or
- (iii) the commencement of this Act,

whichever date may be the later : Provided that the scale of salary or wages attaching to the office, post or employment to which he is so re-admitted shall not be lower than that which attached to the office, post or employment from which he so resigned.

(2) Notwithstanding the provisions of any other law, but subject to the succeeding provisions of this section, an officer or employee who is re-admitted to the service of the Government in terms of sub-section (1) shall be entitled to elect in writing, within one month from the date upon which he is called upon by the head of his department to do so, to have both—

- (a) the period of continuous service completed by him immediately prior to the date of his resignation ; and
- (b) so much of the period between the date of his resignation and the date of his re-admission as may be determined by the Commission, but not being less, in the case of a person who has rendered military service, than the period or periods of such military service,

included in his pensionable service subject to such terms and conditions as may be approved by the Treasury on the recommendation of the Commission : Provided that no part of any such period shall be included in an officer's or employee's pensionable service under this sub-section if the effect of such inclusion would be to increase the maximum period of pensionable service which that officer or employee could have had, or to make that officer's or employee's pensionable service commence from a date prior to that from which it would have commenced, had he not resigned and had he remained an officer or employee, as the case may be.

(3) Without prejudice to the generality of the provisions of sub-section (2), the terms and conditions therein referred to may include conditions—

- (a) as to the refund, by the officer or employee concerned, in instalments or otherwise, of any monetary benefit

- „staatsdiens” die „staatsdienst” volgens omskrywing van artikel *een* van die Staatsdienswet, en hou dit ’n verwysing in na ’n tak van die staatsdiens, soos aldus omskryf, en na die dienste ;
- „Staatsdienswet” die „Staatsdienst Wet, 1923” (Wet No. 27 van 1923) soos gewysig ;
- „bedanking” ook diensverlating en enige ander omstandighede waaronder iemand sonder toestemming sy betrekking of pos, of sy werk, by die Regering ontruim of prysgegee het met die doel om militêre diens te verrig, en het „bedank” ’n ooreenstemmende betekenis ;
- „die pensioenfonds” die Unie-staatsdienspensioenfonds ingestel deur artikel *drie* van die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936) soos gewysig ;
- „die oorlog” die tydperk vanaf en met die sesde dag van September 1939, tot die datum wat die Goewerneur-generaal by proklamasie verklaar die datum van beëindiging van die oorlog te wees ;
- „Tesourie” die Minister van Finansies of ’n beampte in die Departement van Finansies wat deur genoemde Minister gemagtig is om die werksaamhede wat in hierdie Wet aan die Tesourie opgedra word, te verrig.

DEEL I.

HEROPNAME EN AANSTELLING VAN PERSONE IN DIENS VAN DIE REGERING, UITSLUITENDE DIE SPOORWEGADMINISTRASIE.

2. (1) Ondanks enige ander wetsbepalings, kan ’n beampte of werknemer wat vòr die eerste dag van April 1944—
- (a) uit sy betrekking, pos of werk bedank het met die doel om militêre diens te verrig ; en
- (b) binne ’n redelike tydperk na sy bedanking werklik aangesluit en in militêre diens getree het, of op geneeskundige of ander gronde afgewys is toe hy hom vir militêre diens aangemeld het,
- heropgeneem word in die betrekking, pos of werk waaruit hy aldus bedank het, of in enige ander betrekking, pos of werk waarvoor hy geskik is, indien hy skriftelik aansoek doen by die hoof van die departement waarin hy werksaam was, binne ses maande na die datum van—
- (i) sy ontslag uit militêre diens ; of
- (ii) sy afwysing vir militêre diens ; of
- (iii) die inwerkingtreding van hierdie Wet,
- na gelang van watter datum die jongste is: Met dien verstande dat die salaris- of loonskaal verbonde aan die betrekking, pos of werk waarin hy aldus opgeneem word, nie laer mag wees nie as dié wat verbonde was aan die betrekking, pos of werk waaruit hy aldus bedank het.
- (2) Ondanks enige ander wetsbepalings, dog met inagneming van die hieropvolgende bepaling van hierdie artikel, het ’n beampte of werknemer wat ingevolge sub-artikel (1) in die Regeringsdiens heropgeneem word, die reg om skriftelik te kies, binne ’n maand vanaf die datum waarop hy deur die hoof van sy departement daartoe aangesê word, om beide—
- (a) die termyn van ononderbroke diens wat hy onmiddellik vòr die datum van sy bedanking voltooi het ; en
- (b) soveel van die tydperk tussen die datum van sy bedanking en die datum van sy heropname as wat die Kommissie bepaal, dog wat, in die geval van iemand wat militêre diens verrig het, nie minder is nie as die termyn of termyne van sodanige militêre diens, by sy pensioengewende diens te laat insluit onderworpe aan die voorskrifte en voorwaardes wat die Tesourie op aanbeveling van die Kommissie goedkeur: Met dien verstande dat geen gedeelte van so ’n termyn kragtens hierdie sub-artikel by ’n beampte of werknemer se pensioengewende diens ingesluit word nie as sodanige insluiting die uitwerking sou hê van ’n verlenging van die maksimum-termyn van pensioengewende diens wat daardie beampte of werknemer kon gehad het, of om daardie beampte of werknemer se pensioengewende diens te laat loop vanaf ’n vroeër datum as dié vanaf welke dit sou geloop het, as hy nie bedank het nie en ’n beampte of werknemer, na gelang van die geval, gebly het.
- (3) Onverminderd die algemeenheid van die bepaling van sub-artikel (2), kan daar onder die daarin bedoelde voorskrifte en voorwaardes ingesluit word—
- (a) voorwaardes met betrekking tot die terugbetaling, deur die betrokke beampte of werknemer, in paai-

Heropname in diens van beamptes en werknemers wat bedank het met die doel om militêre diens te verrig.

which may have been paid to him, on his resignation, from any pension or provident fund of which he was a member ;

(b) as to the payment, by the officer or employee concerned, and by the Government, in equal or unequal shares, or by the Government alone—

(i) of contributions to the pension or provident fund in question, in respect of any period which is included in the pensionable service of such officer or employee in terms of sub-section (2) ;

(ii) of interest on such contributions or on such monetary benefit ; and

(iii) of any other moneys which may be necessary to compensate or to secure the pension or provident fund in question for or against any losses arising out of the resignation and re-admission of such officer or employee.

(4) Any moneys which may become payable by the Government in terms of any conditions approved by the Treasury under the preceding provisions of this section may be paid from the Consolidated Revenue Fund or, as the case may be, from the revenue fund of the province concerned or of the mandated territory of South-West Africa.

(5) (a) A male officer who has, in terms of sub-section (2), elected to have included in his pensionable service the periods referred to in paragraphs (a) and (b) of that sub-section, and who was, prior to his resignation, a member of the Union Widows' Pension Fund referred to in section *fifty* of the Government Service Pensions Act, 1936, may elect in writing, within one month from the date upon which he is called upon by the head of his department to do so, to contribute to that Fund with effect from the date of his resignation, and if he so elects, he shall, for the purposes of his membership of the said Fund, be deemed not to have resigned.

(b) If an officer elects to contribute to the said Fund in accordance with paragraph (a), the Treasury shall, on the recommendation of the Commission, determine *mutatis mutandis* in accordance with sub-section (3), the terms and conditions subject to which payment shall be made, to the said Fund, of contributions thereto in respect of the period between the date of the officer's resignation and the date of his re-admission, of interest on such contributions and of such other moneys as are referred to in sub-paragraph (iii) of paragraph (b) of sub-section (3).

(c) The provisions of sub-section (4) shall apply in respect of the payment of any moneys which may become payable by the Government in terms of any conditions approved by the Treasury under this sub-section.

(6) Any period between the date of his resignation and the date of his re-admission which is not included in a person's pensionable service under sub-section (2) shall be deemed not to interrupt the continuity of his service for pension purposes.

(7) Any employee whose employment under the Government was terminated on or before the first day of February, 1941, in consequence of his release for military service shall, for the purposes of this Act, be deemed to have resigned on the date upon which his employment was so terminated.

(8) The provisions of this section shall not apply in respect of an officer or employee who took up civil employment, other than employment under the Government (excluding the Railway Administration) after the commencement of this Act unless the Commission otherwise recommends.

Employee may, subject to conditions, include in pensionable service certain portion of period of leave of absence without pay.

3. (1) Notwithstanding anything contained in the Government Service Pensions Act, 1936, an employee to whom, by reason of his release for military service, leave of absence without civil pay was granted by the head of his department, shall be entitled to elect in writing, within one month from the date upon which he is called upon by the said head to do so, to have included in his pensionable service, subject to such terms and conditions as may be approved by the Treasury on the

mente of andersins, van enige geldelike voordeel wat by sy bedanking aan hom betaal mag gewees het uit een of ander pensioen- of voorsorgsfonds waarvan hy lid was ;

- (b) voorwaardes met betrekking tot die betaling deur die betrokke beampte of werknemer, en deur die Regering, in gelyke of ongelyke aandeel, of deur die Regering alleen—

(i) van bydraes tot die betrokke pensioen- of voorsorgsfonds, ten opsigte van enige termyn wat ooreenkomstig sub-artikel (2) by die pensioengewende diens van die beampte of werknemer ingesluit word ;

(ii) van rente op sulke bydraes of op so 'n geldelike voordeel ; en

(iii) van enige ander gelde wat nodig mag wees om die betrokke pensioen- of voorsorgsfonds te vergoed, vir of te vrywaar teen verliese wat uit die bedanking en heropname van so 'n beampte of werknemer voortspruit.

(4) Alle gelde wat deur die Regering betaalbaar mag word ooreenkomstig voorwaardes deur die Tesourie kragtens die voorgaande bepalings van hierdie artikel goedgekeur, kan uit die Gekonsolideerde Inkomstefonds of, na gelang van die geval, uit die inkomstefonds van die betrokke provinsie of van die mandaatgebied Suidwes-Afrika bestry word.

(5) (a) 'n Manlike beampte wat ingevolge sub-artikel (2) gekies het om die in paragraaf (a) en (b) van daardie sub-artikel bedoelde termyne by sy pensioengewende diens te laat insluit, en wat voor sy bedanking 'n lid was van die Unie-weduweespensioenfonds in artikel vyftig van die Regeringsdiens Pensioenwet, 1936 bedoel, kan skriftelik kies, binne 'n maand vanaf die datum waarop hy deur die hoof van sy departement daartoe aangesê word, om met ingang van die datum van sy bedanking tot daardie Fonds by te dra, en as hy daardie keuse doen, word hy vir die doeleindes van sy lidmaatskap van bedoelde Fonds geag nie te bedank het nie.

(b) As 'n beampte ooreenkomstig paragraaf (a) kies om tot bedoelde Fonds by te dra, bepaal die Tesourie, op aanbeveling van die Kommissie *mutatis mutandis* ooreenkomstig sub-artikel (3), die voorskrifte en voorwaardes onderworpe waaraan betaling aan bedoelde Fonds moet geskied van bydraes daartoe ten opsigte van die tydperk tussen die datum van die beampte se bedanking en die datum van sy heropname, van rente op sulke bydraes, en van sulke ander gelde as wat in sub-paragraaf (iii) van paragraaf (b) van sub-artikel (3) bedoel word.

(c) Die bepalings van sub-artikel (4) is van toepassing ten opsigte van die betaling van gelde wat deur die Regering betaalbaar mag word ingevolge voorwaardes deur die Tesourie kragtens hierdie sub-artikel goedgekeur.

(6) 'n Termyn tussen die datum van sy bedanking en die datum van sy heropname wat nie kragtens sub-artikel (2) by iemand se pensioengewende diens ingesluit word nie, word geag nie die aaneenlopendheid van sy diens vir pensioendoelindes te onderbreek nie.

(7) 'n Werknemer wie se diens by die Regering op of voor die eerste dag van Februarie 1941 beëindig is ten gevolge van sy vrystelling vir militêre diens, word by die toepassing van hierdie Wet geag te bedank het op die datum waarop sy diens aldus beëindig is.

(8) Die bepalings van hierdie artikel is nie van toepassing ten opsigte van 'n beampte of werknemer wat na die inwerkingtreding van hierdie Wet 'n burgerlike diensbetrekking, behalwe 'n diensbetrekking by die Regering (uitsluitende die Spoorwegadministrasie) aanvaar het nie tensy die Kommissie anders aanbeveel.

3. (1) Ondanks andersluidende bepalings van die Regeringsdiens Pensioenwet, 1936, het 'n werknemer aan wie, vanweë sy vrystelling vir militêre diens, afwesigheidsverlof sonder burgerlike besoldiging deur die hoof van sy departement toegestaan is, die reg om skriftelik te kies, binne 'n maand vanaf die datum waarop hy deur bedoelde hoof daartoe aangesê word, om so 'n gedeelte van die tydperk van sy afwesigheidsverlof as wat die Kommissie bepaal, dog wat, in die geval van 'n werknemer wat militêre diens verrig het, nie korter as die werklike termyn of termyne van bedoelde diens mag wees nie, Werknemer kan, onderworpe aan voorwaardes, sekere gedeelte van tydperk van afwesigheidsverlof sonder besoldiging, by pensioengewende diens insluit.

recommendation of the Commission, such portion of the period of his leave of absence as the Commission may determine, but not being less, in the case of an employee who has rendered military service, than the actual period or periods of such service.

(2) The proviso to sub-section (2) and sub-sections (3), (4) and (8) of section *two* shall apply *mutatis mutandis* in so far as they are applicable, in respect of the inclusion of any period in any employee's pensionable service under sub-section (1).

New appointments. 4. (1) A person (other than a person referred to in section *two*) who has rendered military service and who desires to be appointed to the public service or to be otherwise employed under the Government shall, in order that he may obtain the benefits provided by this Act, lodge his application for such appointment or employment in the manner prescribed by regulation, within six months after the date of commencement of this Act or the date of the applicant's discharge from military service, whichever is the later.

(2) (a) If a person referred to in sub-section (1), who has lodged his application for appointment or employment in terms of that sub-section, is eligible for appointment to an office or post in the public service or is qualified for other employment under the Government, and is so appointed or employed, he may, on the recommendation of the Commission be granted commencing remuneration in excess of the minimum of the scale of salary or wages attaching to the office, post or employment in question.

(b) In determining a person's commencing remuneration in terms of paragraph (a) the Commission shall have regard to the duration of his military service, and may take into consideration any qualifications or previous experience which, in its opinion, render him suitable for such appointment or employment.

(3) If a person referred to in sub-section (1) who has lodged his application for appointment or employment in terms of that sub-section is, by reason of the operation of any law, ineligible for appointment to the public service, the Commission may, in its discretion, suspend, relax or waive any or all of the requirements of such law relating to health, age and educational qualifications, in order to permit of the appointment of such person, provided the Commission is satisfied that his general physical condition and educational standard, including his knowledge of both official languages, render him capable of performing efficiently the duties attaching to the office or post to which it is proposed to appoint him.

(4) The provisions of sub-section (2) shall apply in respect of a person appointed in terms of sub-section (3): Provided that any such appointment may be made subject to compliance by the person concerned, within a period to be specified by the Commission, with such conditions as may be laid down on the recommendation of the Commission.

(5) A person who is appointed to an office or post in the public service in terms of sub-section (2) or (3), or who is otherwise employed on a full-time basis by the Government in terms of sub-section (2), shall be entitled to elect in writing, within one month from the date upon which he is called upon by the head of his department to do so, to have the period or periods of his military service included in his pensionable service subject to such terms and conditions as may be approved by the Treasury on the recommendation of the Commission, and the provisions of sub-section (3) of section *two* shall *mutatis mutandis* and so far as they are applicable, apply with regard to conditions approved by the Treasury under this sub-section: Provided that no part of any period of his military service shall be included in an officer's or employee's pensionable service under this sub-section if the effect of such inclusion would be to increase the maximum period of pensionable service which that officer or employee could have had, or to make that officer's or employee's pensionable service commence from a date prior to that from which it would have commenced, had he entered the employ of the Government, as an officer or employee, as the case may be, on the date when he first entered military service, and remained so employed.

by sy pensioengewende diens te laat insluit, onderworpe aan die voorskrifte en voorwaardes wat die Tesourie op aanbeveling van die Kommissie goedkeur.

(2) Die voorbehoudsbepaling by sub-artikel (2) en sub-artikels (3), (4) en (8) van artikel twee is *mutatis mutandis* van toepassing, vir sover hulle toepaslik is, ten opsigte van die insluiting kragtens sub-artikel (1) van enige termyn by 'n werknemer se pensioengewende diens.

4. (1) Iemand anders as 'n in artikel twee bedoelde persoon wat militêre diens verrig het en wat verlang om in die staatsdiens aangestel, of om andersins deur die Regering in diens geneem te word moet, ten einde die voordele waarvoor hierdie Wet voorsiening maak te verkry, sy aansoek om sodanige aanstelling of indiensneming op die by regulasie voorgeskrewe wyse indien binne ses maande na die datum van inwerkingtreding van hierdie Wet of die datum van die applikant se ontslag uit militêre diens, na gelang van watter die jongste is. Nuwe aanstellings.

