

# EXTRAORDINARY



# BUITENGEWONE

# THE REPUBLIC OF SOUTH AFRICA

# Government Gazette

# Staatskoerant

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[No. 498.

DEPARTMENT OF THE PRIME MINISTER.

[p. 695.] [10th May, 1963]

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

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## DEPARTEMENT VAN DIE EERSTE MINISTER

No. 695.]

[10 Mei 1963.]

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

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No. 34, 1963.]

**ACT****To amend the Factories, Machinery and Building Work Act, 1941.**

(*English text signed by the State President.*)  
*(Assented to 2nd May, 1963.)*

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

Amendment of section 1 of Act 22 of 1941.

1. Section *one* of the Factories, Machinery and Building Work Act, 1941 (hereinafter referred to as the principal Act), is hereby amended by the substitution in the description of the contents of Chapter V for the words "Precautions against accidents to building workers" of the words "Building and excavation work" and for the word "thirty-nine" of the word "thirty-seven".

Amendment of section 2 of Act No. 22 of 1941, as amended by section 1 of Act 31 of 1960.

2. Section *two* of the principal Act is hereby amended—  
 (a) by the insertion after paragraph (a) of the definition of "machinery" in sub-section (1) of the following paragraph:  
 "(a)*bis* any pressure vessel or portable gas container;";  
 (b) by the insertion after paragraph (iii) in that definition of the following paragraph:  
 "(iv) machinery situated in the danger area of an explosives factory as described in the regulations made under the Explosives Act, 1956 (Act No. 26 of 1956);"; and  
 (c) by the substitution for the definition of "user" in that sub-section of the following definition:  
 "'user', in relation to machinery, means the owner of or person benefiting from the use of such machinery or any structure or plant on the premises on which such machinery is installed which is used for the purpose of any activity in connection with which such machinery is used or any purpose incidental thereto, and includes the person charged with the supervision of such machinery, structure or plant,'".

Amendment of section 3 of Act 22 of 1941, as amended by section 2 of Act 31 of 1960.

3. Section *three* of the principal Act is hereby amended by the deletion at the end of paragraph (f) of sub-section (2) of the word "or", and the addition to that sub-section of the following paragraph:  
 "(h) the danger area of an explosives factory as described in the regulations made under the Explosives Act, 1956 (Act No. 26 of 1956).".

Amendment of section 21 of Act 22 of 1941, as amended by section 10 of Act 31 of 1960.

4. Section *twenty-one* of the principal Act is hereby amended—  
 (a) by the substitution for paragraph (b) of sub-section (4) of the following paragraph:  
 "(b) undergoes military training in pursuance of the Defence Act, 1957 (Act No. 44 of 1957); or"; and  
 (b) by the addition to the proviso to that sub-section of the following paragraph:  
 "(iii) the period of military training deemed to be employment for the purposes of paragraph (b) shall not exceed a total period of four months during any period of twelve months.".

Substitution of Chapter V of Act 22 of 1941.

5. The following Chapter is hereby substituted for Chapter V of the principal Act:

**"CHAPTER V.****BUILDING AND EXCAVATION WORK.****Definition.**

34. In this Chapter 'inspector' means an inspector designated by the Minister in terms of section *thirty-five*.

**Supervision of building and excavation work.**

35. All building and excavation work shall be subject to the supervision of inspectors designated by the Minister to exercise such supervision under his direction.

No. 34, 1963.]

# WET

## Tot wysiging van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941.

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 2 Mei 1963.)*

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

- 1.** Artikel *een* van die Wet op Fabrieke, Masjinerie en Bouwerk, 1941 (hieronder die Hoofwet genoem), word hierby gewysig deur in die beskrywing van die inhoud van Hoofstuk V die woorde „Voorsorg teen ongevalle aan bouwers” deur die woorde „Bou- en uitgrawingswerk” en die woorde „nege-en-dertig” deur die woorde „sewe-en-dertig” te vervang. Wysiging van artikel 1 van Wet 22 van 1941.
- 2.** Artikel *twoe* van die Hoofwet word hierby gewysig—  
 (a) deur na paragraaf (a) van die omskrywing van „masjinerie” in sub-artikel (1) die volgende paragraaf in te voeg:  
     „(a)*bis* ‘n drukhouer of vervoerbare gashouer;”;  
 (b) deur na paragraaf (iii) in daardie omskrywing die volgende paragraaf in te voeg:  
     „(iv) masjinerie geleë binne die gevaaargebied van ‘n fabriek van ontplofbare stowwe soos beskryf in die regulasies uitgevaardig kragtens die Wet op Ontplofbare Stowwe, 1956 (Wet No. 26 van 1956);” en  
 (c) deur die omskrywing van „gebruiker” in daardie sub-artikel deur die volgende omskrywing te vervang:  
     „gebruiker”, met betrekking tot masjinerie, die eienaar of persoon wat voordeel trek uit gebruik van dié masjinerie of enige struktuur of uitrusting op die perseel waar dié masjinerie ingerig is wat by ‘n werksaamheid met betrekking tot dié masjinerie of ‘n daarmee in verband staande werksaamheid gebruik word, en ook die persoon belas met die toesig oor bedoelde masjinerie, struktuur of uitrusting;”.
- 3.** Artikel *drie* van die Hoofwet word hierby gewysig deur aan die end van paragraaf (f) van sub-artikel (2) die woorde „of” te skrap en die volgende paragraaf by daardie sub-artikel te voeg: „(h) die gevaaargebied van ‘n fabriek van ontplofbare stowwe soos beskryf in die regulasies uitgevaardig kragtens die Wet op Ontplofbare Stowwe, 1956 (Wet No. 26 van 1956).” Wysiging van artikel 3 van Wet 22 van 1941, soos gewysig deur artikel 2 van Wet 31 van 1960.
- 4.** Artikel *een-en-twintig* van die Hoofwet word hierby gewysig—  
 (a) deur paragraaf (b) van sub-artikel (4) deur die volgende paragraaf te vervang:  
     „(b) militêre opleiding ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), ondergaan; of”; en  
 (b) deur die volgende paragraaf by die voorbehoudsbepaling by daardie sub-artikel te voeg:  
     „(iii) die tydperk van militêre opleiding wat by die toepassing van paragraaf (b) geag word diens te wees, nie in die geheel vier maande gedurende enige tydperk van twaalf maande te bove gaan nie.” Wysiging van artikel 21 van Wet 22 van 1941, soos gewysig deur artikel 10 van Wet 31 van 1960.
- 5.** Hoofstuk V van die Hoofwet word hierby deur die volgende Hoofstuk vervang: Vervanging van Hoofstuk V van Wet 22 van 1941.

### „HOOFSTUK V.

#### BOU- EN UITGRAWINGSWERK.

Woordom-skrywing.

**34.** In hierdie Hoofstuk beteken „inspekteur” ‘n inspekteur kragtens artikel *vyf-en-dertig* deur die Minister aangewys.

Toesig oor bou- en uitgrawingswerk.

**35.** Alle bou- en uitgrawingswerk is onderhewig aan die toesig van inspekteurs deur die Minister aangewys om sodanige toesig volgens sy opdrag uit te oefen.

<p>Powers of inspectors.</p> <p>Amendment of section 41 of Act 22 of 1941.</p> <p>Amendment of section 42 of Act 22 of 1941, as amended by section 17 of Act 31 of 1960.</p> <p>Amendment of section 43 of Act 22 of 1941.</p> <p>Amendment of section 51 of Act 22 of 1941, as amended by section 21 of Act 31 of 1960.</p> <p>Amendment of section 54 of Act 22 of 1941, as amended by section 22 of Act 31 of 1960.</p> <p>Short title.</p>	<p><b>36.</b> (1) An inspector may by order in writing addressed to a builder or an excavator prohibit him from proceeding with any building or excavation work specified in the order until the inspector is satisfied that all appropriate regulations relating to the carrying on of such building or excavation have been or are being complied with, and has in writing advised such builder or excavator accordingly.</p> <p>(2) An inspector may at any time amend or withdraw any order issued under sub-section (1) by notice addressed to the builder or excavator concerned.</p> <p><b>Offences.</b></p> <p><b>37.</b> Any person who proceeds with any building or excavation work in contravention of an order under section <i>thirty-six</i> shall be guilty of an offence.”.</p> <p><b>6.</b> Section <i>forty-one</i> of the principal Act is hereby amended by the substitution in sub-paragraph (v) of paragraph (a) of sub-section (8) for the word “<i>thirty-seven</i>” of the word “<i>thirty-six</i>”.</p> <p><b>7.</b> Section <i>forty-two</i> of the principal Act is hereby amended by the substitution in sub-section (1) for the word “<i>thirty-seven</i>” of the word “<i>thirty-six</i>”.</p> <p><b>8.</b> Section <i>forty-three</i> of the principal Act is hereby amended by the addition at the end thereof of the words “and any notice to the user of machinery may also be served by means of an entry in the appropriate boiler or elevator inspection register, if any, prescribed in the regulations”.</p> <p><b>9.</b> Section <i>fifty-one</i> of the principal Act is hereby amended—</p> <ul style="list-style-type: none"> <li>(a) by the substitution for paragraph (j) of sub-section (1) of the following paragraph:</li> <li>“(j) the manner in which supervision of machinery under section <i>thirty</i> or of building or excavation work under section <i>thirty-five</i> shall be exercised by inspectors;”;</li> <li>(b) by the substitution for sub-paragraph (v) of paragraph (s) of that sub-section of the following sub-paragraph:</li> <li>“(v) who may be regarded as competent to perform prescribed classes of work;”;</li> <li>(c) by the insertion after paragraph (t) of that sub-section of the following paragraphs:</li> <li>“(t)<i>bis</i> the certificates of competency which shall be required for employment in any particular occupation in, at or about a factory or premises where machinery is used, the grant, cancellation and suspension of such certificates, and the prohibition of the employment of persons not in possession of the certificates so required;</li> <li>(t)<i>ter</i> the fees to be paid in connection with the examination for, and the grant of, any such certificate of competency;</li> <li>(t)<i>quat</i> the fees payable to any member of a commission or committee appointed in terms of the regulations;”.</li> </ul> <p><b>10.</b> Section <i>fifty-four</i> of the principal Act is hereby amended by the substitution in sub-section (1) for the words “<i>thirty-five, thirty-six or thirty-seven</i>” of the words “or <i>thirty-six</i>”.</p> <p><b>11.</b> This Act shall be called the Factories, Machinery and Building Work Amendment Act, 1963.</p>
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Bevoegdheid van inspekteurs.

**36.** (1) 'n Inspekteur kan 'n boumeester of uitgrawer by skriftelike lasgewing aan hom gerig, verbied om bou- of uitdrawingswerk in die lasgewing vermeld, voort te sit totdat die inspekteur oortuig is dat aan alle toepaslike regulasies met betrekking tot die uitvoering van dié bou- of uitdrawingswerk voldoen is of word, en bedoelde boumeester of uitgrawer skriftelik dienooreenkomsig in kennis gestel het.

(2) 'n Inspekteur kan 'n lasgewing ingevolge sub-artikel (1) te eniger tyd by kennisgewing aan die betrokke boumeester of uitgrawer gerig, wysig of intrek.

Misdrywe.

**37.** Iemand wat in stryd met 'n lasgewing ingevolge artikel *ses-en-dertig* bou- of uitdrawingswerk voortsit, is aan 'n misdryf skuldig."

**6.** Artikel *een-en-veertig* van die Hoofwet word hierby gewysig Wysiging van deur in sub-paragraaf (v) van paragraaf (a) van sub-artikel (8) artikel 41 van die woord „*sewe-en-dertig*“ deur die woord „*ses-en-dertig*“ te vervang.

**7.** Artikel *twee-en-veertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „*sewe-en-dertig*“ deur die woord „*ses-en-dertig*“ te vervang. Wysiging van artikel 42 van Wet 22 van 1941, soos gewysig deur artikel 17 van Wet 31 van 1960.

**8.** Artikel *drie-en-veertig* van die Hoofwet word hierby gewysig deur aan die end daarvan die woorde „en‘n kennisgewing aan die gebruiker van masjinerie kan ook bestel word deur middel van 'n inskrywing in die gepaste ketel- of hyser-inspeksieregister (as daar is) in die regulasies voorgeskryf.“ by te voeg. Wysiging van artikel 43 van Wet 22 van 1941.

**9.** Artikel *een-en-vyftig* van die Hoofwet word hierby gewysig— Wysiging van artikel 51 van Wet 22 van 1941, soos gewysig deur artikel 21 van Wet 31 van 1960.

- (a) deur paragraaf (j) van sub-artikel (1) deur die volgende paragraaf te vervang:  
„(j) die wyse waarop die toesig oor masjinerie ingevolge artikel *dertig* of oor bou- of uitdrawingswerk ingevolge artikel *vijf-en-dertig* deur inspekteurs uitgeoefen moet word;“;
- (b) deur sub-paragraaf (v) van paragraaf (s) van daardie sub-artikel deur die volgende sub-paragraaf te vervang:  
„(v) wie bevoeg beskou kan word om voorgeskrewe klasse werk te verrig;“; en
- (c) deur na paragraaf (t) van daardie sub-artikel die volgende paragrawe in te voeg:  
„(t)*bis* die sertifikate van bevoegdheid wat vereis word vir indiensneming in bepaalde werk in, by of nabij 'n fabriek of perseel waar masjinerie gebruik word, die verlening, intrekking en opskorting van sodanige sertifikate, en die verbod op die indiensneming van persone wat nie in besit van die aldus vereiste sertifikate is nie;“
- (t)*ter* die gelde in verband met die eksamen vir en die verlening van sodanige sertifikate van bevoegdheid betaalbaar;
- (t)*quat* die gelde betaalbaar aan 'n lid van 'n kommissie of komitee ingevolge die regulasies aangestel;“.

**10.** Artikel *vier-en-vyftig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „*vyf-en-dertig*, *ses-en-dertig* of *sewe-en-dertig*“ deur die woorde „*of ses-en-dertig*“ te vervang. Wysiging van artikel 54 van Wet 22 van 1941, soos gewysig deur artikel 22 van Wet 31 van 1960.

**11.** Hierdie Wet heet die Wysigingswet op Fabrike, Masjinerie en Bouwerk, 1963. Kort titel.

No. 35, 1963.]

## ACT

**To consolidate the laws relating to the establishment and functioning of the Fuel Research Institute of South Africa, the control of the export and bunkering of coal, the safeguarding of the supply of coal for public purposes, and matters incidental thereto.**

*(Afrikaans text signed by the State President.)  
(Assented to 2nd May, 1963.)*

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

**Definitions.**

1. In this Act, unless the context otherwise indicates—
  - (i) “board” means the Fuel Research Board referred to in section *three*; (v)
  - (ii) “bunkering”, in relation to coal, means the supply of coal to or for the bunkers or bunkering of ships in any port or harbour of the Republic or the Territory of South-West Africa or in the port of Lourenco Marques; (i)
  - (iii) “export”, in relation to coal, means—
    - (a) the supply of coal for shipment as cargo from any port or harbour of the Republic or the Territory of South-West Africa or from the port of Lourenco Marques; or
    - (b) the transport of coal as freight, to a destination outside the Republic and the said Territory, but does not include, except for the purposes of sub-section (1) of section *sixteen*, the transport of coal for inland consumption in Mozambique, Southern Rhodesia or Northern Rhodesia, and “exported” has a corresponding meaning; (vii)
  - (iv) “institute” means the Fuel Research Institute of South Africa referred to in section *two*; (iii)
  - (v) “Minister” means the Minister of Economic Affairs; (iv)
  - (vi) “prescribed” means prescribed by regulation; (viii)
  - (vii) “regulation” means a regulation made or otherwise in force under this Act; (vi)
  - (viii) “this Act” includes the regulations. (ii).

**Continued existence and objects of the institute.**

2. (1) The Fuel Research Institute of South Africa established under the Fuel Research Institute and Coal Act, 1930 (Act No. 36 of 1930), shall, notwithstanding the repeal of that Act by this Act, continue to exist as a body corporate and be capable in its corporate capacity under that name of suing and being sued and, subject to the provisions of this Act, of acquiring, alienating, mortgaging, hiring and letting movable and immovable property and of performing all such acts as bodies corporate may by law perform: Provided that it shall not acquire, alienate or mortgage immovable property save with the written approval of the Minister.

- (2) The objects of the institute shall be—
  - (a) to study and investigate the fuel resources of the Republic;
  - (b) to undertake scientific and technical research on all matters relating to fuels in general or fuel by-products;
  - (c) to grade coal;
  - (d) to investigate any other matter which the Minister after consultation with the board may refer to it;
  - (e) subject to the approval of the Minister, to establish such laboratories and testing stations or sub-stations as it may deem necessary; and
  - (f) to publish from time to time, in such form as it may deem suitable, particulars of the grades of coal available in South Africa and such other information concerning its objects as it may deem suitable.

(3) Subject to the provisions of paragraph (c) of sub-section (2), the institute shall not undertake any work for any other person if in the opinion of the board such work could be performed equitably and adequately by any person practising as consulting chemist or engineer.

No. 35, 1963.]