(2) (a) As 'n in sub-artikel (1) bedoelde persoon wat sy aansoek om aanstelling of indiensneming ooreenkomstig daardie sub-artikel ingedien het, vir aanstelling in 'n betrekking of pos in die staatsdiens in aanmerking kan kom, of vir ander diens by die Regering geskik is, en hy word aldus aangestel of in diens geneem, kan aan hom, op aanbeveling van die Kommissie, aanvangsbesoldiging wat hoër is as die minimum van die salaris- of loonskaal wat aan die betrokke betrekking, pos of werk verbonde is, toegestaan word.

(b) By die bepaling van iemand se aanvangsbesoldiging ooreenkomstig paragraaf (a), moet die Kommissie die duur van so iemand se militêre diens in aanmerking neem, en kan die Kommissie ook enige kwalifikasies of vorige ondervinding wat volgens sy mening, so iemand vir bedoelde aanstelling of indiensneming geskik maak, in aanmerking neem.

(3) As 'n in sub-artikel (1) bedoelde persoon wat sy aansoek om aanstelling of indiensneming ooreenkomstig daardie sub-artikel ingedien het, vanweë die werking van een of ander wetsbepaling nie vir aanstelling in die staatsdiens in aanmerking kan kom nie, kan die Kommissie volgens eie goeë dunnke enigen van of al die vereistes van daardie wetsbepaling met betrekking tot gesondheid, ouderdom en opvoedkundige kwalifikasies opskort of versag, of daarvan afsien, ten einde die aanstelling van so iemand moontlik te maak, mits die Kommissie oortuig is dat sy liggaamlike toestand en opvoedkundige standaard in die algemeen, met inbegrip van sy kennis van albei amptelike tale, hom in staat stel om die pligte verbonde aan die betrekking of pos waarin voorgeen word om hom aan te stel, op doeltreffende wyse te verrig.

(4) Die bepalings van sub-artikel (2) is van toepassing ten opsigte van iemand wat ingevolge sub-artikel (3) aangestel word: Met dien verstande dat so 'n aanstelling onderhewig gestel kan word aan voldoening, deur die betrokke persoon, binne 'n deur die Kommissie bepaalde tyd, aan voorwaardes wat op aanbeveling van die Kommissie gestel word.

(5) Iemand wat ingevolge sub-artikel (2) of (3) in 'n betrekking of pos in die staatsdiens aangestel word, of wat andersins ingevolge sub-artikel (2) op voltydse basis deur die Regering in diens geneem word, het die reg om skriftelik te kies, binne 'n maand vanaf die datum waarop hy deur die hoof van sy departement daartoe aangesê word, om die termyn of termyne van sy militêre diens by sy pensioengewende diens te laat insluit onderworpe aan die voorskrifte en voorwaardes wat deur die Tesourie op aanbeveling van die Kommissie goedgekeur word, en die bepalings van sub-artikel (3) van artikel twee is *mutatis mutandis*, en vir sover hulle toepaslik is, van toepassing met betrekking tot voorwaardes wat deur die Tesourie ingevolge hierdie sub-artikel goedgekeur word: Met dien verstande dat geen gedeelte van enige termyn van sy militêre diens ingevolge hierdie sub-artikel by 'n beampete of werknemer se pensioengewende diens ingesluit word nie as sodanige insluiting die uitwerking sou hê van 'n verlenging van die maksimum-termyn van pensioengewende diens wat daardie beampete of werknemer kon gehad het, of om daardie beampete of werknemer se pensioengewende diens te laat loop vanaf 'n vroeër datum as dié vanaf welke dit sou geloop het, as hy by die Regering in diens getree het, as beampete of werknemer, na gelang van die geval, op die datum waarop hy vir die eerste maal in militêre diens getree het, en aldus in diens van die Regering gebly het.

(6) If a person has elected in terms of sub-section (5) to have the period or periods of his military service included in his pensionable service, the continuity of his service for pension purposes shall be deemed not to be interrupted by any period between the date of his final discharge from military service and the date of his appointment or employment under the Government.

(7) A person who has been appointed to the public service in terms of sub-section (2) or (3), and who has elected, in terms of sub-section (5), to have the period or periods of his military service included in his pensionable service, shall, notwithstanding the provisions of sub-section (1) of section *thirteen* or sub-section (1) of section *fourteen* of the Government Service Pensions Act, 1936, be bound to contribute provisionally to the pension fund in respect of his probationary service or in respect of the first three years of his employment in the services, as the case may be.

(8) The provisions of sub-section (4) of section *two* shall apply in respect of the payment of any moneys which may become payable by the Government in terms of any conditions approved by the Treasury under sub-section (5).

(9) No person who is not a Union national at the date upon which his application for appointment or employment is lodged in terms of sub-section (1) shall be appointed or employed in terms of sub-section (2) or (3).

5. Notwithstanding the provisions of section *thirteen* of the Government Service Pensions Act, 1936 (Act No. 32 of 1936), an officer who was released for military service at any time prior to the date of commencement of this Act or who is so released after that date, whilst serving on probation, and who at the date of his release—

- (a) had or has elected not to contribute to the pension fund in respect of that period of his service which, in terms of his appointment, was to be a period of service on probation; or
- (b) had or has not been called upon to elect to contribute to the pension fund in respect of such period,

shall, subject to the provisions of section *sixteen* of the said Act, contribute provisionally to the pension fund as from the date following the date upon which the said period of service on probation would, but for his release for military service, have expired: Provided that an officer referred to in paragraph (b) shall be entitled, on his resumption of duty in the public service, to elect in writing, within one month from the date upon which he is called upon by the head of his department to do so, to contribute to the pension fund in respect of any period of continuous employment approved by the Treasury, which he may have had prior to the date as from which he is required by this section to contribute provisionally to the pension fund.

PART II.

RE-ADMISSION AND APPOINTMENT OF PERSONS TO THE SERVICE OF THE RAILWAY ADMINISTRATION.

6. (1) Notwithstanding anything to the contrary contained in the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), as amended, or the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), as amended, or in any regulations made under those Acts, any person who, having been in the employ of the Railway Administration, resigned his office, post or employment prior to the first day of April, 1944, for the purpose of rendering military service, and within a reasonable period after his resignation actually enlisted and entered military service, or was, on presenting himself for military service, rejected on medical or other grounds, may be re-admitted to the office, post or employment which he so resigned or to any other office, post or employment for which he is suitable, if he makes written application to the Railway Administration within six months after the date of—

- (a) his discharge from military service; or
- (b) his rejection for military service; or
- (c) the commencement of this Act,

whichever date may be the later: Provided that the scale of salary or wages attaching to the office, post or employment to which he is so re-admitted shall not be lower than that which attached to the office, post or employment from which he so resigned.

(2) Any person who is re-admitted to the service of the Railway Administration in terms of sub-section (1) shall be entitled to elect in writing, within one month from the date upon which he is called upon by the General Manager to do so, to have both—

Certain probationary officers to contribute provisionally to pension fund.

Re-admission to employment of persons who resigned for purpose of rendering military service.

(6) As iemand ooreenkomstig sub-artikel (5) gekies het om die termyn of termyne van sy militêre diens by sy pensioengewende diens te laat insluit, dan word die aaneenlopendheid van sy diens vir pensioendoeleindes geag nie onderbreek te word deur enige tydperk tussen die datum van sy finale ontslag uit militêre diens en die datum van sy aanstelling of indiensneming by die Regering nie.

(7) Iemand wat ingevolge sub-artikel (2) of (3) in die staatsdiens aangestel is, en wat ooreenkomstig sub-artikel (5) gekies het om die termyn of termyne van sy militêre diens by sy pensioengewende diens te laat insluit, moet, ondanks die bepalings van sub-artikel (1) van artikel *dertien* of van sub-artikel (1) van artikel *veertien* van die Regeringsdiens Pensioenwet, 1936, voorlopig tot die pensioenfonds bydra ten opsigte van sy proefdiens of, na gelang van die geval, ten opsigte van die eerste drie jaar van sy diens in die dienste.

(8) Die bepalings van sub-artikel (4) van artikel *twee* is van toepassing ten opsigte van die betaling van gelde wat deur die Regering betaalbaar mag word ingevolge voorwaardes deur die Tesourie kragtens sub-artikel (5) goedgekeur.

(9) Niemand wat nie 'n Unieburger is op die datum waarop sy aansoek om aanstelling of indiensneming ooreenkomstig sub-artikel (1) ingedien word, mag ooreenkomstig sub-artikel (2) of (3) aangestel of in diens geneem word nie.

5. Ondanks die bepalings van artikel *dertien* van die Regeringsdiens Pensioenwet, 1936 (Wet No. 32 van 1936) moet 'n beampte wat te eniger tyd vòór die datum van inwerkingtreding van hierdie Wet vir militêre diens vrygestel is, of wat te eniger tyd na daardie datum aldus vrygestel word, terwyl hy op proef gedien het of dien, en wat op die datum van sy vrystelling—

Sekere amptenare op proef moet voorlopig tot pensioenfonds bydra.

(a) gekies het om nie tot die pensioenfonds by te dra nie ten opsigte van daardie termyn van sy diens wat, luidens sy aanstelling, 'n termyn van diens op proef sou wees; of

(b) nie aangesê was of is om te kies om ten opsigte van bedoelde termyn tot die pensioenfonds by te dra nie, met inagneming van die bepalings van artikel *sestien* van daardie Wet, voorlopig tot die pensioenfonds bydra vanaf die datum na die datum waarop bedoelde termyn van diens op proef sou verstryk het as dit nie vir sy vrystelling vir militêre diens was nie: Met dien verstande dat 'n in paragraaf (b) bedoelde beampte die reg het om by sy hervatting van diens in die staatsdiens skriftelik te kies, binne 'n maand vanaf die datum waarop hy deur die hoof van sy departement daartoe aangesê word, om tot die pensioenfonds by te dra ten opsigte van 'n deur die Tesourie goedgekeurde termyn van ononderbroke diens wat hy mag gehad het vòór die datum vanaf welke hy deur hierdie artikel verplig word om voorlopig tot die pensioenfonds by te dra.

DEEL II.

HEROPNAME EN AANSTELLING VAN PERSONE IN DIENS VAN DIE SPOORWEGADMINISTRASIE.

6. (1) Ondanks andersluidende bepalings van die „Spoorweden en Havens Dienst Wet, 1925” (Wet No. 23 van 1925) soos gewysig, of die „Spoorweden en Havens Superannuatie Fonds Wet, 1925” (Wet No. 24 van 1925) soos gewysig, of van die regulasies kragtens daardie Wette uitgevaardig, kan iemand wat, terwyl hy in diens van die Spoorwegadministrasie was, vòór die eerste dag van April 1944 uit sy betrekking, pos of werk bedank het met die doel om militêre diens te verrig, en binne 'n redelike tydperk na sy bedanking werklik ingeskryf en in militêre diens getree het of, toe hy hom vir militêre diens aangemeld het, op geneeskundige of ander gronde afgewys is, heropgeneem word in die betrekking, pos of werk waaruit hy aldus bedank het, of in enige ander betrekking, pos of werk waarvoor hy geskik is, as hy skriftelik by die Spoorwegadministrasie aansoek doen binne ses maande na die datum van—

(a) sy ontslag uit militêre diens; of

(b) sy afwysing vir militêre diens; of

(c) die inwerkingtreding van hierdie Wet,

na gelang van watter datum die jongste is: Met dien verstande dat die salaris- of loonskaal verbonde aan die betrekking, pos of werk waarin hy aldus opgeneem word, nie laer mag wees nie as dié wat verbonde was aan die betrekking, pos of werk waaruit hy aldus bedank het.

(2) Iemand wat ingevolge sub-artikel (1) in diens van die Spoorwegadministrasie heropgeneem word, het die reg om skriftelik te kies, binne 'n maand vanaf die datum waarop hy deur die Hoofbestuurder daartoe aangesê word, om beide—

- (a) the period of pensionable service (if any) completed by him prior to the date of his resignation; and
- (b) so much of the period between the date of his resignation and the date of his re-admission as may be determined by the General Manager, but not being less, in the case of a person who has rendered military service, than the period or periods of such military service,

included in his pensionable service subject to such terms and conditions as may be approved by the Minister of Transport on the recommendation of the General Manager: Provided that no part of any such period shall be included in any person's pensionable service under this sub-section if the effect of such inclusion would be to increase the maximum period of pensionable service which that person could have had, or to make that person's pensionable service commence from a date prior to that from which it would have commenced, had he not resigned.

(3) Without prejudice to the generality of the provisions of sub-section (2), the terms and conditions therein referred to may include conditions—

- (a) as to the refund, by the person concerned, in instalments or otherwise, of any monetary benefit which may have been paid to him, on his resignation, in terms of any pension law applicable to him;
- (b) as to the payment, by the person concerned, and by the Railway Administration, in equal or unequal shares, or by the Railway Administration alone—
 - (i) of contributions to the New Fund in respect of any period which is included in the pensionable service of such person in terms of sub-section (2);
 - (ii) of interest on such contributions or on such monetary benefit; and
 - (iii) of any other moneys which may be necessary to compensate or to secure the New Fund for or against any losses arising out of the resignation and re-admission of such person.

(4) Any moneys which may become payable by the Railway Administration in terms of any conditions approved by the Minister of Transport under the preceding provisions of this section, may be paid from the Railway and Harbour Fund.

(5) Any period between the date of his resignation and the date of his re-admission which is not included in a person's pensionable service under sub-section (2) shall be deemed not to interrupt the continuity of his service for pension purposes.

(6) The provisions of this section shall not apply in respect of any person who took up civil employment other than employment under the Railway Administration, after the commencement of this Act unless the Minister of Transport otherwise decides.

New appointments.

7. (1) A person (other than a person referred to in section six) who has rendered military service and who desires to be appointed to an office or post, or to be otherwise employed, under the Railway Administration shall, in order that he may obtain the benefits provided by this Act, lodge his application for such appointment or employment in the manner prescribed by regulation, within six months after the date of commencement of this Act or the date of his discharge from military service, whichever is the later.

(2) If a person referred to in sub-section (1), who has lodged his application for appointment or employment in terms of that sub-section, is appointed to or employed in an office or post under the Administration for which he is eligible, regard shall be had, for the purpose of determining his commencing salary or wage, to the duration of such person's military service and to any qualifications or previous experience which render him suitable for such appointment or employment.

(3) If a person referred to in sub-section (1), who has lodged his application for appointment or employment in terms of that sub-section is, by reason of the operation of any law, ineligible for appointment to the permanent or temporary staff of the Railway Administration, or for membership of the New

- (a) die termyn van pensioengewende diens (indien daar een is) wat hy vòòr die datum van sy bedanking voltooi het; en
- (b) soveel van die termyn tussen die datum van sy bedanking en die datum van sy heropname as wat die Hoofbestuurder bepaal, dog wat in die geval van iemand wat militêre diens verrig het, nie minder is nie as die termyn of termyne van sodanige militêre diens,

by sy pensioengewende diens te laat insluit onderworpe aan die voorskrifte en voorwaardes wat deur die Minister van Vervoer op aanbeveling van die Hoofbestuurder goedgekeur word: Met dien verstande dat geen gedeelte van so 'n termyn ingevolge hierdie sub-artikel by iemand se pensioengewende diens ingesluit word nie as sodanige insluiting die uitwerking sou hê van 'n verlenging van die maksimum-termyn van pensioengewende diens wat so iemand kon gehad het, of om so iemand se pensioengewende diens te laat loop vanaf 'n vroeër datum as dié vanaf welke dit sou geloop het, as hy nie bedank het nie.

(3) Onverminderd die algemeenheid van die bepalings van sub-artikel (2), kan onder die daarin bedoelde voorskrifte en voorwaardes ingesluit word—

- (a) voorwaardes met betrekking tot die terugbetaling, deur die betrokke persoon, in paaiemente of andersins, van enige geldelike voordeel wat by sy bedanking ingevolge 'n op hom toepaslike pensioenwet aan hom betaal mag gewees het;
- (b) voorwaardes met betrekking tot die betaling, deur die betrokke persoon, en deur die Spoorwegadministrasie, in gelyke of ongelyke aandeel, of deur die Spoorwegadministrasie alleen—
 - (i) van bydraes tot die Nuwe Fonds ten opsigte van enige termyn wat ooreenkomstig sub-artikel (2) by die pensioengewende diens van so iemand ingesluit word;
 - (ii) van rente op sulke bydraes of op so 'n geldelike voordeel; en
 - (iii) van enige ander gelde wat nodig mag wees om die Nuwe Fonds te vergoed vir of te vrywaar teen verliese wat uit die bedanking en heropname van so iemand voortspruit.

(4) Alle gelde wat deur die Spoorwegadministrasie betaalbaar mag word ooreenkomstig voorwaardes deur die Minister van Vervoer kragtens die voorgaande bepalings van hierdie artikel goedgekeur, kan uit die Spoorweg- en Hawefonds bestry word.

(5) 'n Termyn tussen die datum van sy bedanking en die datum van sy heropname wat nie kragtens sub-artikel (2) by iemand se pensioengewende diens ingesluit word nie, word geag nie die aaneenlopendheid van sy diens vir pensioendoeleindes te onderbreek nie.

(6) Die bepalings van hierdie artikel is nie van toepassing ten opsigte van iemand wat na die inwerkingtreding van hierdie Wet 'n burgerlike diensbetrekking (behalwe 'n diensbetrekking by die Spoorwegadministrasie) aanvaar het nie, tensy die Minister van Vervoer anders beslis.

7. (1) Iemand anders as 'n in artikel ses bedoelde persoon **Nuwe aanstelling s.** wat militêre diens verrig het en wat verlang om in 'n betrekking of pos by die Spoorwegadministrasie aangestel of om andersins deur die Spoorwegadministrasie in diens geneem te word, moet, ten einde die voordeel waarvoor hierdie Wet voorsiening maak te verkry, sy aansoek om sodanige aanstelling of indiensneming op die by regulasie voorgeskrewe wyse indien binne ses maande na die datum van inwerkingtreding van hierdie Wet of die datum van sy ontslag uit militêre diens, na gelang van watter die jongste is.

(2) As 'n in sub-artikel (1) bedoelde persoon wat sy aansoek om aanstelling of indiensneming ooreenkomstig daardie sub-artikel ingedien het, in 'n betrekking of pos by die Administrasie waarvoor hy in aanmerking kan kom, aangestel of in diens geneem word, word die duur van so iemand se militêre diens, asook enige kwalifikasies of vorige ondervinding wat hom vir sodanige aanstelling of indiensneming geskik maak, in aanmerking geneem by die vasstelling van sy aanvangsalaris of -loon.

(3) As 'n in sub-artikel (1) bedoelde persoon wat sy aansoek om aanstelling of indiensneming ooreenkomstig daardie sub-artikel ingedien het, weens die werking van een of ander wetsbepaling nie vir aanstelling op die permanente of tydelike personeel van die Spoorwegadministrasie, of vir lidmaatskap van

Fund, any or all of the requirements of such law relating to health, age and educational qualifications, may be suspended, relaxed or waived so as to permit of the appointment of such person, and of his admission to the New Fund, provided such person's general physical condition and educational standard, including his knowledge of both official languages, render him capable of performing efficiently the duties of the office or post to which it is proposed to appoint him.

(4) The provisions of sub-section (2) shall apply in respect of a person appointed in terms of sub-section (3): Provided that any such appointment may be made subject to compliance, by the person concerned, within a specified period, with any conditions which the General Manager may lay down.

(5) Notwithstanding anything to the contrary contained in the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), any person appointed to the temporary staff of the Railway Administration in terms of sub-section (2) or (3), shall be entitled to elect in writing, within one month from the date upon which he is called upon by the General Manager to do so, to have the period or periods of his military service included in his pensionable service subject to such terms and conditions as may be approved by the Minister of Transport on the recommendation of the General Manager, and the provisions of sub-section (3) of section *six* shall *mutatis mutandis*, in so far as they are applicable, apply with regard to conditions approved by the Minister under this sub-section: Provided that no part of any period of his military service shall be included in a person's pensionable service under this sub-section if the effect of such inclusion would be to increase the maximum period of pensionable service which that person could have had, or to make that person's pensionable service commence from a date prior to that from which it would have commenced, had he entered the employ of the Railway Administration on the date when he first entered military service, and remained so employed:

(6) If a person has elected in terms of sub-section (5) to have the period or periods of his military service included in his pensionable service, the continuity of his service for pension purposes shall be deemed not to be interrupted by any period between the date of his final discharge from military service and the date of his appointment or employment under the Railway Administration.

(7) The provisions of sub-section (4) of section *six* shall apply in respect of the payment of any moneys which may become payable by the Railway Administration in terms of conditions approved by the Minister of Transport under sub-section (5).

(8) No person who is not a Union national at the date upon which his application for appointment or employment is lodged in terms of sub-section (1) shall be appointed or employed in terms of sub-section (2) or (3).

Preservation, to persons who are re-admitted to service of Railway Administration, of certain rights of election under pension laws.

8. A person referred to in sub-section (1) of section *six* who did not, prior to his resignation from the service of the Railway Administration, exercise the right of election provided for—

- (a) in sub-section (3) of section *five* of the Railways and Harbours Superannuation Fund Act, 1925, as amended by sub-section (1) of section *three* of the Railways and Harbours Acts Amendment Act, 1944; or
- (b) in sub-section (2) of section *three* of the last-mentioned Act,

and who, but for his resignation, would have been entitled to make either of those elections, shall, notwithstanding the provisions of the said sub-sections, have the right, if he has been or is re-admitted to the service of the Railway Administration, to make whichever of the said elections he would have been so entitled to make, within a period of six months after the date of his re-admission or the date of commencement of this Act, whichever is the later.

Military service to count as service for purposes of Act No. 26 of 1941.

9. If a person who has rendered military service is re-admitted or appointed to the service of the Railway Administration in terms of section *six* or *seven*, but under conditions which do not admit of his contributing to the New Fund

die Nuwe Fonds, in aanmerking kan kom nie, kan al of enigee van die vereistes van daardie wetsbepaling met betrekking tot gesondheid, ouderdom en opvoedkundige kwalifikasies opgeskort of versag word, of kan daarvan afgesien word ten einde die aanstelling van so iemand en sy toelating tot die Nuwe Fonds moontlik te maak, mits so iemand se liggaamlike toestand en opvoedkundige standaard in die algemeen, met inbegrip van sy kennis van albei amptelike tale, hom geskik maak om die pligte verbonde aan die betrekking of pos waarin voorgeneem word om hom aan te stel, op doeltreffende wyse te verrig.

(4) Die bepalings van sub-artikel (2) is van toepassing ten opsigte van iemand wat ingevolge sub-artikel (3) aangestel word: Met dien verstande dat so 'n aanstelling onderworpe gestel kan word aan voldoening, deur die betrokke persoon, binne 'n bepaalde tyd, aan voorwaardes wat die Hoofbestuurder mag stel.

(5) Ondanks andersluidende bepalings van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925" (Wet No. 24 van 1925), het iemand wat ooreenkomstig sub-artikel (2) of (3) op die tydelike personeel van die Spoorwegadministrasie aangestel word, die reg om skriftelik te kies, binne 'n maand vanaf die datum waarop hy deur die Hoofbestuurder daartoe aangesê word, om die termyn of termyne van sy militêre diens by sy pensioengewende diens te laat insluit, onderworpe aan die voorskrifte en voorwaardes wat deur die Minister van Vervoer op aanbeveling van die Hoofbestuurder goedgekeur word, en die bepalings van sub-artikel (3) van artikel ses is *mutatis mutandis*, vir sover hulle toepaslik is, van toepassing met betrekking tot voorwaardes wat deur die Minister kragtens hierdie sub-artikel goedgekeur word: Met dien verstande dat geen gedeelte van enige termyn van sy militêre diens kragtens hierdie sub-artikel by iemand se pensioengewende diens ingesluit word nie as sodanige insluiting die uitwerking sou hê van 'n verlenging van die maksimumtermyn van pensioengewende diens wat so iemand kon gehad het, of om so iemand se pensioengewende diens te laat loop vanaf 'n vroeër datum as dié vanaf welke dit sou geloop het, as hy tot die diens van die Spoorwegadministrasie toegetree het op die datum waarop hy vir die eerste maal in militêre diens getree het, en aldus in diens gebly het.

(6) As iemand ooreenkomstig sub-artikel (5) gekies het om die termyn of termyne van sy militêre diens by sy pensioengewende diens te laat insluit, word die aaneenlopendheid van sy diens vir pensioendoeleindes geag nie onderbreek te word deur enige tydperk tussen die datum van sy finale ontslag uit militêre diens en die datum van sy aanstelling of indiensneming by die Spoorwegadministrasie nie.

(7) Die bepalings van sub-artikel (4) van artikel ses is van toepassing ten opsigte van die betaling van gelde wat deur die Spoorwegadministrasie betaalbaar mag word ingevolge voorwaardes deur die Minister van Vervoer kragtens sub-artikel (5) goedgekeur.

(8) Niemand wat nie 'n Unieburger is op die datum waarop sy aansoek om aanstelling of indiensneming ooreenkomstig sub-artikel (1) ingedien word, mag ooreenkomstig sub-artikel (2) of (3) aangestel of in diens geneem word nie.

8. 'n In sub-artikel (1) van artikel ses bedoelde persoon wat nie, voor sy bedanking uit die diens van die Spoorwegadministrasie, die reg om te kies waarvoor voorsiening gemaak word—

(a) in sub-artikel (3) van artikel vyf van die „Spoorwegen en Havens Superannuatie Fonds Wet, 1925", soos gewysig deur sub-artikel (1) van artikel drie van die Wysigingswet op die Spoorweg- en Hawewette, 1944; of

(b) in sub-artikel (2) van artikel drie van laasgenoemde Wet,

uitgeoefen het nie, en wat, as dit nie vir sy bedanking was nie, die reg sou gehad het om die een of die ander van daardie keuses te doen, het die reg, ondanks die bepalings van bedoelde sub-artikels, indien hy in diens van die Spoorwegadministrasie heropgeneem is of word, om watter een ook al van bedoelde keuses hy aldus sou kon gedoen het, te doen binne 'n tydperk van ses maande na die datum van sy heropname of die datum van inwerkingtreding van hierdie Wet, na gelang van watter die jongste is.

9. As iemand wat militêre diens verrig het, ooreenkomstig artikel ses of sewe in diens van die Spoorwegadministrasie heropgeneem of aangestel word, dog onder voorwaardes wat dit nie vir hom moontlik maak om ten opsigte van die termyn

Behoud, vir persone wat in diens van Spoorwegadministrasie heropgeneem word, van reg om sekere keuses kragtens pensioenwette te doen.

Militêre diens tel as diens vir doeleindes van Wet 26 van 1941.

in respect of the period or periods of his military service, such period or periods of military service shall be deemed to be service for the purposes of the Railways and Harbours Pensions Amendment Act, 1941 (Act No. 26 of 1941).

PART III.

GENERAL.

Advances to pension funds from revenue.

10. (1) Whenever a person is re-admitted, appointed or employed under this Act, there may be advanced to the appropriate pension, superannuation or provident fund out of the Consolidated Revenue Fund, or out of the revenue fund of the province concerned or of the mandated territory of South West Africa, or out of the Railway and Harbour Fund, as the case may be, a sum not exceeding the total amount of any contributions or other moneys which, in terms of any conditions approved by the Treasury or by the Minister of Transport, as the case may be, under any provision of this Act, are payable by such person to that fund, and the sum so advanced shall be recovered by deduction from that person's salary or wages in such instalments as the Treasury or the General Manager, as the case may be, shall direct.

(2) If the employment of any such person is terminated for any reason whatever before the total amount to be so paid by him to any such pension, superannuation or provident fund, or to be recovered from him in terms of sub-section (1), has been fully paid or recovered, the amount still unpaid shall be deducted from any benefit payable under the pension law applicable to him.

Leave of absence without pay to count as service for purposes of salary increments.

11. (1) Notwithstanding anything to the contrary in any other law, if any person in the employ of the Government was or is granted leave of absence without civil pay by the head of his department or by or under the authority of the General Manager, as the case may be, in respect of any period of his absence on military service, such leave of absence together with not more than thirty days prior to his enlistment for, and thirty days subsequent to his discharge from, such service, shall count as service for the purpose of increments in his civil salary or wages, and the provisions of this sub-section shall have effect as from the date upon which such person became or becomes eligible for the payment of such salary or wages.

(2) For the purposes of sub-section (1) a person who has rendered military service and who is re-admitted to the service of the Government in terms of sub-section (1) of section *two* or sub-section (1) of section *six*, shall be deemed to have been on authorized leave of absence without pay for the period or periods of his military service together with not more than thirty days prior to his first enlistment for, and thirty days subsequent to his final discharge from, such service.

Refund of cost of purchase of discharge.

12. If a person who is re-admitted to the service of the Government in terms of this Act was, prior to his resignation, a member of the services as defined in the Public Service Act, or a person appointed under section *fifty-seven* of the Railways and Harbours Regulation, Control and Management Act, 1916, and his resignation involved the purchase by him of his discharge, the amount paid by him to purchase his discharge shall be refunded to him upon his re-admission to employment.

Special provisions in regard to apprentices.

13. (1) If a person who is re-admitted to the service of the Government in terms of this Act was an apprentice, at the time of his resignation, his contract of apprenticeship shall, subject to any right to terminate or cancel the contract, be regarded as suspended from the date of his resignation and shall, if it has not terminated in pursuance of the provisions of sub-section (2), come into operation again upon his re-admission.

(2) The period during which an apprentice referred to in sub-section (1) has rendered military service, or a period of one year, whichever is the shorter, shall be regarded as part of the period of apprenticeship which he is required to serve under his contract of apprenticeship.

(3) Any period in excess of one year during which any such apprentice rendered military service, may be regarded as part of the said period of apprenticeship if the head of the department concerned, or the General Manager, as the case may be, is satisfied, after consultation with the Inspector of Apprenticeship appointed under section *three* of the Apprenticeship Act, 1922 (Act No. 26 of 1922), that in the course of his military service such apprentice performed duties connected with the trade to which he is apprenticed, for a period or periods not shorter in all than the period which it is proposed to regard as part of his period of apprenticeship in terms of this sub-section.

of termyne van sy militêre diens tot die Nuwe Fonds by te dra nie, dan word daardie termyn of termyne van militêre diens geag diens te wees vir die doeleindes van die Wysigingswet op Spoorweg- en Hawepensioene, 1941 (Wet No. 26 van 1941).

DEEL III.

ALGEMEEN.

10. (1) Wanneer iemand kragtens hierdie Wet heropgeneem, aangestel of in diens geneem word, kan daar aan die betrokke pensioen- of voorsorgsfonds voorgeskiet word, uit die Gekonsolideerde Inkomstefonds, of uit die inkomstefonds van die betrokke provinsie of van die mandaatgebied Suidwes-Afrika, of uit die Spoorweg- en Hawefonds, na gelang van die geval, 'n bedrag van hoogstens die totaal van bydraes of ander gelde wat, volgens voorwaardes deur die Tesourie, of die Minister van Vervoer, na gelang van die geval, kragtens een of ander bepaling van hierdie Wet goedgekeur, deur so iemand aan daardie fonds betaalbaar is, en die bedrag wat aldus voorgeskiet word, word verhaal by wyse van aftrekking van so iemand se salaris of loon in sulke paaielemente as wat die Tesourie, of die Hoofbestuurder, na gelang van die geval, bepaal.

Voorskotte aan pensioenfondse uit inkomste.

(2) Ingeval die diens van so iemand op watter grond ook al beëindig word voordat die totaalbedrag wat aldus deur hom aan so 'n pensioen- of voorsorgsfonds betaal moet word, of wat ingevolge sub-artikel (1) op hom verhaal moet word, ten volle betaal of verhaal is, word die aldan nog onbetaalde bedrag afgetrek van enige voordeel wat kragtens die op hom toepaslike pensioenwet betaalbaar mag wees.

11. (1) Indien afwesighedsverlof sonder burgerlike besoldiging aan iemand in diens van die Regering deur die hoof van sy departement of deur of op gesag van die Hoofbestuurder, na gelang van die geval, ten opsigte van enige tydperk van sy afwesigheid met militêre diens toegestaan is of word, dan word sodanige afwesighedsverlof, tesame met hoogstens dertig dae vòòr sy inskrywing vir, en dertig dae na sy ontslag uit, bedoelde diens, ondanks andersluidende bepalings van enige ander wet, as diens gereken vir die doeleindes van verhogings van sy burgerlike salaris of loon, en die bepalings van hierdie sub-artikel is van krag vanaf die datum waarop so iemand vir die betaling van sodanige salaris of loon in aanmerking gekom het of kom.

Afwesighedsverlof sonder besoldiging tel as diens vir doeleindes van salarisverhogings.

(2) Vir die doeleindes van sub-artikel (1) word beskou dat iemand wat militêre diens verrig het en wat ooreenkomstig sub-artikel (1) van artikel twee of sub-artikel (1) van artikel ses in diens van die Regering heropgeneem word, met goedgekeurde verlof sonder besoldiging afwesig was vir die termyn of termyne van sy militêre diens tesame met hoogstens dertig dae vòòr sy eerste inskrywing vir, en dertig dae na sy finale ontslag uit bedoelde diens.