# WET

**Tot samevatting van die wette met betrekking tot die instelling en werking van die Brandstofnavorsingsinstituut van Suid-Afrika, die beheer oor die uitvoer en bunker van steenkool, die beveiliging van die voorraad steenkool vir openbare doeleindes, en aangeleenthede wat daarmee in verband staan.**

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 2 Mei 1963.)*

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

**1. In hierdie Wet, tensy uit die samehang anders blyk, Woord-omskrywing.**

- (i) „bunker”, met betrekking tot steenkool, die verskaffing van steenkool aan of vir die bunkers of vir die bunker van skepe in enige hawe van die Republiek of die gebied Suidwes-Afrika of in die hawe van Lourenco Marques; (ii)
- (ii) „hierdie Wet” ook die regulasies; (viii)
- (iii) „instituut” die Brandstofnavorsingsinstituut van Suid-Afrika vermeld in artikel *twee*; (iv)
- (iv) „Minister” die Minister van Ekonomiese Sake; (v)
- (v) „raad” die Brandstofnavorsingsraad vermeld in artikel *drie*; (i)
- (vi) „regulasie” 'n regulasie kragtens hierdie Wet uitgevaardig of andersins van krag; (vii)
- (vii) „uitvoer”, met betrekking tot steenkool—
  - (a) die verskaffing van steenkool vir verskeping as vrag uit enige hawe van die Republiek of die gebied Suidwes-Afrika of uit die hawe van Lourenco Marques; of
  - (b) die vervoer van steenkool as vrag, na 'n bestemming buite die Republiek en die gemelde gebied maar, behalwe by die toepassing van sub-artikel (1) van artikel *sestien*, nie ook die vervoer van steenkool vir binnelandse gebruik in Mosambiek, Suid-Rhodesië of Noord-Rhodesië nie, en het „uitvoer” 'n ooreenstemmende betekenis; (iii)
  - (viii) „voorgeskrewe” by regulasie voorgeskryf. (vi)

**2. (1) Die Brandstofnavorsingsinstituut van Suid-Afrika ingestel kragtens die Wet op die Brandstof-navorsingsinstituut en Steenkool, 1930 (Wet No. 36 van 1930), bly, ondanks die herroeping van daardie Wet deur hierdie Wet, as 'n regspersoon voortbestaan en as sodanig bevoeg om, onder daardie naam, in regte as eiser en verweerde op te tree en, behoudens die bepalings van hierdie Wet, roerende en onroerende eiendom te verkry, te vervreem, met verband te beswaar, te huur en te verhuur, en alles te doen wat regtens deur regspersone gedoen kan word: Met dien verstande dat hy geen onroerende eiendom kan verkry of vervreem of met verband kan beswaar nie dan alleen met die skriftelike goedkeuring van die Minister.**

Voortbestaan en  
oogmerke van die  
instituut.

- (2) Die oogmerke van die instituut is—
  - (a) om die brandstofhulpbronne van die Republiek te bestudeer en te ondersoek;
  - (b) om wetenskaplike en tegniese navorsing na alle aangeleenthede met betrekking tot brandstof in die algemeen of brandstofneweprodukte te doen;
  - (c) om steenkool te gradeer;
  - (d) om enigets anders wat die Minister na oorlegpleging met die raad na hom mag verwys, te ondersoek;
  - (e) om onderworpe aan die goedkeuring van die Minister, die laboratoriums en proefstasies of sub-stasies wat hy nodig ag, op te rig; en
  - (f) om van tyd tot tyd besonderhede van die grade van steenkool wat in Suid-Afrika verkrybaar is, en die ander inligting aangaande sy oogmerke wat hy geskik ag, te publiseer in die vorm wat hy geskik ag.

(3) Behoudens die bepalings van paragraaf (c) van sub-artikel (1), onderneem die instituut geen werk vir iemand anders nie indien na die oordeel van die raad sodanige werk billik en toereikend deur 'n praktiserende konsult-skeikundige of ingenieur gedoen kan word.

Functions,  
duties, con-  
stitution and  
membership of  
the board.

3. (1) The institute shall be controlled by a board to be known as the Fuel Research Board whose functions and duties shall be—

- (a) to formulate and control the policy of the institute on broad and national lines;
- (b) to govern and control the institute in matters of finance;
- (c) to determine in what direction research shall be undertaken from time to time; and
- (d) to advise the Minister on all matters relating to the institute.

(2) The board shall consist of six members appointed by the State President of whom—

- (a) one shall be appointed on the recommendation of at least three-quarters in number of all companies registered under the Companies Act, 1926 (Act No. 46 of 1926), or deemed in terms of that Act to be so registered which have, in the opinion of the State President, the production of coal as one of their main objects and actually produce coal in the Transvaal and the Orange Free State;
- (b) one shall be appointed on the recommendation of at least three-quarters in number of all companies so registered or deemed to be registered which have, in the opinion of the State President, the production of coal as one of their main objects and actually produce coal in Natal and the Cape of Good Hope;
- (c) one shall be appointed from among the members or officers and on the recommendation of the Council for Scientific and Industrial Research referred to in section two of the Scientific Research Council Act, 1962 (Act No. 32 of 1962); and
- (d) one shall be appointed on the ground of having special knowledge of and interest in problems relating to the utilization of coal.

(3) In respect of each member of the board appointed under paragraph (a), (b), (c) or (d) of sub-section (2), an alternate to act in his absence shall be appointed in the same manner as such member.

(4) The State President shall designate one of the members of the board as chairman thereof and may designate one such member as deputy-chairman who shall exercise the powers and perform the duties of the chairman whenever the chairman is unable to do so.

(5) The quorum for a meeting of the board shall be three of the members thereof.

(6) The chairman at any meeting of the board shall, in the event of an equality of votes, have a casting vote in addition to his deliberative vote.

(7) Subject to the provisions of sub-section (8), a member of the board shall hold office for a period of three years.

(8) A member of the board shall vacate his office under such circumstances as may be prescribed.

(9) A member of the board whose period of office has expired shall be eligible for re-appointment.

(10) The State President shall determine whether the chairman of the board shall be a full-time or a part-time official, and shall fix the salary or other remuneration to be paid to him.

(11) The members of the board other than the chairman shall not be paid any remuneration for their services as such but may receive such out-of-pocket expenses or nominal fees as may be prescribed.

(12) A member of the board, including the chairman, who is in the full-time service of the State and in receipt of a salary from public funds, shall pay any amount received by him under sub-section (10) or (11) into the Consolidated Revenue Fund but may, on the recommendation of the Public Service Commission, be paid from moneys appropriated by Parliament an amount considered reasonable by the said Commission but not exceeding the amount so paid into the said Fund.

Establishment  
of committees.

4. (1) The board may establish such committees as it may consider necessary to assist it in the exercise of its functions and the performance of its duties and may appoint as members of any such committee such persons as it may deem fit including members of the board and persons on the staff of the institute.

(2) The board may delegate to a committee so established such of its powers as it may deem fit but shall not be divested of any power so delegated and may amend or withdraw any decision of any such committee.

3. (1) Die instituut word beheer deur 'n raad bekend as die Werksaamhede, pligte, samestelling en lidmaatskap van die raad.

- (a) om die beleid van die instituut in breë trekke en op nasionale grondslag neer te lê en te beheer;
- (b) om die instituut in geldsake te bestuur en te beheer;
- (c) om te bepaal in watter rigting navorsing van tyd tot tyd gedoen moet word; en
- (d) om die Minister van raad te dien oor alle aangeleenthede met betrekking tot die instituut.

(2) Die raad bestaan uit ses lede deur die Staatspresident aangestel van wie—

- (a) een aangestel word op aanbeveling van minstens driekwart volgens getal van alle maatskappye wat kragtens die Maatskappywet, 1926 (Wet No. 46 van 1926), geregistreer is of ingevolge daardie Wet geag word aldus geregistreer te wees en wat na die oordeel van die Staatspresident die voortbrenging van steenkool as een van hulle hoofdoelstellings het en in Transvaal en die Oranje-Vrystaat werklik steenkool voortbring;
- (b) een aangestel word op aanbeveling van minstens driekwart volgens getal van alle maatskappye wat aldus geregistreer is of geag word geregistreer te wees en wat na die oordeel van die Staatspresident die voortbrenging van steenkool as een van hulle hoofdoelstellings het en in Natal en die Kaap die Goeie Hoop werklik steenkool voortbring;
- (c) een aangestel word uit die gelede of beampies, en op aanbeveling van die Wetenskaplike en Nywerheid-navorsingsraad vermeld in artikel *twee* van die Wet op die Wetenskaplike Navorsingsraad, 1962 (Wet No. 32 van 1962); en
- (d) een aangestel word op grond van sy besondere kennis van en belangstelling in probleme met betrekking tot die benutting van steenkool.

(3) Ten opsigte van elke lid van die raad aangestel kragtens paragraaf (a), (b), (c) of (d) van sub-artikel (2), word 'n plaasvervanger op dieselfde wyse as daardie lid aangestel om in sy afwesigheid waar te neem.

(4) Die Staatspresident wys een van die lede van die raad as voorsitter daarvan aan en kan een sodanige lid as ondervoorsitter aanwys wat die bevoegdhede van die voorsitter uitoefen en sy pligte uitvoer wanneer die voorsitter nie in staat is om dit te doen nie.

(5) Die kworum vir 'n vergadering van die raad is drie lede daarvan.

(6) Die voorsitter by 'n vergadering van die raad het by 'n staking van stemme 'n beslissende stem benewens sy beraadslagende stem.

(7) Behoudens die bepalings van sub-artikel (8), beklee 'n lid van die raad sy amp vir drie jaar.

(8) 'n Lid van die raad ontruim sy amp in die voorgeskrewe omstandighede.

(9) 'n Lid van die raad wie se ampstermyn verstryk het, kan weer aangestel word.

(10) Die Staatspresident bepaal of die voorsitter van die raad 'n voltydse of 'n deeltydse beampie moet wees, en stel die salaris of ander besoldiging vas wat aan hom betaal moet word.

(11) Die lede van die raad met uitsondering van die voorsitter word geen besoldiging vir hulle dienste as sodanige lede betaal nie maar kan die voorgeskrewe persoonlike uitgawes of nominale gelde ontvang.

(12) 'n Lid van die raad, met inbegrip van die voorsitter, wat voltyds in diens van die Staat is en 'n salaris uit staatsgelde ontvang, moet 'n bedrag wat hy ingevolge sub-artikel (10) of (11) ontvang in die Gekonsolideerde Inkomstefonds stort, maar aan hom kan op aanbeveling van die Staatsdienskommissie, uit gelde wat die Parlement bewillig, 'n bedrag betaal word wat gemelde Kommissie redelik ag maar wat die bedrag aldus in gemelde Fonds gestort nie te bove gaan nie.

4. (1) Die raad kan die komitees instel wat hy nodig ag Instelling van om hom behulpsaam te wees met die verrigting van sy werksaamhede en die uitvoering van sy pligte en kan die persone wat hy goedvind, met inbegrip van lede van die raad en lede van die personeel van die instituut, as lede van so 'n komitee aanstel.

(2) Die raad kan van sy bevoegdhede na goedvinde aan 'n aldus ingestelde komitee oordra maar is nie ontdoen van 'n aldus oorgedraagde bevoegdheid nie en kan 'n besluit van so 'n komitee wysig of intrek.

(3) A member of a committee may be paid such remuneration or allowances as may be prescribed.

(4) The provisions of sub-section (12) of section three shall *mutatis mutandis* apply to any member of a committee who is in the full-time service of the State and in receipt of a salary from public funds.

**Appointment, functions and duties of director and staff of the institute.**

5. (1) The board shall on such terms and conditions as may be prescribed, appoint a suitably qualified person as director of the institute and may, whenever the person so appointed is for any reason absent or unable to fulfil his duties, appoint some other person to act as director during such absence or inability of the director.

(2) The functions and duties of the director shall be—

(a) to direct the institute and to carry out its objects in accordance with the policy laid down by the board; and

(b) to furnish the board with an annual report on the activities and financial position of the institute.

(3) The institute shall, in the prescribed manner and on the prescribed conditions, appoint such staff as the board may deem necessary for the carrying out of the objects of the institute.

**Financing of the institute.**

6. (1) The board shall establish a capital fund to the credit of which shall be placed any moneys appropriated by Parliament for the purpose and any contributions thereto from any other source.

(2) The board shall utilize the capital fund for expenditure of a capital nature only but may invest any unexpended portion thereof.

(3) (a) Save as provided in paragraph (b), the institute may in respect of services rendered under this Act other than the grading of coal charge such fees or make such financial arrangements as the board may approve.

(b) In respect of such services rendered to any department of State other than the Railways Administration, no fees shall be charged and no financial arrangements shall be made save with the approval of the Minister acting in consultation with the Minister of Finance.

(4) Any interest on an investment under sub-section (2) and any fees or other moneys charged or obtained under sub-section (3) may be added to the capital fund or utilized for the objects of the institute in a manner to be determined by the board.

**Levies on coal and other fuels.**

7. (1) The State President shall, after consultation with the board and not later than the thirty-first day of March in each year, impose a levy not exceeding five-twelfths of a cent per ton on all coal sold or used during the preceding calendar year for any industrial purpose (other than the production of coal at the colliery concerned) by any colliery situated in the Republic which produced not less than twenty-five thousand tons of coal during such calendar year, and shall contribute out of moneys appropriated by Parliament for the purpose an amount equal to the total proceeds of every levy so imposed.

(2) The State President may in any year impose on all coal subject in such year to the imposition of a levy under sub-section (1), an additional levy not exceeding one-half cent per ton, and shall in each year in which an additional levy is so imposed, contribute out of moneys appropriated by Parliament for the purpose an amount equal to the total proceeds of the additional levy imposed in that year.

(3) The State President may impose an annual levy not exceeding five twenty-fourths of a cent per ton on all torbanite and oil-shale produced during the preceding calendar year by any mine or works situated in the Republic which produced not less than one thousand tons of torbanite or oil-shale during such calendar year, and shall annually contribute out of moneys appropriated by Parliament for the purpose an amount equal to the total proceeds of such levy.

(4) The State President may impose an annual levy not exceeding one-twelfth of a cent per gallon on all power alcohol or industrial alcohol produced during the preceding calendar year by any works situated in the Republic, and shall annually contribute out of moneys appropriated by Parliament for the purpose an amount equal to the total proceeds of such levy.

(3) Aan 'n lid van 'n komitee kan die voorgeskrewe besoldiging of toelaes betaal word.

(4) Die bepalings van sub-artikel (12) van artikel *drie* is *mutatis mutandis* van toepassing op 'n lid van 'n komitee wat voltyds in diens van die Staat is en 'n salaris uit staatsgelde ontvang.

**5.** (1) Die raad stel, op die voorgeskrewe bedinge en voorwaardes, iemand wat oor geskikte kwalifikasies beskik, aan as direkteur van die instituut en kan, wanneer die persoon aldus aangestel om die een of ander rede afwesig is of nie in staat is om sy pligte te vervul nie, iemand anders aanstel om gedurende die afwesigheid of onvermoë van die direkteur as direkteur waar te neem.

(2) Die werksaamhede en pligte van die direkteur is—

- (a) om die instituut te bestuur en die oogmerke daarvan uit te voer ooreenkomsdig die beleid deur die raad neergelê; en
- (b) om 'n jaarlikse verslag oor die bedrywighede en geldelike toestand van die instituut aan die raad te verstrek.

(3) Die instituut stel, op die voorgeskrewe wyse en voorwaardes, die personeel aan wat die raad vir die uitvoering van die oogmerke van die instituut nodig ag.

**6.** (1) Die raad moet 'n kapitaalfonds instel wat gekrediteer moet word met geld wat die Parlement vir dié doel bewillig, en bydraes daar toe uit enige ander bron.

(2) Die raad moet die kapitaalfonds slegs aanwend vir uitgawes van 'n kapitale aard maar kan enige onbestede gedeelte daarvan belê.

(3) (a) Behoudens die bepalings van paragraaf (b), kan die instituut ten opsigte van dienste kragtens hierdie Wet gelewer, behalwe die gradering van steenkool, die gelde vra of die geldelike reëlings tref wat die raad goedkeur.

(b) Ten opsigte van sodanige dienste aan enige Staatsdepartement behalwe die Spoorwegadministrasie gelewer, word geen gelde gevra en geen geldelike reëlings getref nie dan alleen met goedkeuring van die Minister in oorleg met die Minister van Finansies.

(4) Rente op 'n belegging kragtens sub-artikel (2) en geldelike reëlings sub-artikel (3) gevra of ontvang, kan by die kapitaalfonds gevoeg word of vir die oogmerke van die instituut aangewend word op die wyse wat die raad moet bepaal.

**7.** (1) Die Staatspresident moet na oorlegpleging met die raad en nie later as die een-en-dertigste dag van Maart in elke jaar nie, 'n heffing van hoogstens vyf-twaalfdes van 'n sent per ton op alle steenkool lê wat gedurende die vorige kalenderjaar vir enige nywerheidsdoel (behalwe die voortbrenging van steenkool by die betrokke steenkoolmyn) verkoop of gebruik is deur enige steenkoolmyn in die Republiek geleë wat nie minder nie as vyf-en-twintigduisend ton steenkool gedurende daardie kalenderjaar voortgebring het, en moet, uit gelde wat die Parlement vir die doel bewillig, 'n bedrag bydra wat gelyk is aan die totaalopbrengs van elke heffing aldus opgelê.

(2) Die Staatspresident kan in enige jaar op alle steenkool wat in sodanige jaar aan die oplegging van 'n heffing ingevolge sub-artikel (1) onderhewig is, 'n addisionele heffing van hoogstens 'n halwe sent per ton lê, en moet in elke jaar waarin 'n addisionele heffing aldus opgelê word, uit gelde wat die Parlement vir die doel bewillig, 'n bedrag bydra wat gelyk is aan die totaalopbrengs van die addisionele heffing in daardie jaar opgelê.

(3) Die Staatspresident kan 'n jaarlikse heffing van hoogstens vyf vier-en-twintigste van 'n sent per ton lê op alle torbaniet en olieskalie gedurende die vorige kalenderjaar voortgebring deur enige myn of werke in die Republiek geleë wat minstens 'n duisend ton torbaniet of olieskalie gedurende daardie kalenderjaar voortgebring het, en moet jaarliks, uit gelde wat die Parlement vir die doel bewillig, 'n bedrag bydra wat gelyk is aan die totaalopbrengs van sodanige heffing.

(4) Die Staatspresident kan 'n jaarlikse heffing van hoogstens 'n twaalfde sent per gelling lê op alle krag-alkohol of alkohol vir nywerheidsgebruik gedurende die vorige kalenderjaar voortgebring deur enige werke in die Republiek geleë, en moet jaarliks, uit gelde wat die Parlement vir die doel bewillig, 'n bedrag bydra wat gelyk is aan die totaalopbrengs van sodanige heffing.

Aanstelling,  
werksaamhede  
en pligte van  
direkteur en  
personeel van  
die instituut.

Heffings op  
steenkool en  
ander brandstof.

- (5) The board shall utilize the moneys derived—  
 (a) under sub-sections (1), (3) and (4), to defray the running expenses of the institute: Provided that any unexpended surplus at the end of any financial year of the institute or any portion of such surplus may be utilized for the objects of the institute in a manner to be determined by the board;  
 (b) under sub-section (2), for the purpose of coal-mining research conducted by the institute or by any person or body at the request of the board.

Auditing of accounts.

8. The accounts of the institute shall be audited annually by a competent auditor appointed by the Minister, and shall at all times be open for inspection by the Controller and Auditor-General or any person authorized by him.

Annual and other reports by the board.

9. (1) The board shall submit to the Minister such information relating to the activities and financial position of the institute as he may call for from time to time, and in addition an annual report including such particulars as he may determine.

- (2) The Minister shall lay the annual report on the Tables of the Senate and the House of Assembly.

Notice and information in respect of prospecting for coal, torbanite or oil-shale.

10. (1) Every person prospecting for coal, torbanite or oil-shale shall, before commencing to sink any borehole or to carry out any other prospecting work for that purpose, give notice of his intention to do so to the institute, and shall within one year after the date of the completion of such borehole or the commencement of such other work, supply to the institute such information and records regarding such borehole or other work, in such manner and at such times as the Minister may require.

- (2) Every person who, prior to the sixth day of September, 1930, sunk a borehole for the purpose of prospecting for coal, torbanite or oil-shale, shall supply to the institute such available records regarding the borehole in such manner and at such times as the Minister may require.

Inspection and sampling of coal, torbanite and oil-shale.

11. (1) The institute may authorize in writing any member of its staff to enter at any time any mine or works, storage bin, truck, vehicle, vessel or any other place or thing where there is or which contains coal, torbanite or oil-shale, and any person so authorized may, in furtherance of the objects stated in paragraphs (a) and (c) of sub-section (2) of section two, inspect, sample and test such coal, torbanite or oil-shale and take and remove such samples thereof as he thinks fit.

- (2) The officers and servants of any colliery, mine or works so entered or of any person engaged in or concerned with the export or sale of coal, torbanite or oil-shale or the bunkering of coal, shall render such reasonable assistance in the work of inspection or the taking of samples as may be called for.

- (3) The institute may investigate any case of spontaneous combustion ascribed to coal mined in the Republic, wherever it occurs.

- (4) The master or agent in the Republic of any ship entering a port of the Republic shall, prior to the loading therein for export or bunkering of coal mined in the Republic, lodge with the port authorities a statement, duly certified under his signature, containing such details as may reasonably be required of the quantity, quality and origin of all coal on board such ship.

Grading of coal.

12. (1) The board may for the purposes of grading coal establish such sub-committees and utilize the services of such persons in private practice as the Minister may approve.

- (2) The grading of coal shall be conducted in such manner as may be prescribed.

- (3) In determining the grade of any coal the institute shall take into consideration the results of inspection, sampling and tests made on its behalf.

- (4) A colliery may, if it so wishes, and shall, if the institute requires it to do so, submit information relating to its coal and shall place before the institute or its representative such information as it may have relating to the tendency of its coal to undergo spontaneous combustion.

Applications for grading certificates.

13. (1) A colliery shall, if it desires to provide or sell coal for export or bunkering, and may, if it desires to provide or sell coal for any other purpose, apply to the institute to grade its coal.

- (5) Die raad gebruik die gelde wat verkry word—  
 (a) ingevolge sub-artikels (1), (3) en (4), ter bestryding van die lopende uitgawe van die instituut: Met dien verstaande dat enige onbestede oorskot aan die end van 'n boekjaar van die instituut of enige gedeelte van so 'n oorskot vir die oogmerke van die instituut gebruik kan word op die wyse wat die raad moet bepaal;  
 (b) ingevolge sub-artikel (2), vir steenkoolmynbounavor sing wat deur die instituut of deur 'n ander persoon of liggaam op versoek van die raad gedoen word.

**8.** Die rekenings van die instituut moet jaarliks deur 'n Ouditering van bevoegde ouditeur wat deur die Minister aangestel is, geouditeer word en moet altyd ter insae deur die Kontroleur en Ouditeur-generaal of 'n deur hom gemagtigde persoon lê.

**9.** (1) Die raad moet aan die Minister die inligting met betrekking tot die bedrywighede en geldelike toestand van die instituut wat hy van tyd tot tyd aanvra, en daarbenewens 'n jaarverslag wat die deur hom bepaalde besonderhede bevat, voorlê.  
 (2) Die Minister moet die jaarverslag in die Senaat en in die Volksraad ter Tafel lê.

**10.** (1) Iedere persoon wat na steenkool, torbaniet of olieskalie prospekteer, moet, voordat hy met die maak van 'n boorgat of die doen van ander prospekteerwerk vir daardie doel begin, aan die instituut kennis gee van sy voorname om dit te doen, en moet binne 'n jaar na die voltooiing van sodanige boorgat of die aanvang van sodanige ander werk, die inligting en aantekenings aangaande sodanige boorgat of ander werk, op die wyse en die tye wat die Minister verlang, aan die instituut verstrek.  
 (2) Iedere persoon wat voor die sesde dag van September 1930 'n boorgat gemaak het om na steenkool, torbaniet of olieskalie te prospekteer, moet die beskikbare aantekenings aangaande die boorgat, op die wyse en die tye wat die Minister verlang, aan die instituut verstrek.

**11.** (1) Die instituut kan enige lid van sy personeel skriftelik magtig om te eniger tyd enige myn of werke, bergplek, trok, voertuig, vaartuig of enige ander plek of ding waar daar steenkool, torbaniet of olieskalie is of wat dit bevat, binne te gaan, en 'n aldus gemagtigde persoon kan ter bevordering van die oogmerke genoem in paragrawe (a) en (c) van sub-artikel (2) van artikel twee, daardie steenkool, torbaniet of olieskalie inspekteer, bemonster en toets en die monsters daarvan wat hy goedvind, neem en verwijder.  
 (2) Die beampetes en werknemers van enige steenkoolmyn, myn of werke wat aldus binnegegaan word, of van iemand betrokke in of gemoeid met die uitvoer of verkoop van steenkool, torbaniet of olieskalie of die bunker van steenkool, moet die redelike hulp verleen wat met die inspeksiewerk of die neem van monsters verlang word.

(3) Die instituut kan enige geval van selfontbranding toeskryf aan steenkool in die Republiek gemyn, ondersoek, waar dit ook al plaasvind.

(4) Die kaptein of agent in die Republiek van 'n skip wat 'n hawe van die Republiek binnevaar, moet voordat steenkool wat in die Republiek gemyn is, op die skip gelaai word vir uitvoer of bunker, by die hawe-owerheid 'n verklaring inlewer wat behoorlik deur sy handtekening gestaaf is en die besonderhede van die hoeveelheid, kwaliteit en oorsprong van alle steenkool op die skip wat redelikerwys verlang word, bevat.

**12.** (1) Die raad kan vir die doeleindeste van steenkool-gradering die komitees instel en van die privaat praktiserende persone se dienste gebruik maak wat die Minister goedkeur.

(2) Steenkool word op die voorgeskrewe wyse gegradeer.

(3) By die bepaling van die graad van enige steenkool moet die instituut die resultate van enige inspeksie, bemonstering of toetse namens hom uitgevoer, in ag neem.

(4) 'n Steenkoolmyn kan, indien hy dit verlang, en moet, indien deur die instituut daartoe aangesê, inligting met betrekking tot sy steenkool voorlê en moet die inligting met betrekking tot die selfontbrandingsneiging van sy steenkool waaroor hy beskik, aan die instituut of sy verteenwoordiger voorlê.

**13.** (1) 'n Steenkoolmyn moet, indien hy verlang om steenkool vir uitvoer of bunker te voorsien of te verkoop, en kan, indien hy verlang om steenkool vir enige ander doel te voorsien of te verkoop, by die instituut aansoek doen om sy steenkool te gradeer.

(2) Upon the receipt of any such application the institute shall with all reasonable dispatch take steps to determine the grade of the coal and, subject to the provisions of section fourteen, issue a grading certificate in respect thereof.

(3) A colliery which is dissatisfied with the grade assigned to its coal may forthwith appeal to the Minister who shall thereupon, after such inquiry or investigation as he may deem fit to make, determine the grade to be assigned to the coal and direct the institute to issue a certificate accordingly.

(4) The decision of the Minister shall be final and conclusive.

**Grading certificates.**

**14.** (1) Grading certificates in respect of coal may be issued by the institute or by any person authorized by it to issue grading certificates on its behalf.

(2) A grading certificate shall specify the grade of the coal in respect of which it is issued and may be issued—

(a) in respect of a particular consignment or quantity of coal specified in the certificate; or

(b) in respect of all coal derived from a colliery or part of a colliery so specified, provided the grade stated in the certificate corresponds with a grade of coal ordinarily derived from that colliery or that part.

(3) The institute may—

(a) if it considers that the liability of any coal to spontaneous combustion constitutes a danger to life or property, refuse or prohibit the issue of a grading certificate in respect of such coal;

(b) if the coal from the colliery concerned does not comply with the grade specified in any grading certificate issued in respect of such coal or is considered by the institute to be liable to spontaneous combustion, withdraw any grading certificate issued in respect of such coal,

and shall withdraw any grading certificate when requested to do so by the colliery concerned.

(4) Against any such refusal, prohibition or withdrawal an appeal may be brought to the Minister who may thereupon, after such inquiry or investigation as he may deem fit to make, in his discretion direct the institute to issue a grading certificate or to restore the grading certificate which has been withdrawn.

(5) The decision of the Minister shall be final and conclusive.

**Export or bunkering of ungraded coal prohibited.**

**15.** No coal produced in the Republic shall be exported or used for bunkering unless a grading certificate in the prescribed form has been issued in respect thereof or unless such coal has been derived from a colliery or part of a colliery in respect of which such a certificate has been issued.

**Temporary prohibition or restriction of export or bunkering of coal.**

**16.** (1) If in the opinion of the Minister—

(a) there is a scarcity of any class of coal which is suitable for any purpose, or there is a danger of such a scarcity arising; or

(b) any grade of coal should in the public interest not be exported or bunkered,

he may, after consultation with the board, by notice in the Gazette prohibit or restrict the export or use for bunkering of such class or grade of coal.

(2) No action shall lie against any person prevented, by reason of the exercise of the powers conferred by sub-section (1), from fulfilling any contract or any part of a contract.

**Requisitioning of coal by the Railways Administration.**

**17.** (1) Whenever by reason of a scarcity of available coal or any combine, concerted action or the like between two or more collieries, the Railways Administration, after making all reasonable efforts in that behalf, is unable to conclude satisfactory contracts for securing the coal required for its purposes, it may require the collieries which—

(a) supply coal considered by it to be suitable for its purposes;

(b) are situated in the province or provinces from which the coal required is usually obtained; and

(c) have not entered into contracts to supply coal to it or, having entered into such contracts, have not already supplied to it a reasonable proportion of their output,

to deliver such coal in proportion to the total quantity sold by each colliery.

(2) By ontvangs van so 'n aansoek moet die instituut met alle redelike spoed stappe doen om die graad van die steenkool te bepaal en, behoudens die bepalings van artikel *veertien*, 'n graderingsertifikaat ten opsigte daarvan uit te reik.

(3) 'n Steenkoolmyn wat ontevrede is oor die graad wat aan sy steenkool toegewys is, kan onverwyld na die Minister appelleer, wat daarop, na die navraag of ondersoek wat hy goedvind om te doen, bepaal watter graad aan die steenkool toegewys moet word, en die instituut gelas om 'n sertifikaat dienooreenkomstig uit te reik.

(4) Die besluit van die Minister is finaal en afdoende.

**14.** (1) Graderingsertifikate ten opsigte van steenkool kan Gradering-deur die instituut of deur enigiemand wat hy gemagtig het om sertifikate graderingsertifikate namens hom uit te reik, uitgereik word.

(2) 'n Graderingsertifikaat moet die graad van die steenkool ten opsigte waarvan dit uitgereik is, vermeld en kan uitgereik word—

(a) ten opsigte van 'n besondere in die sertifikaat vermelde besending of hoeveelheid steenkool; of

(b) ten opsigte van alle steenkool verkry uit 'n aldus vermelde steenkoolmyn of deel van 'n steenkoolmyn mits die in die sertifikaat genoemde graad ooreenstem met 'n graad steenkool gewoonlik uit daardie steenkoolmyn of daardie deel verkry.

(3) Die instituut kan—

(a) indien hy meen dat die vatbaarheid vir selfontbranding van enige steenkool 'n gevaar vir lewe of eiendom uitmaak, die uitrek van 'n graderingsertifikaat ten opsigte van sodanige steenkool weier of verbied;

(b) indien die steenkool uit die betrokke steenkoolmyn nie aan die graad vermeld in 'n graderingsertifikaat uitgereik ten opsigte van daardie steenkool voldoen nie of na die oordeel van die instituut vir selfontbranding vatbaar is, 'n graderingsertifikaat uitgereik ten opsigte van daardie steenkool, intrek,

en moet 'n graderingsertifikaat intrek wanneer die betrokke steenkoolmyn hom daartoe versoek.

(4) Teen so 'n weiering, verbod of intrekking kan daar geappelleer word na die Minister wat daarop, na die navraag of ondersoek wat hy goedvind om te doen, na eie oordeel die instituut kan gelas om 'n graderingsertifikaat uit te reik of om 'n graderingsertifikaat wat ingetrek is, te herstel.

(5) Die besluit van die Minister is finaal en afdoende.

**15.** Geen steenkool wat in die Republiek voortgebring is, Verbod op die word uitgevoer of vir bunker gebruik nie tensy 'n graderingsertifikaat in die voorgeskrewe vorm ten opsigte daarvan uitgereik is of tensy sodanige steenkool verkry is uit 'n steenkoolmyn of deel van 'n steenkoolmyn ten opsigte waarvan so 'n sertifikaat uitgereik is.

**16.** (1) Indien na die oordeel van die Minister—

(a) daar 'n skaarste is aan enige soort steenkool wat vir enige doel geskik is, of daar gevaar bestaan dat so 'n skaarste kan ontstaan; of

(b) steenkool van enige graad in die openbare belang nie uitgevoer of gebunker behoort te word nie, kan hy, na oorlegpleging met die raad, by kennisgewing in die *Staatskoerant* die uitvoer of gebruik vir bunker van sodanige soort of graad steenkool verbied of beperk.

(2) Geen regsgeding kan teen iemand wat weens die uitoefening van die by sub-artikel (1) verleende bevoegdhede verhinder is om 'n kontrak of gedeelte van 'n kontrak na te kom, ingestel word nie.

**17.** (1) Wanneer die Spoorwegadministrasie weens 'n skaarste aan beskikbare steenkool of 'n kombinasie, gesamentlike optrede of iets dergelyks tussen twee of meer steenkoolmyne, na alle redelike pogings daartoe, nie in staat is om bevredigende kontrakte vir die verkryging van die steenkool wat vir sy doeleindes nodig is, te sluit nie, kan hy die steenkoolmyne wat—

(a) steenkool verskaf wat hy vir sy doeleindes geskik ag;

(b) geleë is in die provinsie of provinsies waar die benodigde steenkool gewoonlik verkry word; en

(c) nie kontrakte om steenkool aan hom te verskaf met hom aangegaan het nie of sodanige kontrakte aangegaan het en nie reeds 'n redelike deel van hulle opbrengs aan hom verskaf het nie,

aansé om 'n hoeveelheid sodanige steenkool af te lever in verhouding tot die totale hoeveelheid deur elke steenkoolmyn verkoop.

Tydelike verbod of beperking op die uitvoer of bunker van steenkool.

Opvordering van steenkool deur die Spoorweg-administrasie.

(2) Whenever the Railways Administration experiences a temporary shortage of coal required for its purposes, it may intercept and apply to its own use such quantities of any suitable coal in transit as it requires urgently day by day: Provided that—

- (a) any such interception and use of any consignment of coal shall be such as to cause the least possible inconvenience and embarrassment to any colliery, consignee or other person affected; and
- (b) in so far as any colliery is concerned, not more than two and one-half per cent of its monthly despatches of coal shall be so intercepted in any one month.

(3) The price to be paid for coal requisitioned under sub-section (1), the quantity of such coal to be delivered and the conditions applicable thereto, and the price to be paid for coal intercepted under sub-section (2) shall, in default of agreement between the colliery concerned and the Railways Administration, be determined by an arbitration board consisting of a representative of such colliery, a representative of the Railways Administration and a chairman (who shall not be a public servant or a person having any direct or indirect financial interest in the coal trade) appointed by the two parties or, failing agreement between them, by the Minister.

**Penalties.**

18. (1) Any person who fails to comply with any provision of section *ten* shall be guilty of an offence and liable on conviction to a fine not exceeding forty rand for every day on which the default continues.

(2) Any person who obstructs, hinders or resists any person authorized under sub-section (1) of section *eleven* in the exercise of his powers or the performance of his duties under this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand.

(3) Any person who forges or utters, knowing it to be forged, any certificate, brand, signature or writing required by or provided for in this Act, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for fraud.

(4) Any person who wrongfully issues in respect of any coal a written warrant or invoice, label, analysis, partial analysis, certificate or notification which describes such coal falsely or is false in any other material particular, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment without the option of a fine for a period not exceeding six months or to both such fine and such imprisonment.

(5) Any person who contravenes any provision of this Act or fails to comply with any obligation thereunder shall be guilty of an offence and shall, if no penalty is provided in sub-section (1), (2), (3) or (4) for such contravention or failure, be liable in the case of a first conviction, to a fine not exceeding two hundred rand and, in the case of a second or subsequent conviction, to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

**Regulations.**

19. (1) The State President may make regulations prescribing—

- (a) the method of nomination, the terms of appointment and dismissal and the fees or remuneration and allowances of members of the board and of the director and staff of the institute and the remuneration and allowances of members of committees established under this Act;
- (b) the procedure to be followed by the institute in the exercise of its functions;
- (c) the forms or certificates to be issued in respect of the grading of coal;
- (d) the circumstances under which the shipment of coal may be prohibited or restricted;
- (e) the procedure in regard to the imposition and the payment of any levy under section *seven*;
- (f) the manner in which coal shall be graded and examined;
- (g) the details and form of the statement referred to in sub-section (4) of section *eleven*;

and generally for the better carrying out of the objects and purposes of this Act.

(2) Wanneer die Spoorwegadministrasie 'n tydelike tekort aan steenkool wat vir sy doeleindes nodig is, ondervind, kan hy die hoeveelhede geskikte steenkool *in transitu* wat hy van dag tot dag dringend nodig het, onderskep en vir sy eie gebruik aanwend: Met dien verstande dat—

- (a) so 'n onderskeping en gebruik van enige besending steenkool so moet geskied dat so min ongerief en las as moontlik daardeur aan enige betrokke steenkoolmyn, ontvanger of ander persoon veroorsaak word; en
- (b) vir sover 'n steenkoolmyn geraak word, nie meer as twee-en-'n-half persent van sy maandelikse versendings van steenkool aldus in een maand onderskep word nie.