12. As iemand wat ingevolge hierdie Wet in diens van die Regering heropgeneem word, vòòr sy bedanking 'n lid was van die dienste, soos in die Staatsdienswet omskryf, of iemand was wat kragtens artikel *sewen-en-vyftig* van die „Spoorwegen en Havens Reglement, Bestuur en Beheer Wet, 1916”, aangestel is, en sy bedanking die koop deur hom van sy ontslag meebring het, dan word die bedrag wat deur hom betaal is om sy ontslag te koop, by sy heropname in diens aan hom terugbetaal.

Terugbetaling van koste verbonde aan koop van ontslag.

13. (1) As iemand wat ingevolge hierdie Wet in diens van die Regering heropgeneem word, ten tyde van sy bedanking 'n vakleerling was, dan word sy leerkontrak, behoudens enige reg om die kontrak te beëindig of te ontbind, geag opgeskort te wees vanaf die datum van sy bedanking en, as dit nie uit hoofde van die bepalings van sub-artikel (2) verstryk het nie, tree dit by sy heropname in diens weer in werking.

Spesiale bepalings met betrekking tot vakleerlinge.

(2) Die termyn gedurende welke 'n in sub-artikel (1) bedoelde vakleerling militêre diens verrig het, of 'n termyn van een jaar, na gelang van watter die kortste is, word geag deel uit te maak van die leertyd wat hy kragtens sy leerkontrak moet dien.

(3) 'n Termyn van meer as 'n jaar, gedurende welke so 'n vakleerling militêre diens verrig het, kan as deel van bedoelde leertyd beskou word as die hoof van die betrokke departement, of die Hoofbestuurder, na gelang van die geval, na beraadslaging met die Inspekteur van Vakleerlinge kragtens artikel *drie* van die „Vakleerlingen Wet, 1922” (Wet No. 26 van 1922) aangestel, oortuig is dat so 'n vakleerling in die loop van sy militêre diens pligte verrig het wat met die bedryf waarin hy leerling is in verband staan, vir 'n termyn of termyne van tesame minstens dieselfde duur as die termyn wat dit voornemens is ingevolge hierdie sub-artikel as deel van sy leertyd te beskou.

(4) A person who, having rendered military service, is appointed to the service of the Government in terms of this Act and who, at the time when his military service commenced, could validly have entered into a contract of apprenticeship in respect of a designated trade under the Apprenticeship Act, 1922 (Act No. 26 of 1922), may, notwithstanding anything to the contrary contained in that Act, enter into such a contract within a period of six months after his appointment, and the provisions of sub-sections (2) and (3) shall *mutatis mutandis* apply in respect of the period which he is required to serve under such a contract.

Extension of periods fixed by or under this Act.

14. Any period fixed by or under this Act for the lodging of any application for re-admission, appointment or employment, or for the making of any election, or for the fulfilment of any condition laid down under sub-section (4) of section *four* or sub-section (4) of section *seven*, may at the discretion of the Commission or of the General Manager, as the case may be, be extended in exceptional circumstances by such period as may appear to it or him to be reasonable: Provided that no such extension shall be effective beyond the date fixed for the expiry of this Act.

Regulations.

15. The Governor-General may make regulations, not inconsistent with this Act, for the effective carrying out of the objects and purposes thereof.

Application of Act.

16. This Act and the regulations made thereunder shall be in force in and apply to the mandated territory of South West Africa and the port and settlement of Walvis Bay, but shall not apply in respect of any person whose appointment and other conditions of service are governed by any Provincial Ordinance, or by any Ordinance of the Legislative Assembly of the mandated territory of South West Africa or by any Proclamation issued by the Administrator of that territory.

Certain pension contributions paid by Government to be regarded as paid by person in respect of whom they were paid.

17. If, in terms of any conditions approved by the Treasury under sub-section (2) or (5) of section *two*, section *three* or sub-section (5) of section *four*, or by the Minister of Transport under sub-section (2) of section *six* or sub-section (5) of section *seven*, the Government is required to pay, in respect of any period which under any of those sub-sections has been included in any person's pensionable service, in addition to its own share, also that person's share of any contributions payable in respect of any such period to a pension or provident fund, or that person's share of any interest payable in respect of such contributions, any payment so made by the Government shall, in so far as it represents that person's share of the said contributions and the said interest (if any), be regarded for the purposes of any pension law applicable to him, as having been made by such person himself: Provided that if such person—

- (a) being an officer or employee, retires or is retired or discharged in circumstances mentioned in sub-section (2), (3), (4), (6) or (7) of section *twenty-one*, or in sub-section (2), (3) or (5) of section *seventy* of the Government Service Pensions Act, 1936; or
- (b) being a person in the employ of the Railway Administration, retires or is retired or discharged in circumstances mentioned in sub-section (4) of section *sixteen* or sub-section (3) of section *twenty-four* or section *twenty-eight*, *twenty-nine* or *thirty* of the Railways and Harbours Superannuation Fund Act, 1925,

there shall be deducted from any benefit payable to him under the applicable pension law, and repaid to revenue, an amount equal to the amount which in terms of this section is regarded as having been paid by such person himself: Provided further that if such benefit takes the form of an annuity granted under section *eleven bis* of the Railways and Harbours Service Act, 1925, the Governor-General or the Minister of Transport, as the case may be, may direct that a portion of any such annuity shall be commuted by an amount in cash sufficient to cover any amount to be deducted under this section.

Retrospective application of this Act in respect of certain persons.

18. Any person who has rendered military service and has been re-admitted, appointed or employed prior to the commencement of this Act, may, with effect from the date on which he was so re-admitted, appointed or employed, be dealt with in such manner as he might have been dealt with had this Act

(4) Iemand wat, nadat hy militêre diens verrig het, ingevolge hierdie Wet in diens van die Regering aangestel word, en wat, toe sy militêre diens 'n aanvang geneem het, 'n geldige leerkontrak ten opsigte van 'n aangewese bedryf kragtens die „Vakleerlingen Wet, 1922” (Wet No. 26 van 1922) kon aangaan het, kan, ondanks andersluidende bepalings van daardie Wet, so 'n kontrak aangaan binne 'n tydperk van ses maande na sy aanstelling, en die bepalings van sub-artikels (2) en (3) is *mutatis mutandis* van toepassing ten opsigte van die termyn wat hy ingevolge so 'n kontrak moet dien.

14. Enige tydperk deur of kragtens hierdie Wet bepaal vir die indiening van 'n aansoek om heropname, aanstelling of indienseneming, of vir die doen van 'n keuse, of vir die vervulling van 'n voorwaarde gestel kragtens sub-artikel (4) van artikel vier of sub-artikel (4) van artikel sewe, kan volgens goeddunke van die Kommissie of van die Hoofbestuurder, na gelang van die geval, in buitengewone omstandighede verleng word met so 'n tydperk as wat die Kommissie of die Hoofbestuurder billik ag: Met dien verstande dat so 'n verlenging nie ná die datum wat vir die buitewerkingtreding van hierdie Wet bepaal is, van krag bly nie.

15. Die Goewerneur-generaal kan regulasies wat nie onbestaanbaar met hierdie Wet is nie, uitvaardig vir die doelmatige bereiking en verwesenliking van die oogmerke en doeleindes daarvan.

16. Hierdie Wet en die uit kragte daarvan uitgevaardigde regulasies is van krag in en van toepassing op, die mandaatgebied Suidwes-Afrika en die hawe en nedersetting Walvisbaai, dog is nie van toepassing nie ten opsigte van enig iemand wie se aanstelling en ander diensvoorwaardes deur 'n Provinsiale Ordonnansie, of deur 'n Ordonnansie van die Wetgewende Raad van die mandaatgebied Suidwes-Afrika of deur 'n Proklamasie van die Administrateur van daardie gebied, gereël word.

17. Indien die Regering, ingevolge voorwaardes deur die Tesourie goedgekeur kragtens sub-artikel (2) of (5) van artikel twee, artikel drie of sub-artikel (5) van artikel vier, of deur die Minister van Vervoer goedgekeur kragtens sub-artikel (2) van artikel ses of sub-artikel (5) van artikel sewe verplig is om, ten opsigte van enige termyn wat kragtens enigeen van daardie sub-artikels by iemand se pensioengewende diens ingesluit is, benewens sy eie aandeel, ook so iemand se aandeel van bydraes wat ten opsigte van so 'n termyn aan 'n pensioen- of voorsorgfonds verskuldig is, of so iemand se aandeel van enige rente wat ten opsigte van sulke bydraes verskuldig is, te betaal, dan word enige betaling wat aldus deur die Regering gedoen word, vir sover dit so iemand se aandeel van bedoelde bydraes en bedoelde rente (indien daar is) verteenwoordig, vir die doeleindes van 'n op hom toepaslike pensioenwet geag deur so iemand self gedoen te gewees het: Met dien verstande dat as so iemand—

- (a) synde 'n beampte of werknemer, uit die diens tree of afgedank of ontslaan word onder omstandighede in sub-artikel (2), (3), (4), (6) of (7) van artikel een-en-twintig, of in sub-artikel (2), (3) of (5) van artikel sewentig van die Regeringsdiens Pensioenwet, 1936 vermeld; of
- (b) synde iemand in diens van die Spoorwegadministrasie, uit die diens tree of afgedank of ontslaan word onder omstandighede in sub-artikel (4) van artikel sestiën of sub-artikel (3) van artikel vier-en-twintig of artikel agt-en-twintig, negen-en-twintig of dertig van die „Spoorwegaan en Havens Superannuatie Fonds Wet, 1925” vermeld,

daar van enige voordeel wat kragtens die toepaslike pensioenwet aan hom betaalbaar is, 'n bedrag afgetrek en aan inkomste terugbetaal moet word, gelyk aan die bedrag wat ingevolge hierdie artikel geag word deur so iemand self betaal te gewees het: Met dien verstande voorts dat as so 'n voordeel die vorm aanneem van 'n jaargeld toegeken kragtens artikel elf bis van die „Spoorwegaan en Havens Dienst Wet, 1925”, die Goewerneur-generaal of die Minister van Vervoer, na gelang van die geval, kan gelas dat 'n gedeelte van so 'n jaargeld omgesit word in 'n kontantbedrag voldoende om enige bedrag wat kragtens hierdie artikel afgetrek moet word, te dek.

18. Iemand wat militêre diens verrig het en wat vòr die inwerkingtreding van hierdie Wet heropgeneem, aangestel of in diens geneem is, kan, met ingang van die datum waarop hy aldus heropgeneem, aangestel of in diens geneem is, behandel word soos hy behandel kon geword het as hierdie Wet van krag

Verlenging van tydperke deur of kragtens hierdie Wet bepaal.

Regulasies.

Toepassing van Wet.

Sekere pensioenbydraes deur Regering betaal, word beskou betaal te wees deur persoon ten opsigte van wie hulle betaal is.

Terugwerkende krag van hierdie Wet ten opsigte van sekere persone.

been in force at the date when he was re-admitted, appointed or employed: Provided that this section shall not apply to any person who subsequent to such re-admission, appointment or employment voluntarily retired or was discharged from employment under the Government.

- Duration of Act.** 19. (1) This Act shall expire on a date to be fixed by the Governor-General by proclamation, which date shall be not later than five years after the date which the Governor-General has by proclamation declared to be the date of termination of the war: Provided that the said period of five years may from time to time be extended by resolution of both Houses of Parliament for any further period specified in the resolution.
(2) The expiry of this Act shall not affect the operation thereof as regards previous acts or omissions.
- Repeal of law.** 20. The Public Servants (Military Service) Act, 1919 (Act No. 25 of 1919), is hereby repealed.
- Short title and commencement.** 21. This Act shall be called the Public Servants (Military Service) Act, 1944, and save as is expressly provided as to any particular provision thereof, shall come into operation on the first day of July, 1944.

No. 28, 1944.]

ACT

To amend the South-West Africa Affairs Act, 1922.

*(Signed by the Officer Administering the Government in
Afrikaans.)
(Assented to 10th May, 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 1 of Act 24 of 1922.** 1. Section *one* of the South-West Africa Affairs Act, 1922, is hereby amended by the substitution for sub-section (4) of the following sub-section:
“(4) Any Act of Parliament or proclamation by the Governor-General, passed or issued after the date fixed as aforesaid, which is in force or which may come into operation in the mandated territory, shall, as long as and to the extent to which it is in force in the mandated territory, be in force also in the said port and settlement, unless the Act or proclamation otherwise provides.”
- Short title.** 2. This Act shall be called the South-West Africa Affairs Amendment Act, 1944.

was op die datum toe hy heropgeneem, aangestel of in diens geneem is: Met dien verstande dat hierdie artikel nie van toepassing is op iemand wat ná sodanige heropname, aanstelling of indiënsneming, uit die diens van die Regering ontslaan is of vrywillig daaruit getree het nie.

19. (1) Hierdie Wet tree buite werking op 'n datum deur die Goewerneur-generaal by proklamasie te bepaal, welke datum nie later mag wees nie dan vyf jaar na die datum wat die Goewerneur-generaal by proklamasie verklaar het die datum van beëindiging van die oorlog te wees: Met dien verstande dat bedoelde tydperk van vyf jaar van tyd tot tyd by besluit van beide Huise van die Parlement verleng kan word vir 'n verdere in die besluit bepaalde tydperk.

Duur van Wet.

(2) Die buitewerkingtreëding van hierdie Wet raak nie die werking daarvan vir sover dit vorige doen en late aanbetref nie.

20. Die „Staatsdienaren (Militaire Dienst) Wet, 1919” (Wet No. 25 van 1919) word hierby herroep.

Herroeping van Wet.

21. Hierdie Wet heet die Wet op Staatsamptenare (Militêre Diens), 1944, en behalwe vir sover uitdruklik met betrekking tot een of ander besondere bepaling daarvan bepaal word, tree dit op die eerste dag van Julie 1944 in werking.

Kort titel en inwerkingtreëding.

No. 28, 1944.]

WET

Tot wysiging van die „Wet betreffende Aangelegenheden van Zuidwest-Afrika, 1922”.

(Deur die Amptenaar Belas met die Uitoefening van die Uivoerende Gesag in Afrikaans geteken.)
(Goedgekeur op 10 Mei 1944.)

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

1. Artikel een van die „Wet betreffende Aangelegenheden van Zuidwest-Afrika, 1922”, word hiermee gewysig deur sub-artikel (4) te vervang deur die volgende sub-artikel:

Wysiging van artikel 1 van Wet 24 van 1922.

„(4) Een Wet van het Parlement of proklamatie door de Goewerneur-generaal, na de als voorzegd bepaalde datum aangenomen of uitgevaardigd, die in het mandaatgebied van kracht is of in werking treedt, is, zoo lang en tot de mate waarin zij in het mandaatgebied van kracht is, ook in genoemde haven en nederzetting van kracht, tenzij de Wet of proklamatie anders bepaalt.”

2. Hierdie Wet heet die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1944.

Kort titel.

No. 29, 1944.]

ACT

To consolidate and amend the laws relating to the South African Reserve Bank, and to make provision for matters incidental to the regulation of the monetary system of the Union.

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

(Assented to 10th May, 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—

“commercial bank” means a commercial bank as defined in section *one* of the Banking Act, 1942 (Act No. 38 of 1942);

“Government representative” means a member of the board, other than the Governor or Deputy-Governor, appointed under section *three* or *five*;

“Minister” means the Minister of Finance;

“stockholder” means any holder of stock of the bank;

“stockholders’ representative” means a member of the board elected under section *three* or *five*;

“the bank” means the South African Reserve Bank established by section *nine* of the Currency and Banking Act;

“the board” means the board of directors referred to in sub-section (1) of section *three*;

“the Currency and Banking Act” means the Currency and Banking Act, 1920 (Act No. 31 of 1920);

“the Treasury” means the Minister or any officer in the Department of Finance authorized by the Minister to perform any function assigned to the Treasury in this Act.

South African Reserve Bank a body corporate.

2. The bank shall be a body corporate capable of suing and being sued in its corporate name, and of performing all such acts as are necessary for, incidental or conducive to or usual in the carrying on of its business, the exercise of its powers and the performance of its duties.

Board of directors.

3. (1) The bank shall be managed by a board of eleven directors, consisting of a Governor, a Deputy-Governor and three other directors appointed by the Governor-General, and six directors elected by the stockholders.

(2) (a) The Governor shall be a person of tested banking experience.

(b) No person shall be appointed as or remain Governor or Deputy-Governor if he has any interest in any commercial bank.

(3) Of the directors elected by the stockholders, three shall be persons who are or have been actively and primarily engaged in commerce or finance, one shall be a person who is or has been so engaged in agriculture, and two shall be persons who are or have been so engaged in other industrial pursuits.

(4) A Government representative may, subject to the approval of the Minister, nominate any person, and a stockholders’ representative may, subject to the approval of the board, nominate any person who would be qualified to be elected in his stead, as an alternate director to act in his place on the occasions and in the circumstances and subject to the conditions set forth in the regulations.

(5) An alternate director, when acting in the place of any director, shall in all respects have all the powers and discharge all the duties of that director.