(3) Die prys wat betaal moet word vir steenkool kragtens sub-artikel (1) opgevorder, die hoeveelheid sodanige steenkool wat afgelewer moet word en die voorwaardes daaraan verbonde, en die prys wat betaal moet word vir steenkool kragtens sub-artikel (2) onderskep, word, by gebreke aan ooreenkoms tussen die betrokke steenkoolmyn en die Spoorwegadministrasie, bepaal deur 'n arbitrasieraad wat bestaan uit 'n verteenwoordiger van daardie steenkoolmyn, 'n verteenwoordiger van die Spoorwegadministrasie en 'n voorsitter (wat nie 'n staatsamptenaar of iemand wat 'n regstreekse of onregstreekse geldelike belang in die steenkoolhandel het, moet wees nie) aangestel deur die twee partye of, indien hulle nie daaroor ooreenkom nie, deur die Minister.

**18.** (1) Iemand wat versuim om aan die bepalings van artikel *tien* te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens veertig rand vir elke dag waarop die versuim voortduur.

(2) Iemand wat 'n kragtens sub-artikel (1) van artikel *elf* gemagtigde persoon in die uitoefening van sy bevoegdhede of die uitvoering van sy pligte ingevolge hierdie Wet dwarsboom, hinder of aan hom weerstand bied, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand.

(3) Iemand wat 'n sertifikaat, merk, handtekening of geskrif wat vereis word by of waarvoor voorsiening gemaak word in hierdie Wet, vervals of uitgee wetende dat dit vervals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe deur die reg vir bedrog voorgeskryf.

(4) Iemand wat ten opsigte van enige steenkool onwettiglik 'n skriftelike magtiging of faktuur, etiket, ontleiding, gedeeltelike ontleiding, sertifikaat of kennisgewing uitrek wat sodanige steenkool valslik beskrywe of in 'n ander wesentlike besonderheid vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevengenisstraf sonder die keuse van 'n boete vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevengenisstraf.

(5) Iemand wat 'n bepaling van hierdie Wet oortree of versuim om aan 'n verpligting daarvolgens te voldoen, is aan 'n misdryf skuldig en is, indien geen straf vir sodanige oortreding of versuim by sub-artikel (1), (2), (3) of (4) voorgeskryf word nie, strafbaar, in die geval van 'n eerste skuldigbevinding, met 'n boete van hoogstens tweehonderd rand en, in die geval van 'n tweede of daaropvolgende skuldigbevinding, met 'n boete van vyfhonderd rand of met gevengenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevengenisstraf.

**19.** (1) Die Staatspresident kan regulasies uitvaardig wat Regulasies. voorskryf—

- (a) die wyse van benoeming, die voorwaardes van aanstelling en ontslag en die gelde of besoldiging en toelaes van lede van die raad en van die direkteur en personeel van die instituut, en die besoldiging en toelaes van lede van komitees kragtens hierdie Wet ingestel;
  - (b) die prosedure wat die instituut by die uitvoering van sy werkzaamhede moet volg;
  - (c) die vorms of sertifikate wat ten opsigte van die gradering van steenkool uitgereik moet word;
  - (d) die omstandighede waarin die verskeping van steenkool verbied of beperk kan word;
  - (e) die prosedure ten aansien van die oplegging en die betaling van 'n heffing kragtens artikel *sewe*;
  - (f) die wyse waarop steenkool gegradeer en ondersoek moet word;
  - (g) die besonderhede en die vorm van die verklaring vermeld in sub-artikel (4) van artikel *elf*,
- en in die algemeen vir die beter uitvoering van die oogmerke en doelstellings van hierdie Wet.

(2) Such regulations may be made applicable in the Republic as a whole or in any province and different regulations may be made in respect of different areas or provinces of the Republic.

Repeal of  
Act 36 of 1930,  
Act 2 of 1933,  
Act 32 of 1949,  
Act 27 of 1953,  
and Act 78 of  
1962.

**20.** (1) Subject to the provisions of sub-section (2), the Fuel Research Institute and Coal Act, 1930, the Fuel Research Institute and Coal Amendment Act, 1933, the Fuel Research Institute and Coal Amendment Act, 1949, the Fuel Research Institute and Coal Amendment Act, 1953, and the Fuel Research Institute and Coal Amendment Act, 1962, are hereby repealed.

(2) Any appointment, authority, notice, certificate, levy or regulation made, given, published, issued or imposed or any other action taken or thing done under any provision of a law repealed by sub-section (1) shall be deemed to have been made, given, published, issued, imposed, taken or done under the corresponding provision of this Act.

Short title.

**21.** This Act shall be called the Fuel Research Institute and Coal Act, 1963.

(2) Sodanige regulasies kan in die hele Republiek of in enige provinsie van toepassing gemaak word en verskillende regulasies kan ten opsigte van verskillende gebiede of provinsies van die Republiek uitgevaardig word.

20. (1) Behoudens die bepalings van sub-artikel (2), word die Wet op die Brandstof-navorsingsinstituut en Steenkool, 1930, die Wysigingswet op die Brandstof-navorsingsinstituut en Steenkool, 1933, die Wysigingswet op die Brandstof-navorsingsinstituut en Steenkool, 1949, die Wysigingswet op die Brandstof-navorsingsinstituut en Steenkool, 1953, en die Wysigingswet op die Brandstof-navorsingsinstituut en Steenkool, 1962, hierby herroep.

Herroeping van  
Wet 36 van 1930,  
Wet 2 van 1933,  
Wet 32 van 1949,  
Wet 27 van 1953  
en Wet 78 van  
1962.

(2) Enige aanstelling, magtiging, kennisgewing, sertikaat, heffing of regulasie gedoen, verleen, uitgevaardig, uitgereik of opgelê, of enige ander stapte of enigiets gedoen ingevolge 'n wet wat by sub-artikel (1) herroep word, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet gedoen, verleen, uitgevaardig, uitgereik of opgelê te wees.

21. Hierdie Wet heet die Wet op die Brandstofnavorsings-instituut en Steenkool, 1963. Kort titel.

No. 36, 1963.]

**ACT****To amend the Land Surveyors' Registration Act, 1950.**

*(English text signed by the State President.)  
(Assented to 2nd May, 1963.)*

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

Amendment of section 1 of Act 14 of 1950.

1. Section *one* of the Land Surveyors' Registration Act, 1950 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "register" of the following definition:

"registered address" means the address recorded in terms of sub-section (1) of section *ten*;".

Amendment of section 3 of Act 14 of 1950.

2. Section *three* of the principal Act is hereby amended—

(a) by the substitution for paragraph (e) of sub-section (1) of the following paragraph:

"(e) one member shall be appointed by such body representing land surveyors having their registered addresses in the Province of the Orange Free State, as the Minister may designate from time to time.";

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

"(2) Of the members referred to in paragraph (b) of sub-section (1), one shall have his registered address within the area of jurisdiction of the Eastern Cape Division of the Supreme Court of South Africa and the other shall have his registered address in the remaining area of the Province of the Cape of Good Hope.";

(c) by the deletion in sub-section (3) of the words "or elected" wherever they occur and the words "as the case may be";

(d) by the deletion in sub-section (5) of the words "or elected" wherever they occur and the words "or election, as the case may be";

(e) by the substitution in sub-section (6) for all the words before the word "any" where it occurs for the second time of the words "If any institute or other body referred to in sub-section (1) fails to appoint".

Amendment of section 5 of Act 14 of 1950.

3. Section *five* of the principal Act is hereby amended by the deletion of the words "or elected".

Amendment of section 8 of Act 14 of 1950.

4. Section *eight* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "as may be prescribed by the council from time to time" of the words "and such honoraria as the council may with the approval of the Minister from time to time determine".

Amendment of section 10 of Act 14 of 1950.

5. Section *ten* of the principal Act is hereby amended—

(a) by the substitution in sub-section (4) for the words "prescribed by the council" where they occur for the first time of the words "determined by the council with the approval of the Minister";

(b) by the substitution in sub-section (5) for the words "prescribed by the council" of the words "determined by the council with the approval of the Minister, and may with the approval of all its members exempt any land surveyor from the payment of the whole or any part of such registration fee for such period as it may determine";

(c) by the insertion in sub-section (6) after the words "he shall" of the words "with effect from the date of expiry of the said period".

Amendment of section 12 of Act 14 of 1950.

6. Section *twelve* of the principal Act is hereby amended—

(a) by the insertion in sub-section (1) and in sub-section (2) after the word "person" of the words "who is or was";

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

"(4) When an enquiry is held in respect of any matter referred to the council by the Minister in terms of section *fourteen* of the Land Survey Act, 1927, one half the cost of such enquiry shall be borne by the State.". "

No. 36, 1963.]

# WET

## Tot wysiging van die Landmetersregistrasiewet, 1950.

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 2 Mei 1963.)*

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

- 1.** Artikel *een* van die Landmetersregistrasiewet, 1950 (hieronder die Hoofwet genoem), word hierby gewysig deur voor die omskrywing van „Minister” die volgende omskrywing in te voeg:
- „,geregistreerde adres’ die adres ingevolge sub-artikel (1) van artikel *tien* aangeteken;”.
- 2.** Artikel *drie* van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (e) van sub-artikel (1) deur die volgende paragraaf te vervang:
- „(e) een lid aangestel word deur sodanige liggaaam wat landmeters verteenwoordig wie se geregistreerde adresse in die Provincie Oranje-Vrystaat is, as wat die Minister van tyd tot tyd aanwys.”;
- (b) deur sub-artikel (2) deur die volgende sub-artikel te vervang:
- „(2) Van die in paragraaf (b) van sub-artikel (1) bedoelde lede, moet een se geregistreerde adres binne die regssgebied van die Oos-Kaapse Afdeling van die Hooggereghof van Suid-Afrika en die ander s’n in die oorblywende gebied van die Provincie Kaap die Goeie Hoop wees.”;
- (c) deur in sub-artikel (3) die woorde „of gekies”, die woorde „of verkose” en die woorde „of, na gelang van die geval, gekies” te skrap;
- (d) deur in sub-artikel (5) die woorde „of gekies” oral waar dit voorkom, die woorde „of verkiesing, na gelang van die geval,” en die woorde „of verkose” te skrap;
- (e) deur in sub-artikel (6) al die woorde voor die woorde „in gebreke bly” deur die woorde „Indien ‘n in sub-artikel (1) bedoelde genootskap of ander liggaaam” te vervang en die woorde „of te kies” te skrap.
- 3.** Artikel *vyf* van die Hoofwet word hierby gewysig deur die woorde „of gekies” te skrap.
- 4.** Artikel *agt* van die Hoofwet word hierby gewysig deur in sub-artikel (1) al die woorde na die woorde „onderhoudstoelae” deur die woorde „terwyl hulle met die sake van die raad besig is en sodanige honoraria betaal word as wat die raad met goedkeuring van die Minister van tyd tot tyd bepaal” te vervang.
- 5.** Artikel *tien* van die Hoofwet word hierby gewysig—
- (a) deur in sub-artikel (4) die woorde „voorgeskryf” deur die woorde „met goedkeuring van die Minister bepaal” te vervang;
- (b) deur in sub-artikel (5) die woorde „voorgeskryf” deur die woorde „met goedkeuring van die Minister bepaal” te vervang en deur die woorde „en kan met goedkeuring van al sy lede ‘n landmeter vrystel van betaling van die geheel of ‘n gedeelte van daardie registrasiegeld vir die tydperk wat die raad ‘bepaal’ by te voeg;
- (c) deur in sub-artikel (6) na die woorde „hou hy op” die woorde „vanaf die datum van verstryking van bedoelde tydperk” in te voeg.
- 6.** Artikel *twaalf* van die Hoofwet word hierby gewysig—
- (a) deur in sub-artikel (1) en in sub-artikel (2) die woorde „‘n ingevolge hierdie Wet geregistreerde landmeter” deur die woorde „iemand wat ingevolge hierdie Wet as landmeter geregistreer is of was” te vervang;
- (b) deur die volgende sub-artikel by te voeg:
- „(4) Wanneer ‘n ondersoek ingestel word ten opsigte van ‘n aangeleenthed wat die Minister ingevolge artikel *veertien* van die Opmetingswet, 1927, na die raad verwys het, word die helfte van die koste van die ondersoek deur die Staat gedra.”.

Amendment of  
section 13 of  
Act 14 of 1950.

7. Section *thirteen* of the principal Act is hereby amended—  
(a) by the insertion in sub-section (1) after the word “person” of the words “who is or was”;  
(b) by the addition at the end of paragraph (c) of the said sub-section of the word “or”;  
(c) by the addition to the said sub-section of the following paragraph:  
“(d) disqualification for registration as a land surveyor under this Act for a specified or an indefinite period.”.

Amendment of  
section 15 of  
Act 14 of 1950.

8. Section *fifteen* of the principal Act is hereby amended—  
(a) by the deletion at the beginning thereof of the figure “(1)”;  
(b) by the addition to the proviso to paragraph (b) of the words “unless such person is disqualified for registration in terms of a penalty imposed under sub-section (1) of section *thirteen*”.

Amendment of  
section 18 of  
Act 14 of 1950.

9. Section *eighteen* of the principal Act is hereby amended by the deletion in sub-section (1) of paragraphs (d), (g) and (h) and the words “or elected” in paragraph (f).

A member of  
existing council  
to remain  
in office.

10. Any appointment or election of any person as a member of the council under the principal Act, which took place prior to the commencement of this Act, shall be deemed to be an appointment made under the principal Act as amended by this Act.

Prescribed  
allowances and  
fees to remain  
in force.

11. Any allowances or fees prescribed under paragraph (d), (g) or (h) of sub-section (1) of section *eighteen* of the principal Act, shall be deemed to have been determined by the council with the approval of the Minister in terms of the principal Act as amended by this Act.

Short title.

12. This Act shall be called the Land Surveyors’ Registration Amendment Act, 1963.

- 7.** Artikel *dertien* van die Hoofwet word hierby gewysig—  
 (a) deur in sub-artikel (1) die woorde „ingevolge hierdie Wet geregistreerde landmeter” deur die woorde „persoon wat ingevolge hierdie Wet as landmeter geregistreer is of was en” te vervang;  
 (b) deur aan die end van paragraaf (b) en aan die end van paragraaf (c) van genoemde sub-artikel die woorde „of” by te voeg;  
 (c) deur die volgende paragraaf by genoemde sub-artikel by te voeg:  
 „(d) onbevoegdverklaring vir registrasie as landmeter ingevolge hierdie Wet vir 'n bepaalde of onbepaalde tydperk.”.
- 8.** Artikel *vyftien* van die Hoofwet word hierby gewysig—  
 (a) deur aan die begin daarvan die syfer „(1)” te skrap;  
 (b) deur by die voorbehoudsbepaling by paragraaf (b) die woorde „tensy so iemand ingevolge 'n kragtens sub-artikel (1) van artikel *dertien* opgelegde straf onbevoeg is om geregistreer te word” by te voeg.
- 9.** Artikel *agtien* van die Hoofwet word hierby gewysig deur Wysiging van  
 in sub-artikel (1) paragrawe (d), (g) en (h) en die woorde „of artikel 18 van  
 gekies” in paragraaf (f) te skrap. Wet 14 van 1950.
- 10.** 'n Aanstelling of verkiesing van iemand as lid van die raad 'n Lid van  
 kragtens die Hoofwet, wat voor die inwerkingtreding van hierdie bestaande raad  
 Wet plaasgevind het, word geag 'n aanstelling te wees wat gedoen bly sy amp  
 is kragtens die Hoofwet soos deur hierdie Wet gewysig beklee.
- 11.** Enige kragtens paragraaf (d), (g) of (h) van sub-artikel (1) Voorgeskrewe  
 van artikel *agtien* van die Hoofwet voorgeskrewe toelaes of gelde, toelaes en  
 word geag deur die raad met goedkeuring van die Minister krag- gelde bly  
 tens die Hoofwet soos gewysig deur hierdie Wet bepaal van krag te wees.
- 12.** Hierdie Wet heet die Wysigingswet op Landmeters- Kort titel.  
 registrasie, 1963.

No. 39, 1963.]

# ACT

**To amend the Railway Expropriation Act, 1955, and the Railways and Harbours Control and Management (Consolidation) Act, 1957.**

*(Afrikaans text signed by the State President.)  
(Assented to 3rd May, 1963.)*

**B**E IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment  
of section  
8 of Act  
37 of 1955.

**1. Section eight of the Railway Expropriation Act, 1955, is hereby amended—**

- (a) by the addition at the end of paragraph (b) of sub-section (2) of the words “or in respect of any loss or damage sustained by reason of the exercise of any other power conferred by this Act.”;
- (b) by the addition at the end of that sub-section of the words “or on the date upon which such power was first exercised, as the case may be.”.

Amendment  
of section 11  
of Act 37 of 1955,  
as amended by  
section 1 of Act 2  
of 1960.

**2. Section eleven of the Railway Expropriation Act, 1955, is hereby amended—**

- (a) by the substitution, for paragraph (a) of sub-section (1), of the following paragraph:  
“(a) Whenever any immovable property has been expropriated in terms of this Act the Administration shall, if the expropriated property is land, immediately after the expropriation, and may, if the expropriated property is a servitude or other real right in or over land, at any time after the expropriation, lodge with the Registrar in charge of the appropriate deeds registry a certified copy of the notice of expropriation and two copies of the relevant expropriation plan of the land, servitude or other right in question.”;
- (b) by the addition to sub-section (1) of the following paragraph:  
“(d) The noting of the expropriation of a servitude or other real right in or over land in terms of paragraph (b) shall not be deemed to preclude the Administration from availing itself of the provisions of section thirty-two of the Deeds Registries Act, 1937 (Act No. 47 of 1937), or of any corresponding statutory provision in force in the Territory of South-West Africa, in any case where the Administration deems it expedient to procure the registration of a notarial deed evidencing such servitude or other right, and upon the registration of such notarial deed all notings in the registers and endorsements on the relevant title deeds that were made in terms of the said paragraph, shall be deemed to be superseded by such deed.”;
- (c) by the substitution in sub-section (2) for the word “land” of the words “immovable property”;
- (d) by the addition thereto of the following sub-section:  
“(4) Whenever the expropriation of any servitude or other real right in or over land has been noted in a deeds registry in terms of paragraph (b) of sub-section (1) and the Administration has entered into an agreement in writing with the owner of the land in or over which such servitude or other right exists, whereby it abandons such servitude or other right, the Registrar in charge of the deeds registry concerned shall, upon there being lodged with him by the Administration a copy of such agreement together with an application for the cancellation of any notings in his registers and endorsements on the relevant title deeds that were made in terms of the said paragraph, cancel all such notings and endorsements, and thereupon the servitude or other right shall lapse.”.

No. 39, 1963.]

# WET

**Tot wysiging van die Spoorwegonteiningswet, 1955, en die Konsolidasiewet op die Beheer en Bestuur van Spoerweë en Hawens, 1957.**

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 3 Mei 1963.)*

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

- 1. Artikel agt** van die Spoorwegonteiningswet, 1955, word hierby gewysig—
- (a) deur aan die end van paragraaf (b) van sub-artikel (2) die volgende woorde by te voeg: „of ten opsigte van enige verlies of skade wat gely is ten gevolge van die uitoefening van enige ander bevoegdheid deur hierdie Wet verleen.”;
  - (b) deur aan die end van daardie sub-artikel die woorde „of op die datum waarop sodanige bevoegdheid vir die eerste maal uitgeoefen is, na gelang van die geval.” by te voeg.
- 2. Artikel elf** van die Spoorwegonteiningswet, 1955, word hierby gewysig—
- (a) deur paragraaf (a) van sub-artikel (1) deur die volgende paragraaf te vervang:
    - „(a) Wanneer onroerende goed ingevolge hierdie Wet onteien is, moet die Administrasie, as die onteienteerde goed grond is, onmiddellik na die onteiening, en kan hy, as die onteienteerde goed 'n serwituit of ander saaklike reg op of oor grond is, te eniger tyd na die onteiening, 'n gewaarmerkte afskrif van die onteieningskennisgewing en twee afskrifte van die betrokke onteieningskaart van die betrokke grond, serwituit of ander reg, by die Registrateur in beheer van die betrokke registrasiekantoor van aktes indien.”;
  - (b) deur die volgende paragraaf by sub-artikel (1) te voeg:
    - „(d) Die aantekening van die onteiening van 'n serwituit of ander saaklike reg op of oor grond ingevolge paragraaf (b), word nie geag die Administrasie te verhinder om van die bepalings van artikel *twee-en-dertig* van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), of van 'n ooreenstemmende wetsbepaling van krag in die Gebied Suidwes-Afrika gebruik te maak in 'n geval waar die Administrasie dit dienstig ag om die registrasie van 'n notariële akte waaruit bedoelde serwituit of ander reg blyk, te verkry nie, en as so 'n notariële akte geregistreer word, word alle aantekeningen in die registers en endossemente op die betrokke titelbewyse wat ingevolge bedoelde paragraaf aangebring is, geag deur daardie akte vervang te wees.”;
  - (c) deur in sub-artikel (2) die woorde „grond” deur die woorde „onroerende goed” te vervang;
  - (d) deur die volgende sub-artikel daarby te voeg:
    - „(4) Wanneer die onteiening van 'n serwituit of ander saaklike reg op of oor grond in 'n registrasiekantoor van aktes aangeteken is ingevolge paragraaf (b) van sub-artikel (1), en die Administrasie 'n skrifte-like ooreenkoms aangegaan het met die eienaar van die grond waarop of waaroor so 'n serwituit of ander reg bestaan, waarvolgens die Administrasie van daardie serwituit of ander reg afstand doen, moet die Registrateur in beheer van die betrokke registrasiekantoor van aktes, wanneer die Administrasie 'n afskrif van sodanige ooreenkoms by hom indien tesame met 'n aansoek om die kanselling van alle aantekeningen in sy registers en endossemente op die betrokke titelbewyse wat ingevolge bedoelde paragraaf aangebring is, alle sodanige aantekeningen en endossemente rooier, en daarop verval die serwituit of ander reg.”.

Amendment  
of section 13 of  
Act 37 of 1955.

**3. Section thirteen of the Railway Expropriation Act, 1955, is hereby amended—**

- (a) by the substitution, in that part of it which precedes paragraph (a), for the words "and any works incidental thereto" of the words "or any pipeline for the conveyance of petroleum products or other liquids, and any works incidental to such railway or pipeline,";
- (b) by the insertion in paragraph (a) after the word "construct" of the word "lay" and after the word "conduits" of the word "pipes";
- (c) by the substitution in paragraph (b) for the words "the railway" of the words "any such railway or pipeline,";
- (d) by the insertion in paragraph (e) after the word "railway" of the word "pipeline";
- (e) by the addition thereto of the following sub-section, the existing section becoming sub-section (1):

"(2) In connection with the exercise by the Administration of its powers under sub-section (1), in so far as they relate to any such pipeline as is therein mentioned, the following provisions shall apply:

- (a) Where such pipeline is laid or carried on, over or across any land of which the Administration is not the owner and which it is not otherwise entitled to use for railway purposes, the pipe shall, wherever practicable, be so placed that its upper surface is not less than fifteen inches below the surface of the ground.
- (b) Upon the completion of any work connected with the construction, maintenance, alteration or repair of such pipeline the Administration shall promptly restore the surface of the land, road or other place upon which the work was carried out, as nearly as reasonably possible to the same condition as it was before the commencement of the work, and in carrying out the work the Administration shall do as little damage as reasonably possible to such land, road or other place."

Amendment  
of section 14 of  
Act 37 of 1955.

**4. Section fourteen of the Railway Expropriation Act, 1955, is hereby amended—**

- (a) by the substitution for sub-section (1) of the following sub-section:

"(1) The Administration may make and maintain any deviation from the existing route of any line of railway, whether authorized before or after the commencement of this Act, or may alter the route of any pipeline for the conveyance of petroleum products or other liquids, and for that purpose it may remove all existing works and erect or construct such new works as may be required for the carrying out of such deviation and the closing of the deviated portion of the line, or for the relaying of the pipeline, as the case may be.";

- (b) by the insertion in sub-section (2) after the word "communication" of the word "pipes".

Amendment  
of section 2 of  
Act 70 of 1957,  
as amended by  
section 1 of Act 4  
of 1958.

**5. Section two of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended—**

- (a) by the insertion after paragraph (7) of the following paragraph:

"(7)*bis* to construct or cause to be constructed, manage, work and maintain any pipeline for the conveyance of petroleum products or other liquids, together with all works and appurtenances incidental thereto, and to determine and alter from time to time the conditions applicable to the use of such pipeline;";

- (b) by the addition at the end of paragraph (12) of the words "or for the conveyance of petroleum products or other liquids by means of any pipeline managed and worked by it".

Amendment  
of section 37 of  
Act 70 of 1957.

**6. Section thirty-seven of the Railways and Harbours Control and Management (Consolidation) Act, 1957, is hereby amended—**

- (a) by the insertion in paragraph (a) after the words "railway or " of the words "of any pipeline for the

**3. Artikel dertien van die Spoorwegontieningswet, 1955, word hierby gewysig—** Wysiging van artikel 13 van Wet 37 van 1955.

- (a) deur in daardie gedeelte daarvan wat paragraaf (a) voorafgaan, die woorde „en alle werke wat daarmee” te vervang deur die woorde „of van 'n pyplyn vir die vervoer van petroleumprodukte of ander vloeistowwe, en alle werke wat met sodanige spoorweg of pyplyn”;
- (b) deur in paragraaf (a) die woorde „pype” na die woorde „buise” in te voeg en deur na die woorde „bou” die woorde „aanlē” in te voeg;
- (c) deur in paragraaf (b) die woorde „die spoorweg” te vervang deur die woorde „sodanige spoorweg of pyplyn”;
- (d) deur in paragraaf (e) na die woorde „spoorweg” die woorde „pyplyn” in te voeg;
- (e) deur die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:
  - „(2) By die uitoefening deur die Administrasie van sy bevoegdhede kragtens sub-artikel (1), vir sover daardie bevoegdhede betrekking het op 'n pyplyn daarin vermeld, is die volgende bepalings van toepassing:
  - (a) Waar so 'n pyplyn aangelê of gevoer word op, dwarsoor of bo-oor grond waarvan die Administrasie nie die eienaar is nie en wat die Administrasie andersins nie die reg het om vir spoorwegdoeleindes te gebruik nie, moet die pyp, indien doenlik, so geplaas word dat die boonste oppervlakte daarvan minstens vyftien duim onder die oppervlakte van die grond is.
  - (b) By voltooiing van enige werk in verband met die aanlē, instandhouding, verandering of herstel van so 'n pyplyn moet die Administrasie onverwyld die oppervlakte van die grond, pad of ander plek waarop die werk uitgevoer is, so na as redelikerwys moontlik herstel in dieselfde toestand waarin dit voor die aanvang van die werk was, en by die uitvoering van die werk moet die Administrasie so min skade as redelikerwys moontlik aan sodanige grond, pad of ander plek doen.”.

**4. Artikel veertien van die Spoorwegontieningswet, 1955, word hierby gewysig—** Wysiging van artikel 14 van Wet 37 van 1955.

- (a) deur sub-artikel (1) deur die volgende sub-artikel te vervang:
  - „(1) Die Administrasie kan 'n verlegging van die bestaande roete van enige spoorlyn, hetsy dit vóór of ná die inwerkingtreding van hierdie Wet gemagtig is, aanbring en in stand hou, of die roete van enige pyplyn vir die vervoer van petroleumprodukte of ander vloeistowwe verander, en te dien einde kan hy alle bestaande werke verwyder en die nuwe werke oprig of aanlē wat nodig is vir die uitvoering van so 'n verlegging en die sluiting van die verlegde gedeelte van die lyn, of vir die herlegging van die pyplyn, na gelang van die geval.”;
  - (b) deur in sub-artikel (2) na die woorde „verbindingsslyne” die woorde „pype” in te voeg.

**5. Artikel twee van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, word hierby gewysig—** Wysiging van artikel 2 van Wet 70 van 1957, soos gewysig deur artikel 1 van Wet 4 van 1958.

- (a) deur na paragraaf (7) die volgende paragraaf in te voeg:
  - „(7)*bis* om 'n pyplyn vir die vervoer van petroleumprodukte of ander vloeistowwe, tesame met alle werke en toebehore wat daarmee in verband staan, aan te lê of op te rig of te laat aanlē of oprig, te bestuur, te eksploteer en in stand te hou, en om die voorwaardes van toepassing op die gebruik van so 'n pyplyn vas te stel en van tyd tot tyd te verander;”;
  - (b) deur in paragraaf (12) na die woorde „word” die woorde „of vir die vervoer van petroleumprodukte of ander vloeistowwe deur middel van 'n pyplyn wat deur hom bestuur en geëksploteer word,” in te voeg.

**6. Artikel sewe-en-dertig van die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957, word hierby gewysig—** Wysiging van artikel 37 van Wet 70 van 1957.

- (a) deur in paragraaf (a) na die woorde „spoorweg” die woorde „of 'n pyplyn vir die vervoer van petroleum-

- conveyance of petroleum products or other liquids, or which" and by the substitution for the word "thereon" of the words "on such railway";  
 (b) by the insertion in paragraph (d) after the word "injures" of the words "any pipeline referred to in paragraph (a) of any movable or immovable property used in connection therewith, or".

Application to South-West Africa. 7. This Act shall also apply to the Territory of South-West Africa.

Short title. 8. This Act shall be called the Second Railways and Harbours Acts Amendment Act, 1963.

No. 38, 1963.]

## ACT

### To amend the Land Bank Act, 1944.

(English text signed by the State President.)  
 (Assented to 3rd May, 1963.)

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

Insertion of section 14bis in Act 13 of 1944.

1. The following section is hereby inserted in the Land Bank Act, 1944, after section fourteen:

"Bank may arrange for provision of insurance cover for members of the board and certain other persons.  
 14bis. The bank may arrange with any insurer for the provision of insurance cover for the managing director and other members of the board, the general manager, the staff and other persons employed by the bank in respect of bodily injury, disablement or death resulting solely and directly from an accident occurring in the course of the performance of their duties."

Short title. 2. This Act shall be called the Land Bank Amendment Act, 1963.

- produkte of ander vloeistowwe" in te voeg, en deur die woord „daarop" deur die woorde „op so 'n spoorweg" te vervang;
- (b) deur in paragraaf (d) na die woord „magtiging" die woorde „n in paragraaf (a) bedoelde pyplyn of enige roerende of onroerende goed wat in verband daarmee gebruik word, of" in te voeg.

7. Hierdie Wet is ook op die Gebied Suidwes-Afrika van Toepassing op Suidwes-Afrika.

8. Hierdie Wet heet die Tweede Wysigingswet op Spoorweg- Kort titel. en Hawewette, 1963.

No. 38, 1963.]

## WET

**Tot wysiging van die Landbankwet, 1944.**

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 3 Mei 1963.)*

**D**AAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Die volgende artikel word hierby na artikel *veertien* in die **Invoeging van artikel 14bis in Wet 13 van 1944.**

„Bank kan 14bis. Die bank kan met 'n versekeraar reël vir reël vir die voorsiening, by wyse van versekering, van voorsiening, dekking vir die besturende direkteur en ander lede versekering, van die raad, die hoofbestuurder, die personeel en van dekking ander personele in diens van die bank ten opsigte vir lede van liggaamlike besering, ongesiktheid of dood van die raad en wat uitsluitlik en regstreeks die gevolg is van 'n sekere ander ongeluk wat in die loop van die verrigting van hul personele pligte plaasvind.”.

2. Hierdie Wet heet die Wysigingswet op die Landbank, 1963. Kort titel.

No. 40, 1963.]

**ACT****To amend the Merchant Shipping Act, 1951.***(English text signed by the State President.)**(Assented to 3rd May, 1963.)*

**B**E IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 2 of Act 57 of 1951, as amended by section 3 of Act 30 of 1959 and section 31 of Act 69 of 1962.

1. Section two of the Merchant Shipping Act, 1951 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion in the definition of "collision regulations" in sub-section (1) of the words "or deemed in terms of sub-section (4) of that section to have been so made";
- (b) by the substitution for the definition of "International Collision Regulations" in the said sub-section of the following definition:  
"International Collision Regulations" means the regulations set out in the Third Schedule to this Act;";
- (c) by the substitution for the definition of "Load Line Convention" in the said sub-section of the following definition:  
"Load Line Convention" means the convention set out in the Fourth Schedule to this Act;";
- (d) by the substitution in the definition of "recognized non-Union" in the said sub-section for the word "non-Union" of the words "non-South African";
- (e) by the substitution for the definition of "Safety Convention" in the said sub-section of the following definition:  
"Safety Convention" means the convention set out in the Second Schedule to this Act;"; and
- (f) by the substitution in the definition of "unseaworthy" in the said sub-section for the word "non-Union", wherever it occurs, of the words "non-South African", and for the word "proclamation", in sub-paragraph (iii) of paragraph (c), of the word "notice".

Amendment of section 3 of Act 57 of 1951, as amended by section 4 of Act 30 of 1959 and section 32 of Act 69 of 1962.

2. Section three of the principal Act is hereby amended—

- (a) by the substitution in sub-section (3) for the words "Government of the Union" of the words "Government of the Republic"; and
- (b) by the substitution for sub-section (11) of the following sub-section:  
"(11) If the Minister is satisfied—  
(a) that ships registered in any country other than the Republic are required by the law in force in that country to comply with any provisions which are substantially the same as, or equally effective with, any of the provisions of this Act which apply to such ships while they are within the Republic or the territorial waters thereof; and  
(b) that that country has made or has undertaken to make provision for the exemption of South African ships while they are within that country or the territorial waters thereof from the corresponding requirements of the law of that country,

he may by notice in the *Gazette* declare that the said provisions of this Act shall not apply to any ship of that country, while she is within the Republic or its territorial waters, if it is proved that the ship complies with the corresponding provisions of the

No. 40, 1963.]

# WET

## Tot wysiging van die Handelskeepvaartwet, 1951.

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 3 Mei 1963.)*

**D**AAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

- 1.** Artikel *twee* van die Handelskeepvaartwet, 1951 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur in die omskrywing van „erkende nie-Unie” in sub-artikel (1) die woord „nie-Unie” deur die woord „nie-Suid-Afrikaanse” te vervang;
  - (b) deur die omskrywing van „Internasionale Regulasies in Verband met Botsings” in bedoelde sub-artikel deur die volgende omskrywing te vervang:  
„Internasionale Regulasies in Verband met Botsings” die regulasies waarvan ’n vertaling in die Derde Bylae by hierdie Wet opgeneem is;”;
  - (c) deur die omskrywing van „Laslynkonvensie” in bedoelde sub-artikel deur die volgende omskrywing te vervang:  
„Laslynkonvensie” die konvensie waarvan ’n vertaling in die Vierde Bylae hy hierdie Wet opgeneem is;”;
  - (d) deur in die omskrywing van „onseewaardig” in bedoelde sub-artikel die woord „nie-Unie-laslynkonvensiesertifikaat” in sub-paragraaf (ii) van paragraaf (c) deur die woorde „nie-Suid-Afrikaanse laslynkonvensiesertifikaat” te vervang, die woord „proklamasie” in sub-paragraaf (iii) van paragraaf (c) deur die woord „kennisgewing” te vervang, en die woorde „nie-Unie-veiligheidskonvensiesertifikaat” deur die woorde „nie-Suid-Afrikaanse veiligheidskonvensiesertifikaat” te vervang;
  - (e) deur in die omskrywing van „regulasies in verband met botsings” in bedoelde sub-artikel die woorde „of wat ingevolge sub-artikel (4) van daardie artikel geag word aldus uitgevaardig te gewees het,” te skrap; en
  - (f) deur die omskrywing van „Veiligheidskonvensie” in bedoelde sub-artikel deur die volgende omskrywing te vervang:  
„Veiligheidskonvensie” die konvensie waarvan ’n vertaling in die Tweede Bylae by hierdie Wet opgeneem is;”.
- 2.** Artikel *drie* van die Hoofwet word hierby gewysig—
- (a) deur in sub-artikel (3) die woord „Unie-regering” deur die woorde „Regering van die Republiek” te vervang; en
  - (b) deur sub-artikel (11) deur die volgende sub-artikel te vervang:
    - “(11) As die Minister oortuig is—
    - (a) dat skepe wat in enige land (behalwe die Republiek) geregistreer is, deur die wette wat in daardie land van krag is, verplig word om te voldoen aan bepalings wat wesentlik dieselfde of ewe effektief is as bepalings van hierdie Wet wat van toepassing is op sodanige skepe terwyl hulle in die Republiek of in die Republiek se territoriale waters is; en
    - (b) dat daardie land voorsiening gemaak het of onderneem het om voorsiening te maak vir die vrystelling van Suid-Afrikaanse skepe, terwyl hulle in daardie land of in die territoriale waters daarvan is, van die ooreenstemmende wetsvereistes van daardie land,
- kan hy by kennisgewing in die *Staatskoerant* verklaar dat genoemde bepalings van hierdie Wet nie van toepassing is nie op enige skip van daardie land terwyl die skip in die Republiek of in die Republiek se territoriale waters is, as bewys word dat die skip voldoen aan die ooreenstemmende bepalings van die

law in force in that country; and thereafter upon such proof being furnished, the said provisions of this Act shall not apply to such ship.”.