(6) No person shall be appointed or elected or remain a director or an alternate director—

(a) if he is not a Union national resident in the Union; or

(b) if he is a director, officer or employee of a commercial bank; or

(c) if he is a senator or a member of the House of Assembly or a provincial councillor.

Tenure and conditions of office of directors.

4. (1) The Governor and Deputy-Governor shall hold office for a period of five years and other directors for a period of three years.

(2) A director shall be eligible for re-appointment or re-election, as the case may be, after the expiration of his term of office.

No. 29, 1944.]

WET

Tot samevatting en wysiging van die wette betreffende die Suid-Afrikaanse Reserwebank, en om voorsiening te maak vir sake wat met die reëling van die geldwese van die Unie in verband staan.

(Deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag in Engels geteken.)
(Goedgekeur op 10 Mei 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—

- „handelsbank” ’n handelsbank soos in artikel *een* van die Bankwet, 1942 (Wet No. 38 van 1942) omskryf; Woordbepaling.
- „Regeringsverteenwoordiger” ’n kragtens artikel *drie* of *vyf* aangestelde lid van die raad, maar nie die President of Vise-president nie;
- „Minister” die Minister van Finansies;
- „aandeehouer” ’n houer van aandele van die bank;
- „verteenwoordiger van aandeehouers” ’n kragtens artikel *drie* of *vyf* verkose lid van die raad;
- „die bank” die Suid-Afrikaanse Reserwebank by artikel *nege* van die Betaalmiddels- en Bankwet ingestel;
- „die raad” die in sub-artikel (1) van artikel *drie* bedoelde raad van direkteure;
- „die Betaalmiddels- en Bankwet” die „Betaalmiddelen en Bankwet, 1920” (Wet No. 31 van 1920);
- „die Tesourie” die Minister of enige amptenaar in die Departement van Finansies wat deur die Minister gemagtig is om ’n werksaamheid te verrig wat hierdie Wet aan die Tesourie opdra.

2. Die bank is ’n regspersoon wat as eiser en verweerder in sy naam as regspersoon in regte kan optree, en wat alle handelings kan verrig wat nodig of bevorderlik is vir, in verband staan met of gebruiklik is by die verrigting van sy sake, die uitoefening van sy bevoegdhede en die vervulling van sy pligte. Suid-Afrikaanse Reserwebank ’n regspersoon.

3. (1) Die bank word bestuur deur ’n raad van elf direkteure, bestaande uit ’n President, ’n Vise-president en drie ander direkteure deur die Góewerneur-generaal aangestel en ses direkteure deur die aandeehouers gekies. Raad van direkteure.

(2) (a) Die President moet ’n persoon met beproefde bankervaring wees.

(b) ’n Persoon wat een of ander belang by ’n handelsbank het, kan nie as President of Vise-president aangestel word of as sulks aanbly nie.

(3) Drie van die direkteure wat die aandeehouers kies moet persone wees wat hul aktief en in hoofsaak met die handel of met finansiewese besighou of -gehou het, een van hul moet ’n persoon wees wat hom aldus met landbou besighou of -gehou het, en twee van hul moet persone wees wat hul aldus met ander industriële bedrywighede besighou of -gehou het.

(4) ’n Regeringsverteenwoordiger kan, onderworpe aan die goedkeuring van die Minister, enige persoon, en ’n verteenwoordiger van aandeehouers kan, onderworpe aan die goedkeuring van die raad, enige persoon wat in sy plek gekies sou kan word, benoem om as plaasvervanger in sy plek op te tree by die geleenthede en onder die omstandighede en onderworpe aan die voorwaardes in die regulasies uiteengesit.

(5) ’n Plaasvervangende direkteur het, wanneer hy in die plek van ’n direkteur optree, in alle opsigte al die bevoegdhede en vervul al die pligte van daardie direkteur.

(6) Niemand word as direkteur of plaasvervangende direkteur aangestel of gekies of bly as sulks aan nie—

(a) indien hy nie ’n Unieburger is wat in die Unie woon nie; of

(b) indien hy ’n direkteur, beampte of werknemer van ’n handelsbank is; of

(c) indien hy ’n senator of ’n lid van die Volksraad of van ’n provinsiale raad is.

4. (1) Die President en Vise-president beklee hul amp vir ’n tydperk van vyf jaar en ander direkteure vir ’n tydperk van drie jaar. Ampstermyn en voorwaardes van direkteure.

(2) ’n Direkteur kan na verstryking van sy ampstermyn na gelang van die geval weer aangestel of herkies word.

(3) Directors (including the Governor and Deputy-Governor) shall hold office upon such conditions as to remuneration (including allowances, other than allowances referred to in sub-section (4)) as may be determined by the board with the approval of the Minister, and upon such other conditions as may be prescribed by regulation.

(4) Directors may, in addition to their remuneration, be paid such allowances in respect of expenses incurred in connection with the performance of their functions, as the board may from time to time determine.

(5) The Governor and Deputy-Governor shall devote the whole of their time to the business of the bank.

Casual vacancies.

5. (1) A casual vacancy on the board shall be filled—

(a) in the case of the Governor or Deputy-Governor or of a Government representative, by the appointment by the Governor-General of another person; and

(b) in the case of a stockholders' representative, by the election by the stockholders of a person who would be qualified to be elected in the place of the director whose office has become vacant, or by the appointment by the board, subject to confirmation at the next ordinary general meeting of the stockholders, of a person so qualified.

(2) Any person appointed or elected under sub-section (1) shall hold office, in the case of the Governor or Deputy-Governor, for a period of five years, and in the case of any other director, for the unexpired portion of the period for which the director, whose office has become vacant, had been appointed or elected.

Procedure and quorum.

6. (1) The Governor shall preside at the meetings of the board, and in his absence from any meeting, the Deputy-Governor shall preside.

(2) If both the Governor and the Deputy-Governor are absent from any meeting, the directors who are present may elect from amongst themselves a chairman to preside at that meeting.

(3) Six directors shall form a quorum at any meeting.

(4) The decision of the majority of directors present at any meeting shall constitute the decision of the board.

(5) The Governor shall have a deliberative vote and, in addition, in the event of an equality of votes, a casting vote.

Validity of board's decisions and acts.

7. No decision or act of the board or act done under the authority of the board, shall be invalid by reason only of the fact that the board did not consist of the full number of directors for which provision is made in section *three*, or that a disqualified person or a person with respect to whose election the provisions of the regulations had not been observed, sat or acted as a director at the time the decision was taken or the act was done or authorized: Provided that if such a person sat or acted as a director, the decision or act was taken, done or authorized, by a majority of the directors present at the time who were entitled to sit or act as directors.

Powers and duties the bank.

8. (1) The bank may, subject to the provisions of section *nine*—

(a) make or cause bank notes to be made and issue bank notes;

(b) accept money on deposit on current account and collect money for any other persons;

(c) grant loans and advances;

(d) buy, sell, discount or re-discount bills of exchange or promissory notes issued or drawn for commercial, industrial or agricultural purposes, or bills of the Union Government or of the Government of any other country or of a local authority in the Union;

(e) buy and sell securities;

(f) invest its funds (including its staff and pension funds) in Union Government stock;

(g) buy, sell or deal in precious metals and hold in safe custody for other persons gold, securities or other articles of value;

(h) buy and sell foreign currencies;

(i) open credits and issue guarantees;

(j) effect transfers by telegram or letter and sell drafts on its branches and correspondents;

(k) establish branches or appoint agents and correspondents in or outside the Union;

(l) open accounts in foreign countries and act as agent or correspondent of any bank carrying on business in or outside the Union; and

(3) Direkteure (met inbegrip van die President en Vice-president) bekleë hul amp op die voorwaardes betreffende besoldiging (met inbegrip van toelaes, behalwe toelaes in sub-artikel (4) bedoel) wat die raad met goedkeuring van die Minister bepaal en op die ander voorwaardes wat by regulasie voorgeskryf word.

(4) Direkteure kan benewens hul besoldiging, die toelaes betaal word, ten opsigte van uitgawes in verband met die verrigting van hul werksaamhede behoort, wat die raad van tyd tot tyd mag bepaal.

(5) Die President en Vice-president moet al hul tyd aan die sake van die bank bestee.

5. (1) 'n Toevallige vakature in die raad word aangevul— Toevallige vakatures.

(a) in die geval van die President of Vice-president of van 'n Regeringsvertegenwoordiger, deur die aanstelling deur die Goewerneur-generaal van 'n ander persoon; en

(b) in die geval van 'n verteenwoordiger van aandeelhouders, deur die verkiesing deur die aandeelhouders van 'n persoon wat in die plek van die direkteur wie se amp vakant geword het, gekies sou kon word, of deur die aanstelling deur die raad, onderworpe aan bekragting op die eersvolgende gewone algemene vergadering van aandeelhouders, van 'n persoon wat aldus gekies sou kon word.

(2) 'n Kragtens sub-artikel (1) aangestelde of verkose persoon bekleë sy amp, in die geval van 'n President of Vice-president, vir 'n tydperk van vyf jaar, en in die geval van 'n ander direkteur, vir die onverstreke gedeelte van die tydperk waarvoor die direkteur wie se amp vakant geword het, aangestel of gekies was.

6. (1) Die President presideer op vergaderings van die raad, Prosedure en en by sy afwesigheid van 'n vergadering presideer die Vice-president. kworum.

(2) Indien sowel die President as die Vice-president van 'n vergadering afwesig is, kan die aanwesige direkteure uit hul midde 'n voorsitter kies om op daardie vergadering te presideer.

(3) Ses direkteure maak op 'n vergadering 'n kworum uit.

(4) Die besluit van die meerderheid van direkteure op 'n vergadering aanwesig, maak die besluit van die raad uit.

(5) Die President het 'n beraadslagende stem, en by 'n staking van stemme ook 'n beslissende stem.

7. 'n Besluit of handeling van die raad, of handeling op gesag van die raad verrig, is nie ongeldig nie slegs omdat die raad nie uit die volle aantal lede waarvoor in artikel drie voorsiening gemaak word, bestaan het nie, of omdat 'n onbevoegde persoon of 'n persoon ten opsigte van wie se verkiesing die voorskrifte van die regulasies nie nagekom is nie, as 'n direkteur sitting geneem of opgetree het toe die besluit geneem is of die handeling verrig of gemagtig is: Met dien verstande dat indien so 'n persoon as direkteur sitting geneem of opgetree het, die besluit of handeling geneem, verrig of gemagtig is deur 'n meerderheid van die direkteure wat toe aanwesig was en wel bevoeg was om as direkteure sitting te neem of op te tree. Geldigheid van besluite en handelings van raad.

(3) Ses direkteure maak op 'n vergadering 'n kworum uit.

8. (1) Die bank kan, met inagneming van die bepalinge van artikel nege— Bevoegdheids en pligte van die bank.

(a) banknote maak of laat maak, en banknote uitreik;

(b) geld in deposito neem op lopende rekening en geld vir ander persone invorder;

(c) lenings en voorskotte toestaan;

(d) wissels of promesses wat vir handels-, nywerheids- of landboudoeleindes uitgereik of getrek is, of skatkisbewyse van die Unieregering of die Regering van 'n ander land of bewyse van 'n plaaslike bestuur in die Unie, koop, verkoop, diskonteer, of herdiskonteer;

(e) effekte koop en verkoop;

(f) sy fondse (met inbegrip van sy personeel- en pensioenfondse) in effekte van die Unieregering belê;

(g) edele metale koop of verkoop of daarin handel dryf, en goud, effekte en ander artikels van waarde vir ander persone ter bewaring hou;

(h) vreemde valuta koop en verkoop;

(i) krediete open en waarborge uitreik;

(j) oorboekings doen per telegram of brief en wissels op sy takke en korrespondente verkoop;

(k) binne of buite die Unie takkantore vestig of agente en korrespondente aanstel;

(l) rekenings in die buiteland open en as agent of korrespondent optree vir enige bank wat binne of buite die Unie sake doen; en

- (m) perform such other functions of bankers and financial agents as central banks customarily may perform.
- (2) The bank shall fix and publish from time to time the rates at which it will discount the various classes of bills.

Prohibited business.

9. The bank may not—

- (a) purchase its own stock or grant loans or advances upon the security thereof;
- (b) without the consent of the Treasury, purchase the shares of any banking institution or grant loans or advances upon the security thereof;
- (c) lend or advance money on mortgage of fixed property or on notarial or other bond or cession thereof or acquire fixed property, except fixed property required by the bank for business premises or for the purpose of providing a dwelling for an officer of the bank: Provided that—
 - (i) if the board is of opinion that the value of any security held against any loan or advance is insufficient, the bank may accept as additional security a mortgage bond on fixed property or any other security approved by the board; and
 - (ii) if any fixed property so mortgaged is sold for the purpose of satisfying the mortgage debt and the purchase price obtainable is insufficient to cover the whole of the bank's claim in connection with the mortgage, the bank may buy in that property and realize it at such time and in such manner as the board may determine;
- (d) accept money on deposit for a fixed term or allow interest on credit balances on current account;
- (e) make unsecured loans or advances except to the Union Government;
- (f) lend or advance moneys to the Union Government whether by the purchase from the said Government of stock, debentures or bills, or the grant of unsecured loans or advances or otherwise to an amount exceeding that which the said Government is authorized to borrow under the provisions of section *thirty-two* of the Exchequer and Audit Act, 1911 (Act No. 21 of 1911), and the provisions of sections *one* to and including *four* of the General Loans Consolidation and Amendment Act, 1917 (Act No. 22 of 1917);
- (g) buy or discount bills of exchange or promissory notes issued or drawn for commercial and industrial purposes, which have a maturity exceeding one hundred and twenty days;
- (h) buy or discount bills of exchange or promissory notes issued or drawn for agricultural purposes which have a maturity exceeding six months;
- (i) invest in securities of the Union Government a sum exceeding its paid-up capital and reserve fund plus one-third of its liabilities to the public in the Union.

Issue of bank notes.

10. (1) The bank shall have the sole right to issue bank notes in the Union.

- (2) The bank shall not issue any bank notes of a denomination, form or material not approved by the Treasury.
- (3) The bank shall not re-issue any note which is torn or wholly or partially defaced or soiled, or which has not been disinfected and sterilized before re-issue.

Notes to be legal tender.

11. (1) A tender of a note of the bank shall be a legal tender of payment for the amount expressed in the note, except by the bank itself which shall, subject to the provisions of sub-section (2), redeem its notes and the outstanding notes of other banks for which it has assumed liability under paragraph (c) of sub-section (3) of section *fifteen* of the Currency and Banking Act, or under any agreement entered into before the commencement of this Act with any bank, on demand in gold in such form and subject to such conditions as the Governor-General may determine by proclamation.

(2) The Governor-General may by proclamation suspend the requirements imposed upon the bank by sub-section (1), either until the proclamation is withdrawn or for a period specified in the proclamation.

(3) During the period of any suspension under sub-section (2), a tender of a note of the bank shall be a legal tender of payment for the amount expressed in the note, also by the bank itself.

- (m) die ander werksaamhede van bankiers en finansiële agente verrig wat by sentrale banke gebruiklik is.
- (2) Die bank bepaal en publiseer van tyd tot tyd die koerse waarteen hy die verskillende soorte wissels sal diskonteer.
9. Die bank mag nie—
- (a) sy eie aandele koop of lenings of voorskotte teen sekuriteit daarvan toestaan nie; Verbode werksaamhede.
- (b) sonder toestemming van die Tesourie die aandele van 'n bankinstelling koop of lenings of voorskotte teen sekuriteit daarvan toestaan nie;
- (c) geld op verband op onroerende goed of op notariële of ander verband of 'n sêssie daarvan uitleen of voorskiet nie, of onroerende goed verkry nie, behalwe onroerende goed wat die bank nodig het vir 'n besigheidspersoneel of ten einde 'n beamppte van die bank van 'n woning te voorsien: Met dien verstande dat—
- (i) indien die raad van oordeel is dat die waarde van enige sekuriteit waarteen 'n lening of voorskot toegestaan is, ontoereikend is, die bank 'n verband op onroerende goed, of enige ander deur die raad goedgekeurde sekuriteit as bykomende sekuriteit kan aanneem; en
- (ii) indien onroerende goed wat aldus met verband beswaar is, verkoop word ten einde die verbandskuld te delg, en die verkrygbare koopprys onvoldoende is om die hele eis van die bank met betrekking tot die verband te dek, die bank daardie goed kan inkoop en dit op 'n tydstip en wyse wat die raad mag bepaal, tegelde kan maak;
- (d) geld vir 'n bepaalde termyn in deposito neem of rente op batige saldo's in lopende rekenings toestaan nie;
- (e) ongedekte lenings of voorskotte toestaan nie, behalwe aan die Unieregering;
- (f) aan die Unieregering, hetsy deur van genoemde Regering effekte, skuldbriewe of bewyse te koop, of ongedekte lenings of voorskotte toe te staan of op ander wyse, geld leen of voorskiet nie, wat die bedrag oorskry wat genoemde Regering ingevolge die bepalinge van artikel twee-en-dertig van die „Financiewet, 1911” (Wet No. 21 van 1911), en die bepalinge van artikels een tot en met vier van die „Algemene Lenings Konsolidatie en Wijzigings Wet, 1917” (Wet No. 22 van 1917), bevoeg is om op te neem;
- (g) wissels of promesses wat vir handels- en nywerheidsdoeleindes uitgereik of getrek is en 'n looptyd van meer dan honderd-en-twintig dae het, koop of diskonteer nie;
- (h) wissels of promesses wat vir landboudoeleindes uitgereik of getrek is en 'n looptyd van meer dan ses maande het, koop of diskonteer nie;
- (i) in effekte van die Unieregering 'n bedrag belê nie wat groter is dan sy opbetaalde kapitaal en reserwefonds tesame met 'n derde van sy verpligtings teenoor die publiek in die Unie.
10. (1) Die bank besit die alleenreg om in die Unie banknote uit te reik. Uitreiking van banknote.
- (2) Die bank reik nie 'n banknoot uit vir 'n bedrag, in 'n vorm of van 'n materiaal wat nie deur die Tesourie goedgekeur is nie.
- (3) Die bank reik nie 'n banknoot opnuut uit nie, as dit geskeur of geheel-en-al of gedeeltelik geskend of vuil is, of as dit nie, alvorens opnuut uitgereik te word, ontsmet en gesteriliseer is nie.
11. (1) 'n Aanbod van 'n noot van die bank is 'n wettige aanbod van betaling van die bedrag op die noot vermeld, behalwe deur die bank self, wat, behoudens die by sub-artikel (2) bepaalde, sy note en die onbetaalde note van ander banke waarvoor hy ingevolge paragraaf (c) van sub-artikel (3) van artikel vyftien van die Betaalmiddels- en Bankwet of ingevolge 'n ooreenkoms voor die inwerkingtreding van hierdie Wet met 'n bank aangegaan, aanspreeklikheid aanvaar het, op aanvraag teen goud moet inwissel in die vorm en onderworpe aan die voorwaardes wat die Goewerneur-generaal by proklamasie mag bepaal. Note is wettige betaalmiddel.
- (2) Die Goewerneur-generaal kan die verpligtings by sub-artikel (1) aan die bank opgelê, by proklamasie ophef, of totdat die proklamasie ingetrek word, of vir 'n tydperk in die proklamasie vermeld.
- (3) Gedurende die tydperk van 'n opheffing van verpligtings kragtens sub-artikel (2), is 'n aanbod van 'n noot van die bank 'n wettige aanbod van betaling van die bedrag op die noot vermeld, ook deur die bank self.

Bank exempt from note tax. 12. The bank shall, in respect of notes issued by it, be exempt from the payment of any tax or duty upon bank notes.

Capital of the bank. 13. (1) The capital of the bank shall be one million pounds stock.

(2) The liability of a stockholder shall be limited to the amount unpaid on the stock held by him.

(3) The bank may, from time to time, with the consent of the Minister, increase its capital by the issue of stock upon such terms as the Minister may approve.

(4) The premium obtained on any issue of stock shall be added to the reserve fund of the bank.

Restriction of right to hold or acquire stock. 14. (1) Subject to the provisions of sub-section (2), no stockholder shall, either in his own name or through a nominee on his behalf, hold more than five thousand pounds of the stock of the bank.

(2) A stockholder, holding more than five thousand pounds of the stock of the bank at the commencement of this Act, may continue to hold that stock, but shall not, as long as he holds more than five thousand pounds of that stock, acquire any further stock of the bank, either in his own name or through a nominee on his behalf.

(3) If at any time the stock of the bank held by a stockholder referred to in sub-section (2), is reduced to five thousand pounds or less, the restriction imposed in sub-section (1) shall apply also to that stockholder.

Votes. 15. (1) Subject to the provisions of sub-sections (2) and (3) a stockholder shall, at a meeting of stockholders, be entitled to one vote in respect of every hundred pounds of stock of which he has been the registered holder for not less than six months prior to the date of the meeting.

(2) No stockholder referred to in sub-section (2) of section *fourteen* shall either directly or indirectly exercise any vote as a stockholder in respect of stock held by him in excess of five thousand pounds, and no group of companies with interlocking directorates shall either directly or indirectly exercise any vote as stockholders in respect of the total amount of stock held by those companies in excess of five thousand pounds.

(3) No stockholder who is not ordinarily resident in the Union shall be entitled to any vote at any meeting of stockholders.

Allocation of surplus to reserve fund, the Government and stockholders. 16. (1) The surplus remaining at the end of a financial year of the bank, after making provision for bad and doubtful debts, depreciation in assets, gratuities or other pension benefits for its officers and employees and all such items as are usually provided for by bankers, and after payment to the stockholders, out of net profits, of a cumulative dividend at the rate of six per cent. per annum on the paid-up capital of the bank, shall, if the reserve fund of the bank does not exceed twenty-five per cent. of the said capital, be allocated to that fund.

(2) If at the end of such financial year the reserve fund of the bank exceeds twenty-five per cent. of but is not equal to the paid-up capital of the bank, one half of the said surplus shall be allocated to that fund, one quarter to the Government and one quarter to the stockholders: Provided that if the amount so allocated to stockholders exceeds four per cent. of the said capital, the excess shall be paid to the Government.

(3) If at the end of such financial year the reserve fund of the bank is equal to or exceeds the paid-up capital of the bank, one tenth of the surplus remaining after payment to the stockholders, out of net profits, of a dividend at the rate of ten per cent. per annum on the said capital, shall be allocated to that fund, and the remainder of the surplus shall be paid to the Government.

Reserve against note issue and other liabilities to the public. 17. (1) The bank shall, subject to the provisions of sub-section (4), hold in gold coin or bullion a reserve of at least thirty per cent. of the aggregate amount of its note issue (including the outstanding notes of other banks referred to in sub-section (1) of section *eleven*) and of its other liabilities to the public.

(2) Gold at the South African Mint or in transit, belonging to the bank, shall be deemed to form part of the reserve referred to in sub-section (1).

(3) One half of the said reserve may consist of gold held by the bank outside the Union and in the custody of branches or agencies of the bank, or of such other central banks or institutions as may be approved of by the Treasury.

12. Die bank word ten opsigte van note deur hom uitgereik, Bank vrygestel van belasting op note.

13. (1) Die kapitaal van die bank bedra 'n miljoen pond aandeel. Kapitaal van die bank.

(2) Die aanspreeklikheid van 'n aandeelhouer is beperk tot die onbetaalde bedrag van die aandeel waarvan hy die houer is.

(3) Die bank kan van tyd tot tyd, met goedkeuring van die Minister, sy kapitaal vermeerder deur die uitgifte van aandeel op die voorwaardes wat die Minister mag goedkeur.

(4) Die premie by 'n uitgifte van aandeel verkry, word by die reserwefonds van die bank gevoeg.

14. (1) Behoudens die by sub-artikel (2) bepaalde, mag 'n aandeelhouer, hetsy in sy eie naam of deur 'n derde namens hom, nie meer dan vyfduisend pond van die bank se aandeel hou nie. Beperking op reg om aandeel te hou of te verkry.

(2) 'n Aandeelhouer wat by die inwerktrading van hierdie Wet meer dan vyfduisend pond van die bank se aandeel hou, kan daardie aandeel bly hou, maar mag, solank hy meer dan vyfduisend pond van daardie aandeel hou, geen verdere aandeel, hetsy in sy eie naam of deur 'n derde namens hom, van die bank verkry nie.

(3) Indien die aandeel van die bank wat 'n in sub-artikel (2) bedoelde aandeelhouer hou, te eniger tyd afgebring word tot vyfduisend pond of minder, is die beperking by sub-artikel (1) opgelê, ook op daardie aandeelhouer van toepassing.

15. (1) Behoudens die by sub-artikels (2) en (3) bepaalde, is 'n aandeelhouer by 'n vergadering van aandeelhouders geregtig op een stem ten opsigte van elke honderd pond aandeel waarvan hy vir minstens ses maande voor die dag van die vergadering die geregistreerde houer was. Stemme.

(2) 'n In sub-artikel (2) van artikel *veertien* bedoelde aandeelhouer mag nie as aandeelhouer direk of indirek ten opsigte van aandeel bo vyfduisend pond wat hy hou, 'n stem laat geld nie, en 'n groep maatskappye wat deur ineensluitende direksies verbind is mag nie as aandeelhouders direk of indirek, ten opsigte van die totale bedrag aandeel bo vyfduisend pond wat daardie maatskappye hou, 'n stem laat geld nie.

(3) 'n Aandeelhouer wat nie gewoonlik in die Unie woonagtig is nie, is nie op enige stem by 'n vergadering van aandeelhouders geregtig nie.

16. (1) Die oorskot wat daar aan die end van 'n boekjaar van die bank is, nadat voorsiening gemaak is vir slegte en twyfelagtige skulde, waardevermindering van bates, gratifikasies of ander pensioenvoordele vir sy beamptes en werknemers en alle poste waarvoor gewoonlik deur bankiers voorsiening gemaak word, en nadat uit die netto winste 'n kumulatiewe dividend van ses persent per jaar op die opbetaalde kapitaal van die bank aan die aandeelhouders uitbetaal is, word, as die reserwefonds van die bank nie meer dan vyf-en-twintig persent van genoemde kapitaal bedra nie, in daardie fonds gestort. Toewysing van oorskot aan reserwefonds, die Regering en aandeelhouders.

(2) Indien die reserwefonds van die bank aan die end van so 'n boekjaar, meer bedra dan vyf-en-twintig persent van, maar nie gelykstaan met die opbetaalde kapitaal van die bank, word helfte van genoemde oorskot in daardie fonds gestort, en gaan 'n kwart na die Regering en 'n kwart na die aandeelhouders: Met dien verstande dat indien die bedrag wat aldus na aandeelhouders gaan, meer dan vier persent van genoemde kapitaal bedra, die oorskot aan die Regering uitbetaal word.

(3) Indien die reserwefonds van die bank aan die end van so 'n boekjaar gelykstaan met of meer bedra dan die opbetaalde kapitaal van die bank, word 'n tiende van die oorskot wat oorbly nadat uit die netto winste 'n dividend teen tien persent per jaar op genoemde kapitaal aan die aandeelhouders uitbetaal is, in daardie fonds gestort, en word die resterende gedeelte van die oorskot aan die Regering uitbetaal.

17. (1) Die bank hou, behoudens die by sub-artikel (4) bepaalde, 'n reserwe in goudmunt of staafgoud van minstens dertig persent van die totaalbedrag van sy note-uitgifte (met inbegrip van die onbetaalde note van ander banke in sub-artikel (1) van artikel *elf* bedoel) en van sy ander verpligtings teenoor die publiek. Reserwe teen note-uitgifte en ander verpligtings teenoor die publiek.

(2) Goud by die Suid-Afrikaanse Munt of in transito, wat aan die bank behoort, word geag deel van die in sub-artikel (1) bedoelde reserwe uit te maak.

(3) Die helfte van genoemde reserwe kan bestaan uit goud wat die bank buite die Unie besit en in bewaring is by takke of agentskappe van die bank of by sulke ander sentrale banke of instellings as wat die Tesourie mag goedkeur.

(4) The Minister may from time to time suspend for a period not exceeding thirty days the reserve requirements prescribed in this section, and may extend any such period for periods not exceeding fifteen days each.

Audit and inspection.

18. (1) For every financial year of the bank, the stockholders shall in general meeting elect two firms of qualified accountants, to act during that year as auditors of the bank.

(2) The Minister may at any time cause an investigation to be made into the affairs of the bank by one or more officers authorized thereto by him in writing.

Information to be furnished to the Treasury and to Parliament.

19. (1) The bank shall—

(a) from time to time make up a return in the form set out in the First Schedule, containing a statement of the liabilities and assets of the bank as at the close of business on every Friday and the last day of every month, or on the nearest preceding business day, and shall forthwith transmit the return to the Treasury ;

(b) within three months after the close of its financial year, transmit to the Treasury a copy in duplicate of its annual accounts signed by the Governor, the Deputy-Governor and the chief accountant of the bank, and certified by the auditors ; and

(c) within sixty days after the thirty-first day of December in each year, transmit to the Treasury a list in duplicate giving the full names and addresses of stockholders and the amount of stock held by each ; and

(d) when called upon to do so by the Treasury by notice in writing, make to the Treasury, within the period specified in the notice, such further returns as may be so specified.

(2) The Treasury shall cause every return received under paragraph (a) of sub-section (1) to be published in the *Gazette* as soon as practicable.

(3) The Minister shall lay a copy of every account or list received under paragraph (b) or (c) of sub-section (1), upon the Tables of both Houses of Parliament within fourteen days after its receipt, if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Preservation of secrecy.

20. No director, alternate director, officer or employee of the bank, and no officer in the Department of Finance or referred to in sub-section (2) of section *eighteen* shall disclose to any person, except to the Treasury or for the purposes of the performance of his duties or the exercise of his functions or when required to do so before a court or under any law, any information relating to the affairs of the bank, a stockholder or customer of the bank, acquired in the performance of his duties or the exercise of his functions.

Penalties.

21. Any person who—

(a) forges, alters or unlawfully issues a note of the bank or purporting to be a note of the bank ; or

(b) utters, tenders or accepts any such note which has been forged, altered or unlawfully issued, knowing it to be forged, altered or unlawfully issued ;

(c) without the authority of the bank, engraves or makes upon any material whatsoever any words, figures, letters, marks, lines or devices, the print whereof resembles in whole or in part any words, figures, letters, marks, lines or devices peculiar to and used in or upon any note of the bank ; or

(d) without the authority of the bank, uses or knowingly has in his possession any material whatsoever upon which has been engraved or made any such words, figures, letters, marks, lines or devices ; or

(e) contravenes the provisions of section *twenty* ; or

(f) wilfully defaces, soils or damages any note of the bank, or writes or places any drawing thereon or attaches thereto anything in the nature of an advertisement,

shall be guilty of an offence and liable on conviction—

(i) in the case of an offence referred to in paragraph (a) or (b), to imprisonment for a period not exceeding ten years ;

(ii) in the case of an offence referred to in paragraph (c) or (d), to imprisonment for a period not exceeding five years ;

(4) Die Minister kan van tyd tot tyd die reserwe-vereistes by hierdie artikel voorgeskryf, vir 'n tydperk van hoogstens dertig dae opskort, en kan so 'n tydperk verleng vir tydperke van hoogstens vyftien dae elk.

18. (1) Vir elke boekjaar van die bank kies die aandeelhouers by 'n algemene vergadering twee firmas gekwalifiseerde rekenmeesters om gedurende daardie jaar as ouditeurs van die bank op te tree. Ouditering en ondersoek.

(2) Die Minister kan te eniger tyd die sake van die bank deur een of meer amptenare skriftelik deur hom daartoe gemagtig, laat ondersoek.

19. (1) Die bank moet—

(a) van tyd tot tyd in die vorm in die Eerste Bylae opgeneem, 'n opgawe uitmaak waarin die laste en bates van die bank by die afsluiting van sy werksaamhede op iedere Vrydag en die laaste dag van elke maand of op die naaste voorafgaande besigheidsdag, aangegee word, en moet die opgawe onverwyld na die Tesourie instuur;

(b) binne drie maande na die afsluiting van sy boekjaar, na die Tesourie 'n afskrif in tweevoud instuur van sy jaarlikse rekenings, deur die President, die Vise-president en die hoofrekenmeester van die bank onderteken, en deur die ouditeurs gesertifiseer; en

(c) binne sestig dae na die een-en-dertigste dag van Desember in elke jaar, na die Tesourie 'n lys in tweevoud instuur waarin die volle name en adresse van aandeelhouers en die bedrag aandele waarvan elk die houer is, aangegee word; en

(d) wanneer hy by skriftelike kennisgewing deur die Tesourie aangesê word sulks te doen, aan die Tesourie, binne die tydperk in die kennisgewing vermeld, die verdere opgawes doen wat aldus vermeld mag word.

(2) Die Tesourie laat elke opgawe wat hy ingevolge paragraaf (a) van sub-artikel (1) ontvang, so spoedig doenlik in die *Staatskoerant* publiseer.

(3) Die Minister lê 'n afskrif van iedere rekening of lys wat ingevolge paragraaf (b) of (c) van sub-artikel (1) ontvang is, in albei Huise van die Parlement ter Tafel, binne veertien dae na ontvangs daarvan, as die Parlement dan in gewone sitting is, of as die Parlement nie dan in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting.

20. Geen direkteur, plaasvervangende direkteur, beampte of werknemer van die bank, en geen amptenaar in die Departement van Finansies of in sub-artikel (2) van artikel *agtien* bedoel, mag aan enige persoon, behalwe aan die Tesourie of vir die doeleindes van die vervulling van sy pligte of die uitoefening van sy bevoegdhede of wanneer dit in 'n hof of ingevolge 'n wetsbepaling van hom vereis word, enige inligting openbaar met betrekking tot die sake van die bank, 'n aandeelhouer of kliënt van die bank, wat by die vervulling van sy pligte of die uitoefening van sy bevoegdhede ingewin is nie. Geheimhouding.