Amendment of section 6 of Act 57 of 1951, as amended by section 6 of Act 30 of 1959.

3. Section *six* of the principal Act is hereby amended by the substitution in sub-section (6) for the words “Union port” of the words “port in the Republic”.

Amendment of section 11 of Act 57 of 1951, as amended by section 33 of Act 69 of 1962.

4. Section *eleven* of the principal Act is hereby amended by the substitution for the words “Government of the Union”, wherever they occur, of the words “Government of the Republic”.

Amendment of section 13 of Act 57 of 1951.

5. Section *thirteen* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (1) for the words “Government of the Union” of the words “Government of the Republic”.

Amendment of section 14 of Act 57 of 1951.

6. Section *fourteen* of the principal Act is hereby amended by the substitution for the words “port in the Union” of the words “port in the Republic”.

Amendment of section 30 of Act 57 of 1951.

7. Section *thirty* of the principal Act is hereby amended by the insertion in sub-section (1) after the word “port”, where it occurs for the second time, of the words “or the Secretary”, the insertion in the said sub-section after the word “officer”, where it occurs for the second time, of the words “or the Secretary, as the case may be,”, and by the substitution in the said sub-section for the words “shall forward a copy of the certificate” of the words “the proper officer shall, if the certificate is issued by him, forward a copy thereof”.

Amendment of section 64 of Act 57 of 1951.

8. Section *sixty-four* of the principal Act is hereby amended by the substitution in paragraph (d) for the words “Government of the Union” of the words “Government of the Republic”.

Amendment of section 65 of Act 57 of 1951, as amended by section 36 of Act 69 of 1962.

9. Section *sixty-five* of the principal Act is hereby amended by the substitution in paragraph (b) and in paragraph (c) of sub-section (2) for the words “Union port” of the words “port in the Republic”.

Amendment of section 68 of Act 57 of 1951, as amended by section 14 of Act 30 of 1959.

10. Section *sixty-eight* of the principal Act is hereby amended by the substitution in paragraph (a) of sub-section (3) for the words “Government of the Union” of the words “Government of the Republic”.

Amendment of section 73 of Act 57 of 1951, as amended by section 15 of Act 30 of 1959 and section 37 of Act 69 of 1962.

11. Section *seventy-three* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (b) of sub-section (1) for the words “port in the Union” of the words “port in the Republic”;
- (b) by the substitution in Column 5 of Item No. 8 of the Table set forth in sub-section (1) for the expression “para. (k)” of the expression “para. (k)*bis*”;
- (c) by the substitution in Column 5 of Item No. 10 of the said Table for the expression “para. (l)” of the expression “para. (l)*bis*”; and
- (d) by the substitution in sub-section (4) for the words “port in the Union”, wherever they occur, of the words “port in the Republic”.

Amendment of section 75 of Act 57 of 1951.

12. (1) Section *seventy-five* of the principal Act is hereby amended by the substitution in sub-section (1) for paragraphs (k) and (l) of the following paragraphs:

“(k) chief engineer-officer of a foreign-going ship;  
 (k)*bis* chief engineer-officer of a coasting ship;  
 (l) second engineer-officer of a foreign-going ship;  
 (l)*bis* second engineer-officer of a coasting ship;”.

(2) Any certificate of competency granted for the grade of chief engineer-officer or second engineer-officer before the coming into operation of sub-section (1) shall be deemed to have been granted in respect of a foreign-going ship and any such certificate shall on production thereof to the Secretary be endorsed to that effect by him.

wette wat in daardie land van krag is; en daarna, as sodanige bewys gelewer word, is genoemde bepalings van hierdie Wet nie op bedoelde skip van toepassing nie.”

**3.** Artikel *ses* van die Hoofwet word hierby gewysig deur in sub-artikel (6) die woord „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang.

Wysiging van artikel 6 van Wet 57 van 1951, soos gewysig deur artikel 6 van Wet 30 van 1959.

**4.** Artikel *elf* van die Hoofwet word hierby gewysig deur die woord „Unie-regering”, oral waar dit voorkom, deur die woorde „Regering van die Republiek” te vervang.

Wysiging van artikel 11 van Wet 57 van 1951, soos gewysig deur artikel 33 van Wet 69 van 1962.

**5.** Artikel *dertien* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (1) die woord „Unie-regering” deur die woorde „Regering van die Republiek” te vervang.

Wysiging van artikel 13 van Wet 57 van 1951.

**6.** Artikel *veertien* van die Hoofwet word hierby gewysig deur die woord „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang.

Wysiging van artikel 14 van Wet 57 van 1951.

**7.** Artikel *dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) na die woord „hawe”, waar dit die tweede maal voorkom, die woorde „of die Sekretaris” in te voeg, deur in bedoelde sub-artikel na die woord „beampete”, waar dit die tweede maal voorkom, die woorde „of die Sekretaris, na gelang van die geval” in te voeg, en deur in bedoelde sub-artikel die woorde „stuur hy” deur die woorde „as die sertifikaat deur die bevoegde beampete uitgereik word, stuur die bevoegde beampete” te vervang.

Wysiging van artikel 30 van Wet 57 van 1951.

**8.** Artikel *vier-en-sestig* van die Hoofwet word hierby gewysig deur in paragraaf (d) die woord „Unie-regering” deur die woorde „Regering van die Republiek” te vervang.

Wysiging van artikel 64 van Wet 57 van 1951.

**9.** Artikel *vyf-en-sestig* van die Hoofwet word hierby gewysig deur in paragraaf (b) en in paragraaf (c) van sub-artikel (2) die woord „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang.

Wysiging van artikel 65 van Wet 57 van 1951, soos gewysig deur artikel 36 van Wet 69 van 1962.

**10.** Artikel *agt-en-sestig* van die Hoofwet word hierby gewysig deur in paragraaf (a) van sub-artikel (3) die woord „Unie-regering” deur die woorde „Regering van die Republiek” te vervang.

Wysiging van artikel 68 van Wet 57 van 1951, soos gewysig deur artikel 14 van Wet 30 van 1959.

**11.** Artikel *drie-en-sewentig* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (b) van sub-artikel (1) die woorde „Unie-hawe aan boord neem en van 'n Unie-hawe” deur die woorde „hawe in die Republiek aan boord neem en vandaar” te vervang;
- (b) deur in Kolom 5 van Item No. 8 van die Tabel in sub-artikel (1) uiteengesit die uitdrukking „par. (k)” deur die uitdrukking „par. (k)*bis*” te vervang;
- (c) deur in Kolom 5 van Item No. 10 van genoemde Tabel die uitdrukking „par. (l)” deur die uitdrukking „par. (l)*bis*” te vervang; en
- (d) deur in sub-artikel (4) die woord „Unie-hawe”, oral waar dit voorkom, deur die woorde „hawe in die Republiek” te vervang.

Wysiging van artikel 73 van Wet 57 van 1951, soos gewysig deur artikel 15 van Wet 30 van 1959 en artikel 37 van Wet 69 van 1962.

**12.** (1) Artikel *vyf-en-sewentig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) paragrawe (k) en (l) deur die volgende paragrawe te vervang:

- ,(k) hoof-ingenieuoffisier van 'n skip op vreemde vaart;
- (k)*bis* hoof-ingenieuoffisier van 'n kusvaarder;
- (l) tweede ingenieuoffisier van 'n skip op vreemde vaart;
- (l)*bis* tweede ingenieuoffisier van 'n kusvaarder.”

Wysiging van artikel 75 van Wet 57 van 1951.

(2) Enige bekwaamheidsertifikaat wat voor die inwerkingtreding van sub-artikel (1) vir die graad hoof-ingenieuoffisier of tweede ingenieuoffisier toegeken is, word geag ten opsigte van 'n skip op vreemde vaart toegeken te gewees het en enige sodanige sertifikaat word by oorlegging daarvan aan die Sekretaris deur hom te dien effekte geëndosseer.

Amendment of section 79 of Act 57 of 1951, as amended by section 40 of Act 69 of 1962.

Amendment of section 80 of Act 57 of 1951, as amended by section 16 of Act 30 of 1959.

Amendment of section 81 of Act 57 of 1951.

Amendment of section 83 of Act 57 of 1951, as amended by section 41 of Act 69 of 1962.

Amendment of section 85 of Act 57 of 1951.

Amendment of section 86 of Act 57 of 1951.

Amendment of section 97 of Act 57 of 1951.

Amendment of section 103 of Act 57 of 1951.

Amendment of section 106 of Act 57 of 1951.

Amendment of section 110 of Act 57 of 1951.

Amendment of section 112 of Act 57 of 1951.

Amendment of section 126 of Act 57 of 1951, as amended by section 20 of Act 30 of 1959.

Amendment of section 152 of Act 57 of 1951.

**13.** Section *seventy-nine* of the principal Act is hereby amended by the substitution in paragraph (b) of sub-section (1) for the words "which is a member of the British Commonwealth of Nations" of the words "other than the Republic".

**14.** (1) Section *eighty* of the principal Act is hereby amended by the substitution in sub-paragraph (i) and in sub-paragraph (ii) of paragraph (c) of sub-section (1) for the word "Union" of the words "Republic or, except in the case of a foreign ship, licensed under the Sea Fisheries Act, 1940 (Act No. 10 of 1940), or the Sealing and Fisheries Ordinance, 1949 (Ordinance No. 12 of 1949), of the Territory of South-West Africa".

(2) Sub-section (1) shall be deemed to have come into operation on the date on which section *eighty* of the principal Act came into operation.

**15.** Section *eighty-one* of the principal Act is hereby amended by the deletion in sub-section (1) of the words "and in duplicate, one being delivered to the person entitled to the certificate, and the other being filed for record".

**16.** Section *eighty-three* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "Union port" of the words "port in the Republic".

**17.** Section *eighty-five* of the principal Act is hereby amended by the substitution for the words "Union port" of the words "port in the Republic".

**18.** Section *eighty-six* of the principal Act is hereby amended by the substitution in paragraph (b) of sub-section (2) for the words "port in the Union" of the words "port in the Republic".

**19.** Section *ninety-seven* of the principal Act is hereby amended by the substitution for the words "port in the Union" of the words "port in the Republic" and by the substitution in paragraph (ii) of the proviso for the word "Union" of the word "Republic".

**20.** Section *one hundred and three* of the principal Act is hereby amended by the substitution in paragraph (g) for the words "Union port", wherever they occur, of the words "port in the Republic".

**21.** Section *one hundred and six* of the principal Act is hereby amended by the substitution in paragraph (d) for the words "Union port", wherever they occur, of the words "port in the Republic".

**22.** Section *one hundred and ten* of the principal Act is hereby amended by the substitution for the words "ports in the Union" of the words "ports in the Republic".

**23.** Section *one hundred and twelve* of the principal Act is hereby amended by the addition to sub-section (3) of the following paragraph, the existing sub-section becoming paragraph (a):

"(b) The Secretary may grant to every person who is a South African citizen and who produces proof to the Secretary's satisfaction that he is the holder of an uncancelled certificate issued in a country other than the Republic which entitles him to serve as able seaman, a certificate of qualification as able seaman.".

**24.** Section *one hundred and twenty-six* of the principal Act is hereby amended by the substitution for the word "Union" of the words "South African".

**25.** Section *one hundred and fifty-two* of the principal Act is hereby amended—

(a) by the substitution in paragraph (a) of sub-section (1) for the word "native" of the words "Bantu person";

**13.** Artikel *nege-en-sewentig* van die Hoofwet word hierby Wysiging van gewysig deur in paragraaf (b) van sub-artikel (1) die woorde „land wat 'n lid van die Britse Statebond is“ deur die woorde „ander land as die Republiek“ te vervang. artikel 79 van Wet 57 van 1951, soos gewysig deur artikel 40 van Wet 69 van 1962.

**14.** (1) Artikel *tagtig* van die Hoofwet word hierby gewysig Wysiging van deur in sub-paragraaf (i) en in sub-paragraaf (ii) van paragraaf artikel 80 van (c) van sub-artikel (1) die woorde „Unie geregistreer is“ deur die woorde „Republiek geregistreer is, of, behalwe in die geval van 'n vreemde skip, kragtens die Wet op Seevisserye, 1940 (Wet No. 10 van 1940), of die Ordonnansie op Robbevangs en Visserye, 1949 (Ordonnansie No. 12 van 1949), van die Gebied Suidwes-Afrika, gelisensieer is“ te vervang. Wet 57 van 1951, soos gewysig deur artikel 16 van Wet 30 van 1959.

(2) Sub-artikel (1) word geag in werking te getree het op die datum waarop artikel *tagtig* van die Hoofwet in werking getree het.

**15.** Artikel *een-en-tagtig* van die Hoofwet word hierby ge- Wysiging van wysig deur in sub-artikel (1) die woorde „en in duplikaat op- artikel 81 van gestel, en een word aan die persoon wat op die sertifikaat Wet 57 van 1951. geregtig is, gelewer, en die ander geliasseer“ deur die woorde „opgestel“ te vervang.

**16.** Artikel *drie-en-tagtig* van die Hoofwet word hierby Wysiging van gewysig deur in sub-artikel (2) die woorde „Unie-hawe“ deur die artikel 83 van woord „hawe in die Republiek“ te vervang. Wet 57 van 1951, soos gewysig deur artikel 41 van Wet 69 van 1962.

**17.** Artikel *vyf-en-tagtig* van die Hoofwet word hierby ge- Wysiging van wysig deur die woorde „Unie-hawe“ deur die woorde „hawe in artikel 85 van die Republiek“ te vervang. Wet 57 van 1951.

**18.** Artikel *ses-en-tagtig* van die Hoofwet word hierby ge- Wysiging van wysig deur in paragraaf (b) van sub-artikel (2) die woorde „Unie- artikel 86 van hawe“ deur die woorde „hawe in die Republiek“ te vervang. Wet 57 van 1951.

**19.** Artikel *sewe-en-negentig* van die Hoofwet word hierby Wysiging van gewysig deur die woorde „Unie-hawe“ deur die woorde „hawe in artikel 97 van die Republiek“ te vervang, en deur in paragraaf (ii) van die Wet 57 van 1951. voorbehoudsbepaling die woorde „Unie-hawe vanwaar die skip laaste van die Unie vertrek“ deur die woorde „laaste afvaarhawe in die Republiek“ te vervang.

**20.** Artikel *honderd-en-drie* van die Hoofwet word hierby ge- Wysiging van wysig deur in paragraaf (g) die woorde „Unie-hawe“, oral waar artikel 103 van dit voorkom, deur die woorde „hawe in die Republiek“ te vervang. Wet 57 van 1951.

**21.** Artikel *honderd-en-ses* van die Hoofwet word hierby Wysiging van gewysig deur in paragraaf (d) die woorde „Unie-hawe“, oral waar artikel 106 van dit voorkom, deur die woorde „hawe in die Republiek“ te vervang. Wet 57 van 1951.

**22.** Artikel *honderd-en-tien* van die Hoofwet word hierby ge- Wysiging van wysig deur die woorde „Unie-hawens“ deur die woorde „hawens in die Republiek“ te vervang. artikel 110 van Wet 57 van 1951.

**23.** Artikel *honderd-en-twaalf* van die Hoofwet word hierby Wysiging van gewysig deur die volgende paragraaf by sub-artikel (3) te voeg, artikel 112 van terwyl die bestaande sub-artikel paragraaf (a) word: Wet 57 van 1951.

,(b) Die Sekretaris kan aan enige persoon wat 'n Suid-Afrikaanse burger is en wat tot bevrediging van die Sekretaris bewys lewer dat hy die houer is van 'n sertifikaat wat in 'n ander land as die Republiek uitgereik is en nie ingetrok is nie en wat aan hom die reg verleen om as volle matroos diens te doen, 'n bevoegdheidsertifikaat as volle matroos toeken.“.

**24.** Artikel *honderd ses-en-twintig* van die Hoofwet word hierby Wysiging van gewysig deur die woorde „Unie-“ deur die woorde „Suid-Afrikaanse“ te vervang. artikel 126 van Wet 57 van 1951, soos gewysig deur artikel 20 van Wet 30 van 1959.

**25.** Artikel *honderd twee-en-vyftig* van die Hoofwet word hierby Wysiging van gewysig—(a) deur in paragraaf (a) van sub-artikel (1) die woorde „naturel“ deur die woorde „Bantoepersoon“ te vervang; artikel 152 van Wet 57 van 1951.

- (b) by the substitution in paragraph (b) of the said sub-section for the words "native, to the native commissioner" of the words "Bantu person, to the Bantu Affairs Commissioner";
- (c) by the substitution in the said sub-section for the words "native commissioner", where they occur for the second time, of the words "Bantu Affairs Commissioner"; and
- (d) by the substitution for sub-section (2) of the following sub-section:  
"(2) In this section 'Bantu person' bears the meaning assigned to 'native' in section one of the Population Registration Act, 1950 (Act No. 30 of 1950), and includes a person residing in a scheduled native area or a released area, as determined or defined in or in accordance with the Native Trust and Land Act, 1936 (Act No. 18 of 1936), under the same conditions as a Bantu person."

Amendment of  
section 156 of  
Act 57 of 1951.

**26.** Section *one hundred and fifty-six* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "non-European seamen not accustomed to a European dietary" of the words "non-white seamen not accustomed to the dietary of white persons".

Amendment of  
section 161 of  
Act 57 of 1951.

**27.** Section *one hundred and sixty-one* of the principal Act is hereby amended by the substitution in sub-section (2) for the word "Europeans", wherever it occurs, of the words "white persons" and for the word "non-Europeans", wherever it occurs, of the words "non-white persons".

Amendment of  
sections 175 and  
176 of Act 57 of  
1951, as amended  
by section 46 of  
Act 69 of 1962.

**28.** Sections *one hundred and seventy-five* and *one hundred and seventy-six* of the principal Act are hereby amended by the substitution in paragraph (a) of sub-section (1) of each of those sections for the words "Union port" of the words "port in the Republic".

Amendment of  
section 177 of  
Act 57 of 1951,  
as amended by  
section 47 of  
Act 69 of 1962.

**29.** Section *one hundred and seventy-seven* of the principal Act is hereby amended by the substitution in paragraph (a) for the words "Union port" of the words "port in the Republic".

Amendment of  
section 196 of  
Act 57 of 1951.

**30.** Section *one hundred and ninety-six* of the principal Act is hereby amended by the substitution in sub-section (3) for the word "non-Union" of the words "non-South African".

Amendment of  
section 200 of  
Act 57 of 1951.

**31.** Section *two hundred* of the principal Act is hereby amended by the substitution in sub-section (3) for the words "port in the Union" of the words "port in the Republic" and for the words "port of call in the Union" of the words "port of call in the Republic".

Amendment of  
section 203 of  
Act 57 of 1951.

**32.** Section *two hundred and three* of the principal Act is hereby amended—

- (a) by the substitution for the word "non-Union", wherever it occurs, of the words "non-South African"; and
- (b) by the deletion in the Afrikaans version of paragraph (b) of sub-section (3) of the word "erkende".

Amendment of  
section 204 of  
Act 57 of 1951.

**33.** Section *two hundred and four* of the principal Act is hereby amended—

- (a) by the addition to sub-section (1) of the following paragraph, the existing sub-section becoming paragraph (a):  
"(b) The Secretary may, either unconditionally or on such conditions as he thinks fit, exempt from the provisions of this Part (other than those of this section and sections *two hundred and eleven* and *two hundred and twelve*) any South African ship which does not carry cargo and is not intended to be engaged in any international voyage.;"
- (b) by the insertion in sub-section (2) after the word "Minister" of the words "or the Secretary, who ever granted the exemption"; and
- (c) by the substitution in sub-section (4) for the words "may, in his discretion, direct that any load line exemption certificate" of the words "or the Secre-

- (b) deur in paragraaf (b) van bedoelde sub-artikel die woorde „naturel was, aan die naturellekommissaris” deur die woorde „Bantoepersoon was, aan die Bantoesakekommissaris” te vervang;
- (c) deur in bedoelde sub-artikel die woorde „naturellekommissaris”, waar dit die tweede maal voorkom, deur die woorde „Bantoesakekommissaris” te vervang; en
- (d) deur sub-artikel (2) deur die volgende sub-artikel te vervang:
  - ,(2) In hierdie artikel het „Bantoepersoon” die betekenis wat in artikel een van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), aan „naturel” toege wys is en sluit dit ook ‘n persoon in wat in ‘n afgesonderte naturellegebied of ‘n oopgestelde gebied, soos in of ooreenkomsdig die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), bepaal of omskryf, in dieselfde omstandighede as ‘n Bantoepersoon woon.”.

**26.** Artikel *honderd ses-en-vyftig* van die Hoofwet word hereby gewysig deur in die Engelse teks van sub-artikel (2) die woorde „non-European seamen not accustomed to a European dietary” deur die woorde „non-white seamen not accustomed to the dietary of white persons” te vervang. Wysiging van artikel 156 van Wet 57 van 1951.

**27.** Artikel *honderd een-en-sestig* van die Hoofwet word hereby gewysig deur in die Engelse teks van sub-artikel (2) die woorde „Europeans”, oral waar dit voorkom, deur die woorde „white persons” te vervang en die woorde „non-Europeans”, oral waar dit voorkom, deur die woorde „non-white persons” te vervang. Wysiging van artikel 161 van Wet 57 van 1951.

**28.** Artikels *honderd vyf-en-sewentig* en *honderd ses-en-sewentig* van die Hoofwet word hereby gewysig deur in paragraaf (a) van sub-artikel (1) van elkeen van daardie artikels die woorde „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang. Wysiging van artikels 175 en 176 van Wet 57 van 1951, soos gewysig deur artikel 46 van Wet 69 van 1962.

**29.** Artikel *honderd sewe-en-sewentig* van die Hoofwet word hereby gewysig deur in paragraaf (a) die woorde „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang. Wysiging van artikel 177 van Wet 57 van 1951, soos gewysig deur artikel 47 van Wet 69 van 1962.

**30.** Artikel *honderd ses-en-negentig* van die Hoofwet word hereby gewysig deur in sub-artikel (3) die woorde „nie-Unie-veiligheidskonvensiesertifikaat” deur die woorde „nie-Suid-Afrikaanse veiligheidskonvensiesertifikaat” te vervang. Wysiging van artikel 196 van Wet 57 van 1951.

**31.** Artikel *tweehonderd* van die Hoofwet word hereby gewysig deur in sub-artikel (3) die woorde „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang en die woorde „Unie-aanloophawe” deur die woorde „aandoenhawe in die Republiek” te vervang. Wysiging van artikel 200 van Wet 57 van 1951.

**32.** Artikel *tweehonderd-en-drie* van die Hoofwet word hereby gewysig— Wysiging van artikel 203 van Wet 57 van 1951.

- (a) deur die woorde „nie-Unie-veiligheidskonvensiesertifikaat”, oral waar dit voorkom, deur die woorde „nie-Suid-Afrikaanse veiligheidskonvensiesertifikaat” te vervang; en
- (b) deur in paragraaf (b) van sub-artikel (3) die woorde „erkende” te skrap.

**33.** Artikel *tweehonderd-en-vier* van die Hoofwet word hereby gewysig— Wysiging van artikel 204 van Wet 57 van 1951.

- (a) deur by sub-artikel (1) die volgende paragraaf te voeg, terwyl die bestaande sub-artikel paragraaf (a) word:
  - ,(b) Die Sekretaris kan of onvoorwaardelik of onderworpe aan sodanige voorwaardes as wat hy goed ag, enige Suid-Afrikaanse skip wat nie vrag vervoer nie en wat nie bedoel is om vir enige internasionale reis gebruik te word nie, van die voor-skrifte van hierdie Deel (behalwe dié van hierdie artikel en artikels *tweehonderd-en-elf* en *tweehonderd-en-twaalf*) vrystel.”;
- (b) deur in sub-artikel (2) na die woorde „Minister” die woorde „of die Sekretaris, wie ook al die vrystelling verleen het” in te voeg; en
- (c) deur in sub-artikel (4) die woorde „kan na goedgunke gelas dat ‘n laslynvrystellingsertifikaat” deur die woorde „of die Sekretaris kan na goedgunke gelas dat

tary may, in his discretion, direct that any load line exemption certificate issued in respect of a ship exempted by him".

Amendment of section 208 of Act 57 of 1951.

**34.** Section *two hundred and eight* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "Union ports" of the words "ports in the Republic" and for the words "Union port", wherever they occur, of the words "port in the Republic".

Amendment of section 212 of Act 57 of 1951, as amended by section 27 of Act 30 of 1959.

**35.** Section *two hundred and twelve* of the principal Act is hereby amended by the substitution in paragraph (b) for the words "certificate or a local load line certificate" of the words "certificate, a local load line certificate or a load line exemption certificate issued under section *two hundred and four*".

Amendment of section 216 of Act 57 of 1951.

**36.** Section *two hundred and sixteen* of the principal Act is hereby amended by the substitution in sub-section (1) and in sub-section (5) for the word "non-Union" of the words "non-South African".

Amendment of section 218 of Act 57 of 1951, as amended by section 29 of Act 30 of 1959 and section 48 of Act 69 of 1962.

**37.** Section *two hundred and eighteen* of the principal Act is hereby amended by the substitution in the Afrikaans version for the word "plaaslike" of the word "spesiale".

Amendment of section 219 of Act 57 of 1951.

**38.** Section *two hundred and nineteen* of the principal Act is hereby amended—

- (a) by the substitution in sub-paragraph (i) of paragraph (a) for the word "non-Union" of the words "non-South African";
- (b) by the substitution in sub-paragraph (ii) of paragraph (a) and in paragraph (b) for the word "proclamation" of the word "notice"; and
- (c) by the substitution in the Afrikaans version of sub-paragraph (ii) of paragraph (a) and in the Afrikaans version of paragraph (b) for the word "plaaslike" of the word "spesiale".

Amendment of section 220 of Act 57 of 1951.

**39.** Section *two hundred and twenty* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) for the word "non-Union" of the words "non-South African";
- (b) by the substitution in paragraph (b) for the word "proclamation" of the word "notice"; and
- (c) by the substitution in the Afrikaans version of paragraph (b) for the word "plaaslike" of the word "spesiale".

Amendment of section 221 of Act 57 of 1951, as amended by section 49 of Act 69 of 1962.

**40.** Section *two hundred and twenty-one* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "port in the Union", wherever they occur, of the words "port in the Republic".

Amendment of sections 225 and 228 of Act 57 of 1951.

**41.** Sections *two hundred and twenty-five* and *two hundred and twenty-eight* of the principal Act are hereby amended by the substitution in sub-section (1) of each of those sections for the words "Union ports" of the words "ports in the Republic" and for the words "Union port" of the words "port in the Republic".

Amendment of section 235 of Act 57 of 1951.

**42.** Section *two hundred and thirty-five* of the principal Act is hereby amended by the substitution in paragraph (b) of sub-section (5) for the words "port in the Union" of the words "port in the Republic".

Amendment of section 236 of Act 57 of 1951.

**43.** Section *two hundred and thirty-six* of the principal Act is hereby amended by the substitution for the words "port in the Union", wherever they occur, of the words "port in the Republic".

Amendment of section 237 of Act 57 of 1951, as amended by section 31 of Act 30 of 1959.

**44.** Section *two hundred and thirty-seven* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "port in the Union" of the words "port in the Republic".

Amendment of section 251 of Act 57 of 1951.

**45.** Section *two hundred and fifty-one* of the principal Act is hereby amended by the substitution for the words "Government of the Union" of the words "Government of the Republic".

'n laslynvrystellingsertifikaat wat uitgereik is ten opsigte van 'n skip wat deur hom vrygestel is" te vervang.

**34.** Artikel *tweehonderd-en-agt* van die Hoofwet word hierby Wysiging van gewysig deur in sub-artikel (2) die woord „Unie-hawens” deur artikel 208 van die woorde „hawens in die Republiek” te vervang en die woorde „Unie-hawe”, oral waar dit voorkom, deur die woorde „hawe in die Republiek” te vervang.

**35.** Artikel *tweehonderd-en-twaalf* van die Hoofwet word hierby Wysiging van gewysig deur in paragraaf (b) die woorde „laslynkonvensiesertifikaat of 'n plaaslike laslynsertifikaat” deur die woorde „laslynkonvensiesertifikaat, 'n plaaslike laslynsertifikaat of 'n laslynvrystellingsertifikaat uitgereik kragtens artikel *tweehonderd-en-vier*” te vervang.

**36.** Artikel *tweehonderd-en-sestien* van die Hoofwet word hierby Wysiging van gewysig deur in sub-artikel (1) en in sub-artikel (5) die woord „nie-Unie-laslynkonvensiesertifikaat” deur die woorde „nie-Suid-Afrikaanse laslynkonvensiesertifikaat” te vervang.

**37.** Artikel *tweehonderd-en-agtien* van die Hoofwet word hierby Wysiging van gewysig deur die woorde „plaaslike” deur die woorde „spesiale” te vervang.

Wysiging van artikel 218 van Wet 57 van 1951, soos gewysig deur artikel 29 van Wet 30 van 1959 en artikel 48 van Wet 69 van 1962.

**38.** Artikel *tweehonderd-en-negentien* van die Hoofwet word hierby Wysiging van gewysig—

- (a) deur in sub-paragraaf (i) van paragraaf (a) die woorde „nie-Unie-laslynkonvensiesertifikaat” deur die woorde „nie-Suid-Afrikaanse laslynkonvensiesertifikaat” te vervang;
- (b) deur in sub-paragraaf (ii) van paragraaf (a) en in paragraaf (b) die woorde „proklamasie” deur die woorde „kennisgewing” te vervang; en
- (c) deur in sub-paragraaf (ii) van paragraaf (a) en in paragraaf (b) die woorde „plaaslike” deur die woorde „spesiale” te vervang.

**39.** Artikel *tweehonderd-en-twintig* van die Hoofwet word hierby Wysiging van gewysig—

- (a) deur in paragraaf (a) die woorde „nie-Unie-laslynkonvensiesertifikaat” deur die woorde „nie-Suid-Afrikaanse laslynkonvensiesertifikaat” te vervang;
- (b) deur in paragraaf (b) die woorde „proklamasie” deur die woorde „kennisgewing” te vervang; en
- (c) deur in paragraaf (b) die woorde „plaaslike” deur die woorde „spesiale” te vervang.

**40.** Artikel *tweehonderd een-en-twintig* van die Hoofwet word hierby Wysiging van gewysig deur in sub-artikel (2) die woorde „Unie-hawe”, oral waar dit voorkom, deur die woorde „hawe in die Republiek” te vervang.

Wysiging van artikel 221 van Wet 57 van 1951, soos gewysig deur artikel 49 van Wet 69 van 1962.

**41.** Artikels *tweehonderd vyf-en-twintig* en *tweehonderd agt-en-twintig* van die Hoofwet word hierby Wysiging van gewysig deur in sub-artikel (1) van elkeen van daardie artikels die woorde „Unie-hawens” deur die woorde „hawens in die Republiek” te vervang en die woorde „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang.

Wysiging van artikels 225 en 228 van Wet 57 van 1951.

**42.** Artikel *tweehonderd vyf-en-dertig* van die Hoofwet word hierby Wysiging van gewysig deur in paragraaf (b) van sub-artikel (5) die woorde „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang.

Wysiging van artikel 235 van Wet 57 van 1951.

**43.** Artikel *tweehonderd ses-en-dertig* van die Hoofwet word hierby Wysiging van gewysig deur die woorde „Unie-hawe”, oral waar dit voorkom, deur die woorde „hawe in die Republiek” te vervang.

Wysiging van artikel 236 van Wet 57 van 1951.

**44.** Artikel *tweehonderd sewe-en-dertig* van die Hoofwet word hierby Wysiging van gewysig deur in sub-artikel (1) die woorde „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang.

Wysiging van artikel 237 van Wet 57 van 1951, soos gewysig deur artikel 31 van Wet 30 van 1959.

**45.** Artikel *tweehonderd een-en-vyftig* van die Hoofwet word hierby Wysiging van gewysig deur die woorde „Unie-regering” deur die woorde „Regering van die Republiek” te vervang.

Wysiging van artikel 251 van Wet 57 van 1951.

Amendment of section 260 of Act 57 of 1951.

Amendment of section 264 of Act 57 of 1951, as amended by section 52 of Act 69 of 1962.

Amendment of section 266 of Act 57 of 1951, as amended by section 53 of Act 69 of 1962.

Amendment of section 269 of Act 57 of 1951.

Amendment of section 279 of Act 57 of 1951.

Amendment of section 298 of Act 57 of 1951, as amended by section 36 of Act 30 of 1959.

Amendment of section 311 of Act 57 of 1951, as amended by section 38 of Act 30 of 1959.

Amendment of section 317 of Act 57 of 1951.

Substitution of section 332 of Act 57 of 1951.

Amendment of section 333 of Act 57 of 1951.

Amendment of section 339 of Act 57 of 1951, as amended by section 56 of Act 69 of 1962.

Amendment of section 345 of Act 57 of 1951.

Amendment of section 355 of Act 57 of 1951, as amended by section 41 of Act 30 of 1959.

**46.** Section *two hundred and sixty* of the principal Act is hereby amended by the substitution for the words "Union ports" of the words "ports in the Republic" and for the words "Union port" of the words "port in the Republic".

**47.** Section *two hundred and sixty-four* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) of sub-section (2) for the words "ports in the Union" of the words "ports in the Republic"; and
- (b) by the substitution in paragraph (b) of sub-section (2) and in sub-section (3) for the words "Union port" of the words "port in the Republic".

**48.** Section *two hundred and sixty-six* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) of the proviso to sub-section (2) for the words "ports in the Union" of the words "ports in the Republic"; and
- (b) by the substitution in paragraph (b) of the said proviso for the words "Union port" of the words "port in the Republic".

**49.** Section *two hundred and sixty-nine* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "ports in the Union" of the words "ports in the Republic".

**50.** Section *two hundred and seventy-nine* of the principal Act is hereby amended by the substitution in sub-section (2) for the words "Government of the Union" of the words "Government of the Republic".

**51.** Section *two hundred and ninety-eight* of the principal Act is hereby amended by the substitution in paragraph (d) of sub-section (1) for the words "Union Defence Forces" of the words "South African Defence Force".

**52.** Section *three hundred and eleven* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "Union port" of the words "port in the Republic".

**53.** Section *three hundred and seventeen* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (b) and in paragraph (c) of sub-section (3) for the words "Union port" of the words "port in the Republic"; and
- (b) by the substitution in sub-section (4) for the word "harbour", where it occurs for the first time, of the word "port" and for the words "Union harbour" of the words "port in the Republic".

**54.** The following section is hereby substituted for section *three hundred and thirty-two* of the principal Act:

"Damage to include loss of life or personal injury." **332.** In the construction of any enactment which confers on any court Admiralty jurisdiction in respect of damage, reference to damage shall be deemed to include reference to damages for loss of life or personal injury, and proceedings in respect of such damages may be brought *in rem* or *in personam*."

**55.** Section *three hundred and thirty-three* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "Union" of the word "Republic".

**56.** Section *three hundred and thirty-nine* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "Government of the Union" of the words "Government of the Republic".

**57.** Section *three hundred and forty-five* of the principal Act is hereby amended by the substitution for the words "Government of the Union", wherever they occur, of the words "Government of the Republic".

**58.** Section *three hundred and fifty-five* of the principal Act is hereby amended by the substitution in sub-section (3) for the words "ports in the Union" of the words "ports in the Republic".

**46.** Artikel *tweehonderd-en-sestig* van die Hoofwet word Wysiging van hierby gewysig deur die woord „Unie-hawens” deur die woorde „hawens in die Republiek” te vervang en die woord „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang.

**47.** Artikel *tweehonderd vier-en-sestig* van die Hoofwet word Wysiging van hierby gewysig—

- (a) deur in paragraaf (a) van sub-artikel (2) die woord „Unie-hawens” deur die woorde „hawens in die Republiek” te vervang; en
- (b) deur in paragraaf (b) van sub-artikel (2) en in sub-artikel (3) die woord „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang.