21. Iemand wat—

(a) 'n noot van die bank of wat heet 'n noot van die bank te wees, vervals, verander of onwettiglik uitreik; of

(b) so 'n noot wat vervals, verander of onwettiglik uitgereik is, uitgee, aanbied of aanneem, wetende dat dit vervals, verander of onwettiglik uitgereik is;

(c) sonder magtiging van die bank, op materiaal van welke aard ook, woorde, syfers, letters, merke, strepe of tekenings graveer of aanbring waarvan die afdruk geheel of ten dele lyk na woorde, syfers, letters, merke, strepe of tekenings wat eie is aan en gebruik word in of op 'n noot van die bank;

(d) sonder magtiging van die bank, materiaal van welke aard ook waarop sulke woorde, syfers, letters, merke, strepe of tekenings gegraveer of aangebring is, gebruik of wetens in sy besit het; of

(e) die bepalings van artikel *twintig* oortree; of

(f) opsetlik 'n noot van die bank skend, bevuil of beskadig, of daarop skryf of 'n tekening daarop aanbring of enigiets wat die aard van 'n advertensie dra, daaraan heg, Strafbepalings.

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

(i) in die geval van 'n in paragraaf (a) of (b) bedoelde misdryf, met gevangenisstraf vir 'n tydperk van hoogstens tien jaar;

(ii) in die geval van 'n in paragraaf (c) of (d) bedoelde misdryf, met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar;

- (iii) in the case of an offence referred to in paragraph (e), to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment; and
- (iv) in the case of an offence referred to in paragraph (f), to a fine not exceeding twenty-five pounds.

Rules by the board.

22. The board may make rules, not inconsistent with the provisions of this Act or of the regulations made under section *twenty-three*, for the good government of the bank and the conduct of its business, and the appointment and conditions of service (including remuneration and gratuities or other pension benefits) of officers and employees.

Regulations.

23. The Governor-General may make regulations as to—

- (a) the election of directors by stockholders;
- (b) the conditions (other than those relating to remuneration) of appointment of directors and alternate directors, and the circumstances in which a director or alternate director shall vacate his office;
- (c) the occasions when, the circumstances in, and the conditions subject to which an alternate director may act in the place of a director;
- (d) meetings of the board and the procedure thereat, including the minutes to be kept thereof;
- (e) meetings of stockholders, the matters to be dealt with thereat, and the procedure thereat, including the quorum necessary therefor and the minutes to be kept thereof; and
- (f) generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

Proceedings by Minister in case of non-compliance by bank with provisions of this Act or the regulations.

24. (1) If at any time it appears to the Minister that the bank has failed to comply with any of the provisions of this Act or with any regulation made thereunder, he may by notice in writing require the board to make good or remedy the default within a specified time.

(2) If the board fails to comply with the notice, the Minister may apply to a Superior Court having jurisdiction for an order compelling it to make good or remedy the default, and the Court may make such order thereon as it thinks fit.

Liquidation.

25. (1) The bank shall not be placed in liquidation except by Act of Parliament.

(2) In the event of liquidation, the reserve fund and surplus assets (if any) of the bank shall, subject to the provisions of sub-section (3), be divided between the Government and stockholders in the proportion of sixty per cent. and forty per cent. respectively.

(3) If the amount payable to a stockholder under sub-section (2) exceeds the average market price of his holding of the bank's stock over the period of twelve months preceding a day three months prior to the date upon which a Bill providing for such liquidation is introduced in Parliament, so much of that amount as exceeds the said average shall be paid to the Government.

(4) No execution or attachment or process in the nature thereof shall be issued or proceeded with against the bank if the Minister has certified that he has introduced or that it is his intention to introduce in Parliament a Bill placing the bank in liquidation, and has not withdrawn the certificate.

Repeal of laws.

26. (1) The laws mentioned in the Second Schedule are hereby repealed to the extent set out in the third column of that Schedule.

(2) The Governor and the Deputy-Governor and any director of the bank holding office at the commencement of this Act, shall, for the unexpired portion of the period for which he has been appointed or elected under the Currency and Banking Act, be deemed to hold office under the provisions of this Act, and any rules or regulations made under sub-section (9) of section *nine* or section *twenty-nine* of the said Act, shall be deemed to have been made under the corresponding provisions of this Act.

Short title and commencement of Act.

27. This Act shall be called the South African Reserve Bank Act, 1944, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

(iii) in die geval van 'n in paragraaf (e) bedoelde misdryf, met 'n boete van hoogstens honderd pond of met gevangenisstraf vir 'n tydperk van hoogstens 'n jaar of met beide sodanige boete en sodanige gevangenisstraf; en

(iv) in die geval van 'n in paragraaf (f) bedoelde misdryf, met 'n boete van hoogstens vyf-en-twintig pond.

22. Die raad kan reëls neerlê, wat nie met die bepalings van Reëls deur die hierdie Wet of van die kragtens artikel drie-en-twintig uitgevaardigde regulasies onbestaanbaar is nie, vir die goeie beheer van die bank en die bestuur van sy sake, en die aanstelling en diensvoorwaardes (met inbegrip van besoldiging en gratifikasies of ander pensioenvoordele) van beamptes en werknemers.

23. Die Goewerneur-generaal kan regulasies uitvaardig be-treffende—

- (a) die verkiesing van direkteure deur aandeelhouers;
- (b) die voorwaardes (behalwe dié met betrekking tot besoldiging) waarop direkteure en hul plaasvervangers aangestel word, en die omstandighede waarin 'n direkteur of sy plaasvervanger sy amp ontruim;
- (c) die geleenthede waarby, die omstandighede waarin, en die voorwaardes waarop 'n plaasvervanger in die plek van 'n direkteur kan optree;
- (d) vergaderings van die raad en die prosedure daarop, met inbegrip van die notule wat daarvan gehou moet word;
- (e) vergaderings van aandeelhouers, die sake wat daarop behandel moet word, die prosedure daarop, met inbegrip van die kworum wat nodig is daarvoor en die notule wat daarvan gehou moet word; en
- (f) in die algemeen, alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

24. (1) Indien dit te eniger tyd aan die Minister blyk dat die bank in gebreke gebly het om 'n bepaling van hierdie Wet of 'n regulasie uit hoofde daarvan uitgevaardig, na te kom, kan hy die raad by skriftelike kennisgewing aansê om die versuim binne 'n aangewese tydperk goed te maak of te herstel.

Stappe deur Minister in geval bank hierdie Wet of die regulasies nie nakom nie.

(2) Indien die raad versuim om aan die kennisgewing gevolg te gee, kan die Minister by 'n bevoegde Hooggeregshof aansoek doen om 'n bevel om hom tot goedmaking of herstel van die versuim te dwing, en die Hof kan daarop so 'n bevel gee as wat hy goeiddink.

25. (1) Die bank word nie gelikwideer nie, dan alleen by 'n wet van die Parlement.

Likwidasie.

(2) In geval van likwidasie word die reserwefonds en oorskot (as daar is) van die bates van die bank, behoudens die by sub-artikel (3) bepaalde, tussen die Regering en aandeelhouers verdeel in die verhouding van sestig persent en veertig persent respektieflik.

(3) Indien die bedrag wat ingevolge sub-artikel (2) aan 'n aandeelhouer betaalbaar is, meer is dan die gemiddelde markprys van die aandele van die bank wat hy hou, oor die tydperk van twaalf maande wat 'n dag drie maande voor die datum waarop 'n Wetsontwerp wat vir bedoelde likwidasie voorsiening maak, by die Parlement ingedien word, voorafgaan, word soveel van daardie bedrag as wat meer is dan genoemde gemiddelde, aan die Regering uitbetaal.

(4) Geen lasbrief tot eksekusie, beslaglegging of soortgelyke bevelskrif word teen die bank uitgereik of ten uitvoer gelê nie, as die Minister gesertifiseer het dat hy 'n Wetsontwerp tot likwidasie van die bank in die Parlement ingedien het of dat hy voornemens is om dit te doen, en die sertifikaat nie ingetrek het nie.

26. (1) Die wette in die Tweede Bylae genoem word hiermee herroep vir sover in die derde kolom van daardie Bylae aangedui word.

Herroeping van Wette.

(2) Die President en Vise-president en enige direkteur van die bank wat by die inwerkingtreding van hierdie Wet sy amp bekleed, word, vir die onverstreke gedeelte van die tydperk waarvoor hy kragtens die Betaalmiddels- en Bankwet aangestel of gekies is, geag sy amp kragtens die bepalings van hierdie Wet te bekleed, en reëls of regulasies wat kragtens sub-artikel (9) van artikel nege of artikel negen-en-twintig van genoemde Wet neergelê of uitgevaardig is, word geag kragtens die ooreenstemmende bepalings van hierdie Wet neergelê of uitgevaardig te gewees het.

27. Hierdie Wet heet die Wet op die Suid-Afrikaanse Reserwebank, 1944, en tree in werking op 'n datum wat deur die Goewerneur-generaal by proklamasie in die Staatskoerant bepaal moet word.

Kort titel en inwerkingtreding.

First Schedule.

Statement of the liabilities and assets of the South African Reserve Bank on the.....day of.....19.....

<i>Liabilities.</i>		£ s. d.	<i>Assets.</i>		£ s. d.
Capital		Gold coin and bullion of		
Reserve Fund		which £..... held		
Notes in circulation		outside Union		
Deposits :—			Subsidiary coin		
(a) Government		Bills discounted :—		
(b) Bankers		(a) Domestic		
(c) Other		(b) Foreign		
Bills payable		Loans and advances to the		
Other liabilities		Government		
			Other loans and advances ..		
			Government securities		
			Other securities		
			Other assets		
		£			£

Ratio of gold reserves to liabilities to public.....per cent.

Second Schedule.

LAWS REPEALED.

No. and year of law.	Short title of law.	Extent of repeal.
Act No. 31 of 1920	Currency and Banking Act, 1920	All provisions not previously repealed.
Act No. 22 of 1923	Currency and Banking Amendment Act, 1923.	All provisions not previously repealed.
Act No. 26 of 1930	Currency and Banking (Further Amendment) Act, 1930.	All provisions not previously repealed.
Act No. 25 of 1932	Financial Adjustments Act, 1932	Section seven.
Act No. 9 of 1933	Currency and Exchanges Act, 1933.	Sections three, four, five, six and seven.
Act No. 43 of 1941	Finance Act, 1941.	Section thirteen.

Eerste Bylae.

Staat van die laste en bates van die Suid-Afrikaanse Reserwebank op die.....dag van.....19.....

<i>Laste.</i>	£ s. d.	<i>Bates.</i>	£ s. d.
Kapitaal		Goudmunt en staafgoud	
Reserwefonds		waarvan £.....buite	
Note in omloop		die Unie ghou word ..	
Deposito's van :—		Pasmunt	
(a) Regering		Gediskonteerde wissels :—	
(b) Bankiers		(a) Binnelandse	
(c) Andere		(b) Buitelandse	
Wissels te betaal		Lenings en voorskotte aan	
Ander laste		die Regering	
		Ander leningsen voorskotte	
		Regeringssekuriteite	
		Ander sekuriteite	
		Ander bates	
	£		£

Verhouding van goudreserwes tot verpligtings teenoor die publiekpersent.

Tweede Bylae.

HERROEP WETTE.

No. en jaar van Wet.	Kort titel van Wet.	In hoever herroep.
Wet No.31 van 1920	„Betaalmiddels en Bankwet, 1920”	Alle bepalings wat nie reeds herroep is nie.
Wet No.22 van 1923	„Betaalmiddels en Bankwet Wijzigingswet, 1923”	Alle bepalings wat nie reeds herroep is nie.
Wet No.26 van 1930	Betaalmiddele en Banke Verdere Wysigingswet, 1930.	Alle bepalings wat nie reeds herroep is nie.
Wet No.25 van 1932	Finansiële Reëlingswet, 1932.	Artikel <i>sewe</i> .
Wet No. 9 van 1933	Wet op Betaalmiddels en Wisselkoerse, 1933.	Artikels <i>drie, vier, vyf, ses</i> en <i>sewe</i> .
Wet No.43 van 1941	Finansiewet, 1941.	Artikel <i>dertien</i> .

No. 30, 1944.]

ACT

To amend further the Irrigation and Conservation of Waters Act, 1912.*(Signed by the Officer Administering the Government in Afrikaans.)**(Assented to 10th May, 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 7 of Act 8 of 1912.

1. Section *seven* of the Irrigation and Conservation of Waters Act, 1912 (hereinafter referred to as the principal Act), is hereby amended by the insertion in sub-section (1) after the word "may" where it occurs for the fourth time of the words "subject to the provisions of section *seven bis*".

Insertion of section *7bis* in Act 8 of 1912.

2. The following section is hereby inserted in the principal Act after section *seven* :

"Determina- *7bis.* (1) The Minister shall determine, in such manner as he may deem fit, the extent of the land comprised in every piece of land included in a Government irrigation area (as defined by proclamation under section *ninety-eight*), which may be irrigated by means of water from a Government irrigation work, and shall cause to be prepared in the manner prescribed by regulations made by the Governor-General, a schedule in respect of every such area setting forth—

- (a) a description of every piece of land in that area ;
- (b) the extent of every such piece of land ;
- (c) particulars of the title deed according to which that piece of land was last transferred ;
- (d) the name of the owner of that piece of land ; and
- (e) the extent of the land forming part of that piece of land, in respect of which water may be supplied from the said irrigation work.

(2) The Minister may in accordance with regulations to be made by the Governor-General at any time extend or reduce the extent of the land, forming part of any piece of land, which is, in terms of a determination made by him under sub-section (1), to be irrigated by means of water from any Government irrigation work, and shall in that event cause the necessary amendments to be made to the schedule prepared under that sub-section in respect of the area to be so irrigated.

(3) If land in respect of which water may be supplied in terms of paragraph (e) of sub-section (1) is sub-divided, or any portion thereof is alienated, in such a manner that any portion of such land which may be cultivated by any one owner is less than fifty morgen in extent, the piece of land of which that land forms a part shall, unless the Minister on the recommendation of the central land board otherwise directs, cease to form part of an area of land to be irrigated by means of water from the Government irrigation work in question, and shall be excluded from the schedule prepared under sub-section (1) in respect of the area to be so irrigated.

(4) The provisions of this section shall not apply in respect of the Government irrigation works described in paragraph (a) of the First Schedule to the Oliphants River Irrigation Works Act, 1943".

Amendment of section 30 of Act 8 of 1912.

3. Section *thirty* of the principal Act is hereby amended by the insertion in sub-section (1) before the words "an engineer" of the words "one assessor who shall be".

No. 30, 1944.]

WET

Tot verdere wysiging van die Besproeiings- en Waterbewarings Wet, 1912.

(Deur die Amptenaar Belas met die Uitoefening van die
Uitvoerende Gesag in Afrikaans geteken.)
(Goedgekeur op 10 Mei 1944.)

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

1. Artikel *sewe* van die Besproeiings- en Waterbewarings Wet, 1912 (hieronder die Hoofwet genoem), word hierby gewysig deur in sub-artikel (1) na die woord „kan” waar daardie woord die tweede maal voorkom die woorde „behoudens de bepalingen van artikel *zeven bis*” in te voeg.

Wysiging van
artikel 7 van Wet
8 van 1912.

2. Die volgende artikel word hierby in die Hoofwet na artikel *sewe* ingevoeg:

Invoeging van
artikel 7bis in
Wet 8 van 1912.

„Bepaling 7bis. (1) De Minister bepaalt op zulk een wijze als hem goeiddunkt de grootte van de grond, deel uitmakende van elk stuk grond inbegrepen in een Staatsbesproeiingsgebied (zoals bij proklamatie krachtens artikel *acht en negentig* omschreven), die door middel van water uit een Staatsbesproeiingswerk besproeid mag worden, en moet op de wijze voorgeschreven bij regulatie door de Gouverneur-generaal gemaakt, ten opzichte van elk zodanig gebied een lijst doen opstellen waarin uiteengezet wordt—

- (a) een beschrijving van elk stuk grond in dat gebied;
- (b) de grootte van elk zodanig stuk grond;
- (c) biezonderheden van het titelbewijs waarvolgens dat stuk grond het laatst getransporteerd is;
- (d) de naam van de eigenaar van dat stuk grond; en
- (e) de grootte van de grond, deel uitmakende van dat stuk grond, ten opzichte waarvan water uit gemelde besproeiingswerk voorzien mag worden.

(2) De Minister kan overeenkomstig door de Gouverneur-generaal te maken regulaties te eniger tijd de grootte van de grond (deel uitmakende van een stuk grond) die volgens een bepaling door hem krachtens sub-artikel (1) gemaakt door middel van water uit een Staatsbesproeiingswerk besproeid moet worden, vermeerderen of verminderen, en moet in zulk een geval de nodige wijzigingen doen aanbrengen in de volgens dat sub-artikel opgestelde lijst ten opzichte van het gebied dat aldus besproeid moet worden.

(3) Indien grond ten opzichte waarvan krachtens paragraaf (e) van sub-artikel (1) water voorzien mag worden, verdeeld of een deel daarvan vervoemd wordt, op zulk een wijze dat enig deel van bedoelde grond dat door een biezondere eigenaar verbouwd mag worden minder dan vijftig morgen bedraagt, houdt het stuk grond waarvan die grond deel uitmaakt, op, tenzij de Minister op aanbeveling van de centrale landraad anders gelast, deel uit te maken van een gebied dat door middel van water uit het betrokken Staatsbesproeiingswerk besproeid moet worden, en wordt hetzelfde uitgesloten uit de ingevolge sub-artikel (1) opgestelde lijst ten opzichte van het gebied dat aldus besproeid moet worden.

(4) De bepalingen van dit artikel zijn niet van toepassing ten opzichte van de Staatsbesproeiingswerken omschreven in paragraaf (a) van de Eerste Bijlage tot de „Wet op die Olifantsrivier-besproeiingswerke, 1943”.

3. Artikel *dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) voor die woorde „een ingenieur” die woorde „een assessor zijnde” in te voeg.

Wysiging van
artikel 30 van Wet
8 van 1912.

Insertion of section 31bis in Act 8 of 1912.

4. The following section is hereby inserted in the principal Act after section *thirty-one* :

“Death of assessor or inability to sit.

31bis. (1) If after a water court has been constituted, an assessor nominated or selected thereto—
(a) dies during the hearing of an application by that court or so soon before such a hearing that the vacancy cannot be filled in time for the hearing ; or
(b) is unable to take his seat and another assessor cannot be nominated or selected in time for the hearing ; or
(c) having taken his seat is unable to continue to sit,

the parties to the application may agree to its being heard and decided by the remaining member or members of the court : Provided that in the case of a difference of opinion where the court consists of the president and one assessor, the judgment of the president shall be the judgment of the court.

(2) Any order or award made or judgment given in the circumstances described in sub-section (1), shall be deemed for all purposes to be an order, award or judgment of a water court.

(3) Whenever in the circumstances described in sub-section (1), the parties to an application do not agree to the hearing and decision of that application by the remaining members of the water court, the hearing shall be adjourned by the president for the nomination or selection, as the case may be, of an assessor in the stead of the assessor who has died or has become unable to take his seat or to continue to sit.”

Amendment of section 32 of Act 8 of 1912, as amended by section 2 of Act 26 of 1916 and section 6 of Act 46 of 1934.

5. Section *thirty-two* of the principal Act is hereby amended by the insertion after paragraph (b) of the following paragraph—

“(b)bis On the application of any interested person, to enquire into and determine in its discretion any existing, future or contingent right or obligation in respect of the use of the water of any stream, channel, reservoir or source of supply, notwithstanding that such person cannot claim any relief consequential upon such determination.”

Insertion of section 32bis in Act 8 of 1912.

6. The following section is hereby inserted in the principal Act after section *thirty-two* :

“Powers of water court judge.

32bis. The president of a water court shall have power at any time prior to the hearing of an application by that water court or during an adjournment of the hearing thereof—

- (a) to order substituted service of any process, including any application, on any particular person or class of persons ;
- (b) to decide any objection to an assessor ;
- (c) to adjourn the hearing or the further hearing of the application ;
- (d) to grant leave to take evidence on commission or on affidavit ;
- (e) to grant leave to an applicant to withdraw his application upon such terms as to notice to any other party to the application as to such president may seem necessary ;
- (f) to grant any interlocutory order he may deem fit, the generality of this provision not being limited by anything contained in the preceding paragraphs ; and
- (g) to make such order as to costs as he may deem fit in connection with any order made by him under any of the preceding paragraphs.”

Insertion of section 36bis in Act 8 of 1912.

7. The following section is hereby inserted in the principal Act after section *thirty-six* :

“Summoning of witnesses and penalty for non-attendance.

36bis. (1) A party to an application before a water court may procure the attendance of any witness (whether residing or for the time being within the area of jurisdiction of that water court or not) in the manner prescribed in the regulations.

(2) If any person who has been duly subpoenaed to attend the proceedings in a water court to give

4. Die volgende artikel word hierby in die Hoofwet na Invoeging van artikel *een-en-dertig* ingevoeg: artikel 31*bis* in Wet 8 van 1912.
- „Dood van 31*bis*. (1) Indien nadat een waterhof ingesteld is, assessor of een daartoe benoemde of gekozen assessor— onbekwaam- (a) sterft gedurende het verhoor van een applikatie heid om te door dat hof, of zo kort vòòr zulk een verhoor zitten. (a) dat de vakature niet bijtijds vòòr het verhoor gevuld worden kan; of (b) niet in staat is om zitting te nemen en een andere assessor niet bijtijds vòòr het verhoor benoemd of gekozen worden kan; of (c) nadat hij zitting genomen heeft, niet in staat is met de zitting voort te gaan, kunnen de partijen bij de applikatie tot het verhoor daarvan en de beslissing daarover door het overige lid of de overige leden van het hof instemmen: Met dien verstande dat bij een meningsverschil waar het hof uit de president en één assessor bestaat, het vonnis van de president als het vonnis van het hof geldt.
- (2) Een order of uitspraak of vonnis in de in sub-artikel (1) beschreven omstandigheden gegeven, wordt voor alle doeleinden geacht een order, uitspraak of vonnis van een waterhof te zijn.
- (3) Wanneer in de in sub-artikel (1) beschreven omstandigheden de partijen bij een applikatie niet tot het verhoor daarvan en de beslissing daarover door de overige leden van het waterhof instemmen, wordt het verhoor door de president verdaagd voor de benoeming of kiezing, al naar het geval, van een assessor in de plaats van de assessor die gestorven is of onbekwaam is geworden om zitting te nemen of met de zitting voort te gaan.”
5. Artikel *twee-en-dertig* van die Hoofwet word hierby Wysiging van artikel 32 van Wet 8 van 1912, soos gewysig deur artikel 2 van Wet 26 van 1916 en artikel 6 van Wet 46 van 1934.
- gewysig deur na paragraaf (b) die volgende paragraaf in te voeg:
- „(b)*bis*. Op applikatie van een belanghebbende persoon, enig bestaand, toekomstig of voorwaardelik recht of verplichting ten opzichte van het gebruik van het water van een stroom, kanaal, reservoir of voorraadsbron te onderzoeken en naar goeddunken te beslissen, niettegenstaande dat bedoelde persoon niet als gevolg van zulk een beslissing op verlichting aanspraak heeft”.
6. Die volgende artikel word hierby in die Hoofwet na artikel Invoeging van artikel 32*bis* in Wet 8 van 1912.
- twee-en-dertig* ingevoeg:
- „Bevoegd- 32*bis*. De president van een waterhof is bevoegd heden van om te eniger tijd vòòr het verhoor van een appli- waterhof- katie door dat waterhof of gedurende een verdaging rechter. van het verhoor daarvan— (a) gesubstitueerde diening van een processtuk, met inbegrip van een applikatie, op een bepaalde persoon of klas van personen te bevelen; (b) enig bezwaar tegen een assessor te beslechten; (c) het verhoor of verder verhoor van de applikatie te verdagen; (d) verlof tot het nemen van getuigenis bij rogatoire kommissie of beëdigde verklaring te verlenen; (e) aan een applikant verlof tot het terugtrekken van zijn applikatie te verlenen en wel op zodanige voorwaarden met betrekking tot kennisgeving aan een andere partij bij de applikatie als aan bedoelde president nodig blijkt; (f) enig tussenbevel te verlenen als hem goeddunkt, zullende de algemeenheid van deze bepaling niet beperkt zijn door enigiets in de voorgaande paragrafen vervat; en (g) in verband met enig bevel door hem krachtens engeen van de voorgaande paragrafen gegeven, zodanige order met betrekking tot kosten te geven als hem goeddunkt.”
7. Die volgende artikel word hierby in die Hoofwet na Invoeging van artikel 36*bis* in Wet 8 van 1912.
- artikel *ses-en-dertig* ingevoeg:
- „Dag- 36*bis*. (1) Een partij bij een applikatie voor een vaarding van waterhof kan op de bij regulatie voorgeschreven getuigen en wijze de aanwezigheid van een getuige (hetzij straf wegens verzuim om woonachtig of alsdan binnen het rechtsgebied van te ver- dat waterhof al dan niet) verkrijgen. schijnen. (2) Indien iemand die behoorlik gedagvaard is om bij de verrichtingen van een waterhof aanwezig

evidence or to produce any book, record, document or thing in his possession or under his control, fails without reasonable cause to attend or to give evidence or to produce that book, record, document or thing according to the subpoena or, unless excused by the president of the court, to remain in attendance throughout the proceedings, the president of the court may, upon being satisfied upon oath or by the return of the person by whom the subpoena was served, that such person has been duly subpoenaed and that his reasonable expenses have been paid or offered to him, impose upon the said person a fine not exceeding twenty-five pounds or, in default of payment, imprisonment for a period not exceeding one month.

(3) If any person so subpoenaed fails to appear or, unless duly excused, to remain in attendance throughout the proceedings, the president of the court may also, upon being satisfied as aforesaid and in case no lawful excuse for such failure seems to him to exist, issue a warrant for the apprehension of that person in order that he may be brought up to give evidence or to produce any book, record, document or thing according to the subpoena, and on failure so to give evidence or produce that book, record, document or thing, to be dealt with in the manner prescribed in sub-section (2).

(4) The president of the court may, on cause shown, remit the whole or any part of any fine or imprisonment which he may have imposed under this section.

(5) The president of the court may order the costs of any adjournment occasioned by the default of a witness, or any portion of those costs, to be paid out of any fine imposed under this section.

(6) A penalty imposed under sub-section (2) or (3) shall be enforced *mutatis mutandis* as if it were a penalty imposed by a magistrate's court in circumstances such as are described in the relevant sub-section, and the provisions of any law which are applicable in respect of such a penalty imposed by a magistrate's court shall *mutatis mutandis* apply in respect of a penalty imposed under either of the said sub-sections".

Substitution of new section for section 38 of Act 8 of 1912.

8. The following section is hereby substituted for section *thirty-eight* of the principal Act :

"Contempt of water court.

38. (1) If during the sitting of a water court, any person wilfully insults a member of the court or any officer of the court attending at that sitting, or wilfully interrupts the proceedings of the court or otherwise misbehaves himself in the place where the court is held, the president of the court may make an order committing that person to imprisonment for any period not exceeding one month or order that person to pay a fine not exceeding fifty pounds or in default of payment thereof to be imprisoned for such a period.

(2) An order made under sub-section (1) shall be executed *mutatis mutandis* as if it were an order made by a magistrate's court under circumstances such as are described in that sub-section, and the provisions of any law which are applicable in respect of such an order made by a magistrate's court shall *mutatis mutandis* apply in respect of an order made under the said sub-section."

Amendment of section 131 of Act 8 of 1912.

9. Section *one hundred and thirty-one* of the principal Act is hereby amended by the insertion after the word "regulation" where that word occurs in sub-section (1) and also where it occurs in sub-section (2) of the words "(other than a regulation made under paragraph (i) of sub-section (1) of section *forty-five*)".

te zijn om getuigenis af te leggen of een boek, stuk, dokument of voorwerp in zijn bezit of onder zijn beheer over te leggen, zonder geldige reden verzuimt te verschijnen of getuigenis af te leggen of dat boek, stuk, dokument of voorwerp overeenkomstig de dagvaarding over te leggen of, zonder door de president van het hof verschoond te zijn, zo lang de verrichtingen aanhouden aanwezig te blijven, kan de president van het hof, wanneer het hem uit een verklaring onder ede of uit het relaas van de persoon die de dagvaarding gediend heeft, blijkt dat bedoelde persoon behoorlijk gedagvaard is geweest en dat zijn redelijke uitgaven aan hem betaald of aangeboden zijn geweest, aan die persoon een boete van hoogstens vijf en twintig pond of bij wanbetaling gevangenisstraf voor een tijdperk van hoogstens een maand opleggen.

(3) Indien een aldus gedagvaarde persoon verzuimt te verschijnen of zonder behoorlijk verschoond te zijn, zo lang de verrichtingen aanhouden aanwezig te blijven, kan de president van het hof bovendien, na bewijs zoals voormeld en mits hem geen geldige reden voor het verzuim blijkt te bestaan, een lastbrief voor het in hechtenis nemen van die persoon uitreiken ten einde hem voor het hof te brengen om getuigenis af te leggen of bedoeld boek, stuk, dokument of voorwerp overeenkomstig de dagvaarding over te leggen en bij verzuim om aldus getuigenis af te leggen of dat boek, stuk, dokument of voorwerp over te leggen, op de in sub-artikel (2) voorgeschreven wijze mede gehandeld te worden.

(4) De president van het hof kan, indien grondige redenen daartoe aangevoerd worden, een boete of gevangenisstraf die hij krachtens dit artikel opgelegd mocht hebben, geheel of ten dele kwijtschelden.

(5) De president van het hof kan bevelen dat de kosten van een verdaging wegens het verzuim van een getuige geheel of ten dele uit een krachtens dit artikel opgelegde boete betaald moeten worden.

(6) Een krachtens sub-artikel (2) of (3) opgelegde straf wordt ten uitvoer gelegd *mutatis mutandis* alsof dezelve een straf was door een magistratuurhof onder de in het betrokken sub-artikel beschreven omstandigheden opgelegd, en de ten opzichte van zulk een door een magistratuurhof opgelegde straf toepasselijke wetsbepalingen zijn *mutatis mutandis* ten opzichte van een krachtens een of ander van de genoemde sub-artikels opgelegde straf van toepassing."

8. Artikel *agt-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang :

„Minachting van waterhof.

38. (1) Indien gedurende een zitting van een waterhof, iemand opzettelijk een lid van het hof of een bij die zitting aanwezige beambte van het hof beledigt, of opzettelijk de verrichtingen van het hof stoort of zich op andere wijze misdraagt in de plaats waar de hofzitting plaats vindt, kan de president van het hof een bevel uitreiken waarbij zo iemand tot gevangenisstraf voor een tijdperk van hoogstens één maand verwezen wordt of waarbij aan zo iemand een boete van hoogstens vijftig pond of bij wanbetaling gevangenisstraf voor zulk een tijdperk opgelegd wordt.

(2) Een krachtens sub-artikel (1) uitgereikt bevel wordt ten uitvoer gelegd *mutatis mutandis* alsof het een bevel was door een magistratuurhof in de in dat sub-artikel beschreven omstandigheden uitgereikt, en de ten opzichte van zulk een door een magistratuurhof uitgereikt bevel toepasselijke wetsbepalingen zijn *mutatis mutandis* ten opzichte van een krachtens gemeld sub-artikel uitgereikt bevel van toepassing."

9. Artikel *honderd een-en-dertig* van die Hoofwet word hierby gewysig deur na die woord „regulatie" waar daardie woord in sub-artikel (1) en ook waar dit in sub-artikel (2) voorkom die woorde „(uitgezonderd een krachtens paragraaf (i) van sub-artikel (1) van artikel *vijf en veertig* gemaakte regulatie)" in te voeg.

Vervanging van artikel 38 van Wet 8 van 1912 deur nuwe artikel.

Wysiging van artikel 131 van Wet 8 van 1912.

Amendment of section 133 of Act 8 of 1912, as amended by section 112 of Act 32 of 1917.

10. Section *one hundred and thirty-three* of the principal Act is hereby amended by the addition of the following subsection:—

- “(3) Any person who wilfully—
- (a) disobeys an order made by a water court; or
 - (b) obstructs or interferes with an officer of a water court in the execution of his duty; or
 - (c) fails to furnish to such an officer any information which he may lawfully require; or
 - (d) furnishes to such an officer any information which is false in any material particular,
- 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 three months”.

Short title.

11. This Act shall be called the Irrigation Amendment Act, 1944.

10. Artikel *honderd drie-en-dertig* van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg :
- „(3) Iemand die opzettelik—
- (a) een door een waterhof uitgereikt bevel niet gehoorzaamt ; of
- (b) een beambte van een waterhof bij de uitvoering van zijn plicht hindert of belemmert ; of
- (c) verzuimt aan zulk een beambte enige wettig door hem gevraagde inlichting te verstrekken ; of
- (d) aan zulk een beambte inlichting verstrekt die in een wezenlik opzicht vals is,
- is aan een misdrijf schuldig en bij veroordeling strafbaar met een boete van hoogstens vijftig pond of met gevangenisstraf voor een tijdperk van hoogstens drie maanden.”
11. Hierdie Wet heet die Wysigingswet op Besproeiing, 1944. Kort titel.
- Wysiging van artikel 133 van Wet 8 van 1912, soos gewysig deur artikel 112 van Wet 32 van 1917.