**48.** Artikel *tweehonderd ses-en-sestig* van die Hoofwet word Wysiging van hierby gewysig—

- (a) deur in paragraaf (a) van die voorbehoudsbepaling by sub-artikel (2) die woord „Unie-hawens” deur die woorde „hawens in die Republiek” te vervang; en
- (b) deur in paragraaf (b) van bedoelde voorbehoudsbepaling die woord „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang.

**49.** Artikel *tweehonderd nege-en-sestig* van die Hoofwet word Wysiging van hierby gewysig deur in sub-artikel (2) die woord „Unie-hawens” deur die woorde „hawens in die Republiek” te vervang. artikel 269 van Wet 57 van 1951.

**50.** Artikel *tweehonderd nege-en-sewentig* van die Hoofwet word Wysiging van word hierby gewysig deur in sub-artikel (2) die woord „Unie-regering” deur die woorde „Regering van die Republiek” te vervang. artikel 279 van Wet 57 van 1951.

**51.** Artikel *tweehonderd agt-en-negentig* van die Hoofwet word Wysiging van word hierby gewysig deur in paragraaf (d) van sub-artikel (1) die woord „Unie-verdedigingsmag” deur die woorde „Suid-Afrikaanse Weermag” te vervang.

artikel 298 van Wet 57 van 1951, soos gewysig deur artikel 36 van Wet 30 van 1959.

**52.** Artikel *driehonderd-en-elf* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang.

Wysiging van artikel 311 van Wet 57 van 1951, soos gewysig deur artikel 38 van Wet 30 van 1959.

**53.** Artikel *driehonderd-en-sewentien* van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (b) en in paragraaf (c) van sub-artikel (3) die woord „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang; en
- (b) deur in sub-artikel (4) die woord „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang.

Wysiging van artikel 317 van Wet 57 van 1951.

**54.** Artikel *driehonderd twee-en-dertig* van die Hoofwet word hierby deur die volgende artikel vervang:

„*Skade sluit 332. By die uitleg van enige maatreël wat aan lewensverlies enige gereghof Admiralteitsjurisdiksie ten aansien of persoonlike besering van skade toeken, word 'n verwysing na skade geag in 'n verwysing na skadevergoeding vir lewensverlies of persoonlike besering te omvat, en aksies ten opsigte van sodanige skadevergoeding kan in rem of in personam ingestel word.*”

Vervanging van artikel 332 van Wet 57 van 1951.

**55.** Artikel *driehonderd drie-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woord „Unie-hawe” deur die woorde „hawe in die Republiek” te vervang.

Wysiging van artikel 333 van Wet 57 van 1951.

**56.** Artikel *driehonderd nege-en-dertig* van die Hoofwet word hierby gewysig deur in sub-artikel (1) die woorde „deur 'n vreemde skip veroorsaak is aan eiendom behorende aan die Unie-regering” deur die woorde „veroorsaak is aan eiendom behorende aan die Regering van die Republiek” te vervang.

Wysiging van artikel 339 van Wet 57 van 1951, soos gewysig deur artikel 56 van Wet 69 van 1962.

**57.** Artikel *driehonderd vyf-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „Unie-regering”, oral waar dit voorkom, deur die woorde „Regering van die Republiek” te vervang.

Wysiging van artikel 345 van Wet 57 van 1951.

**58.** Artikel *driehonderd vyf-en-vyftig* van die Hoofwet word hierby gewysig deur in sub-artikel (3) die woord „Unie-hawens” deur die woorde „hawens in die Republiek” te vervang.

Wysiging van artikel 355 van Wet 57 van 1951, soos gewysig deur artikel 41 van Wet 30 van 1959.

Amendment of section 356 of Act 57 of 1951, as amended by section 42 of Act 30 of 1959.

Insertion of section 356bis in Act 57 of 1951.

Amendment of section 357 of Act 57 of 1951.

Substitution in Act 57 of 1951 for the words "Union" and "Governor-General" of the words "Republic" and "State President", respectively.

Short title.

**59.** Section *three hundred and fifty-six* of the principal Act is hereby amended—  
 (a) by the deletion in sub-section (3) of the words "or deemed in terms of sub-section (4) to have been so made,"; and  
 (b) by the deletion of sub-section (4).

**60.** The following section is hereby inserted in the principal Act after section *three hundred and fifty-six*:

"Ratification of certain regulations or conventions and of certain amendments of regulations or conventions. (1) The State President may do all things necessary—  
 (a) to ratify or cause to be ratified on behalf of the Republic any amendments of the International Collision Regulations, the Load Line Convention or the Safety Convention, which may from time to time be made; or  
 (b) to ratify or cause to be ratified on behalf of the Republic any regulations or convention which may from time to time be adopted in substitution for the International Collision Regulations, the Load Line Convention or the Safety Convention,  
 and may by proclamation in the *Gazette*—  
 (i) amend the appropriate Schedule to this Act to give effect to any amendment ratified in terms of paragraph (a); and  
 (ii) substitute for the regulations or the convention appearing in the appropriate Schedule to this Act the regulations which have or the convention which has been ratified in terms of paragraph (b)."

(2) The Minister shall lay a copy of any proclamation issued under sub-section (1) on the Table of the Senate and of the House of Assembly within fourteen days after publication of such proclamation in the *Gazette* if Parliament is then in ordinary session or if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session."

**61.** (1) Section *three hundred and fifty-seven* of the principal Act is hereby amended—

(a) by the substitution in the Afrikaans version for the word "voorgeskryf" of the word "vereis"; and  
 (b) by the insertion after the word "Act" of the words "except a bill of lading".

(2) Sub-section (1) shall be deemed to have come into operation on the date on which section *three hundred and fifty-seven* of the principal Act came into operation.

**62.** Subject to the preceding provisions of this Act, the principal Act is hereby amended by the substitution for the word "Union", wherever it occurs, of the word "Republic" and for the word "Governor-General", wherever it occurs, of the words "State President".

**63.** This Act shall be called the Merchant Shipping Amendment Act, 1963.

- 59.** Artikel *drieëhonderd ses-en-vyftig* van die Hoofwet word hierby gewysig—  
 (a) deur in sub-artikel (3) die woorde „sub-artikel (1) uitgevaardig is, of wat ingevolge sub-artikel (4) geag word aldus uitgevaardig te gewees het,” deur die woorde „sub-artikel (2) uitgevaardig is” te vervang; en  
 (b) deur sub-artikel (4) te skrap.

Wysiging van artikel 356 van Wet 57 van 1951, soos gewysig deur artikel 42 van Wet 30 van 1959.

- 60.** Die volgende artikel word hierby in die Hoofwet na artikel *drieëhonderd ses-en-vyftig* ingevoeg:

- „Bekragting van sekere regulasies of konvensies en van sekere wrysings van regulasies of konvensies.” (1) Die Staatspresident kan alles doen wat nodig is—  
 (a) om namens die Republiek enige wrysings van die Internasionale Regulasies in Verband met Botsings, die Laslynkonvensie of die Veiligheidskonvensie wat van tyd tot tyd aangebring mag word, te bekragtig of te laat bekragtig; of  
 (b) om namens die Republiek enige regulasies of konvensie wat van tyd tot tyd ter vervanging van die Internasionale Regulasies in Verband met Botsings, die Laslynkonvensie of die Veiligheidskonvensie aangeneem mag word, te bekragtig of te laat bekragtig,  
 en kan by proklamasie in die *Staatskoerant*—  
 (i) die toepaslike Bylae by hierdie Wet w提醒 om gevvolg te gee aan enige wrysing wat ingevolge paragraaf (a) bekragtig is; en  
 (ii) die regulasies of die konvensie wat in die toepaslike Bylae by hierdie Wet verskyn, vervang deur die regulasies of die konvensie wat ingevolge paragraaf (b) bekragtig is.  
 (2) Die Minister moet 'n afskrif van enige proklamasie wat kragtens sub-artikel (1) uitgereik word in die Senaat en in die Volksraad ter Tafel lê binne veertien dae na publikasie van sodanige proklamasie in die *Staatskoerant* as die Parlement dan in gewone sessie is, of, as die Parlement nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.”.

Wysiging van artikel 357 van Wet 57 van 1951.

- 61.** (1) Artikel *drieëhonderd sewe-en-vyftig* van die Hoofwet word hierby gewysig—  
 (a) deur die woorde „voorgeskryf” deur die woorde „vereis” te vervang; en  
 (b) deur na die woorde „Wet” die woorde „behalwe 'n skeepsvragbrief” in te voeg.  
 (2) Sub-artikel (1) word geag in werking te getree het op die datum waarop artikel *drieëhonderd sewe-en-vyftig* van die Hoofwet in werking getree het.

- 62.** Behoudens die voorgaande bepalings van hierdie Wet, word die Hoofwet hierby gewysig deur die woorde „Unie”, oral waar dit voorkom, deur die woorde „Republiek” te vervang en die woorde „Goewerneur-generaal”, oral waar dit voorkom, deur die woorde „Staatspresident” te vervang.

Vervanging in Wet 57 van 1951 van die woorde „Unie” en „Goewerneur-generaal” deur onderskeidelik die woorde „Republiek” en „Staatspresident”.

- 63.** Hierdie Wet heet die Wysigingswet op Handelskeepvaart, Kort titel. 1963.

No. 41, 1963.]

# ACT

## To provide for pensions for the employees of certain institutions and for other incidental matters.

*(Afrikaans text signed by the State President.)*  
*(Assented to 3rd May, 1963.)*

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

**Definitions.**

1. In this Act, unless the context otherwise indicates—
  - (i) “associated institution” means—
    - (a) the Council for Scientific and Industrial Research referred to in section *two* of the Scientific Research Council Act, 1962 (Act No. 32 of 1962);
    - (b) the Council of the South African Bureau of Standards established by section *four* of the Standards Act, 1962 (Act No. 33 of 1962);
    - (c) the Atomic Energy Board established by section *eleven* of the Atomic Energy Act, 1948 (Act No. 35 of 1948);
    - (d) the Board of Control of the “Afrikaanse Woordeboek” referred to in section *fifteen* of the Finance Act, 1946 (Act No. 57 of 1946);
    - (e) the Africa Institute referred to in section *forty-eight* of the Pension Laws Amendment Act, 1962 (Act No. 92 of 1962);
    - (f) a research institute, that is to say, any association of persons—
      - (i) formed for the purpose of undertaking scientific industrial research and registered under the provisions of section *twenty-one* of the Companies Act, 1926 (Act No. 46 of 1926);
      - (ii) of which at least one member has been nominated by the Council for Scientific and Industrial Research referred to in section *two* of the Scientific Research Council Act, 1962;
      - (iii) which is in receipt of a grant from the said Council in terms of paragraph (i) of subsection (1) of section *four* of the last-mentioned Act; and
      - (iv) which has been recognized by the Minister as an associated institution for the purposes of this Act;
      - (g) any institution which in terms of section *one* of the State-aided Institutions Act, 1931 (Act No. 23 of 1931), has been declared to be subject to the provisions of that Act;
      - (h) any other institution, organization or body established by or under any law which, in terms of section *four*, is declared by the Minister to be an associated institution for the purposes of this Act;
      - (v)
    - (ii) “council” means—
      - (a) the board or other body responsible for the control of an associated institution; or
      - (b) where there is no such board or body, the person recognized by the Minister as being responsible for the control of the associated institution in question; (viii)
    - (iii) “Minister” means the Minister of Social Welfare and Pensions; (vii)
    - (iv) “regulation” means any regulation made and in force under this Act; (ix)
    - (v) “Secretary” means the Secretary for Social Welfare and Pensions; (x)
    - (vi) “specified date” means, subject to the provisions of section *five*, the date specified in the regulations as the date of the establishment of the fund; (i)
    - (vii) “the fund” means the pension fund referred to in paragraph (b) of sub-section (1) of section *two*; (ii)

No. 41, 1963.]

# WET

**Om voorsiening te maak vir pensioene vir die werknemers van sekere inrigtings en vir ander aangeleenthede wat daarmee in verband staan.**

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 3 Mei 1963.)*

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

**1. In hierdie Wet, tensy uit die samehang anders blyk, Woordomskrywing.**

- (i) „bepaalde datum”, behoudens die bepalings van artikel *vyf*, die datum wat in die regulasies as die stigtingsdatum van die fonds bepaal word; (vi)
- (ii) „die fonds” die in paragraaf *(b)* van sub-artikel *(1)* van artikel  *twee* bedoelde pensioenfonds; (vii)
- (iii) „die voorsorgfonds vir tegniese kolleges” die Voorschoufonds vir Tegniese Kolleges ingestel ingevolge die regulasies uitgevaardig kragtens paragraaf *(g)* van sub-artikel *(1)* van artikel *negentien* van die „Hoger Onderwijs Wet, 1923” (Wet No. 30 van 1923); (viii)
- (iv) „die voorschoufonds vir universiteitsinrigtings” die Voorschoufonds vir Universiteitsinrigtings ingestel ingevolge die regulasies uitgevaardig kragtens paragraaf *(g)* van sub-artikel *(1)* van artikel *twaalf* van die „Wet tot Addisionele Regeling van het Hoger Onderwijs, 1917” (Wet No. 20 van 1917); (ix)
- (v) „geassosieerde inrigting”—
  - (a) die in artikel  *twee* van die Wet op die Wetenskaplike Navorsingsraad, 1962 (Wet No. 32 van 1962), bedoelde Wetenskaplike en Nywerheidnavorsingsraad;
  - (b) die by artikel *vier* van die Wet op Standaarde, 1962 (Wet No. 33 van 1962), ingestelde Raad van die Suid-Afrikaanse Buro vir Standaarde;
  - (c) die by artikel *elf* van die Wet op Atoomkrag, 1948 (Wet No. 35 van 1948), ingestelde Raad op Atoomkrag;
  - (d) die in artikel *vyftien* van die Finansiewet, 1946 (Wet No. 57 van 1946), bedoelde Raad van Beheer oor die Afrikaanse Woordeboek;
  - (e) die in artikel *agt-en-veertig* van die Wysigingswet op die Pensioenwette, 1962 (Wet No. 92 van 1962), bedoelde Afrika-Instituut;
  - (f) 'n navorsingsinstituut, dit wil sê, enige vereniging van persone—
    - (i) wat ingestel is met die doel om wetenskaplike nywerheidnavorsing te onderneem en wat kragtens die bepalings van artikel *een-en-twintig* van die Maatskappywet, 1926 (Wet No. 46 van 1926), geregistreer is;
    - (ii) waarvan minstens een lid deur die in artikel  *twee* van die Wet op die Wetenskaplike Navorsingsraad, 1962, bedoelde Wetenskaplike en Nywerheidnavorsingsraad benoem is;
    - (iii) wat ingevolge paragraaf *(i)* van sub-artikel *(1)* van artikel *vier* van laasgenoemde Wet 'n bydrae van bedoelde raad ontvang; en
    - (iv) wat deur die Minister as 'n geassosieerde inrigting vir die doeleinades van hierdie Wet erken is;
  - (g) 'n inrigting wat kragtens artikel *een* van die Wet op Staatsondersteunde Inrigtings, 1931 (Wet No. 23 van 1931), verklaar is 'n inrigting te wees wat onder die bepalings van daardie Wet val;
  - (h) enige ander inrigting, organisasie of liggaam wat deur of kragtens die een of ander wetsbepaling ingestel is en wat ingevolge artikel *vier* deur die Minister tot 'n geassosieerde inrigting, vir die doeleinades van hierdie Wet, verklaar word; (i)
  - (vi) „hierdie Wet” ook 'n regulasie; (x)

- (viii) "the technical colleges provident fund" means the Technical Colleges Provident Fund established under the regulations made in terms of paragraph (g) of sub-section (1) of section *nineteen* of the Higher Education Act, 1923 (Act No. 30 of 1923); (iii)
- (ix) "the university institutions provident fund" means the University Institutions Provident Fund established under the regulations made in terms of paragraph (g) of sub-section (1) of section *twelve* of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917); (iv)
- (x) "this Act" includes any regulation. (vi)

**Pension scheme  
and pension  
fund.**

- 2. (1) (a) Notwithstanding anything in any other law contained, the Minister may, in consultation with the Minister of Finance, make regulations providing for a pension scheme for persons in the service of associated institutions.
- (b) Any such scheme shall make provision for the establishment of a pension fund.
- (2) Without prejudice to the generality of the provisions of sub-section (1) such regulations may—
  - (a) make provision for persons who immediately prior to the specified date were in the service of an associated institution and who—
    - (i) are contributors to the technical colleges provident fund or the university institutions provident fund; or
    - (ii) are members of any pension or provident fund or other scheme (other than a provident fund referred to in sub-paragraph (i)) established for their benefit by any associated institution referred to in paragraph (f), (g) or (h) of the definition of "associated institution" in section *one*, to be released from all obligations towards and to relinquish all rights and privileges in respect of any such fund or scheme and to become members of and contribute to the fund, if they so elect;
  - (b) prescribe the conditions subject to which persons—
    - (i) referred to in sub-paragraph (i) or (ii) of paragraph (a) who elect in terms of the regulations to become members of and contribute to the fund;
    - (ii) who are in the service of an associated institution on the specified date but who are not members of any fund or scheme referred to in paragraph (a) on that date;
    - (iii) who are appointed to the service of an associated institution on or after the specified date, may become members of and shall contribute to the fund;
  - (c) prescribe the rate at which contributions shall be paid to the fund by persons who become contributors thereto;
  - (d) prescribe the basis on which and the manner in which contributions and any other amounts shall be paid to the fund by a council or from moneys appropriated by Parliament for the purpose;
  - (e) prescribe the benefits payable from the fund;
  - (f) prescribe the amount which shall be transferred to the fund from the technical colleges provident fund or the university institutions provident fund in respect of a member of such a fund who elects in terms of the regulations to become a member of and contribute to the fund; and
  - (g) provide for the cession to the Secretary on behalf of the fund of any policy of assurance which formed part of the provision made for a member of the technical colleges provident fund or the university institutions provident fund in terms of the regulations governing such fund, if such member elects in terms of the regulations to become a member of and contribute to the fund, and prescribe the conditions subject to which such cession shall take place.

**Certain persons  
compelled to  
contribute  
to fund.**

- 3. Notwithstanding anything to the contrary contained in any law—
  - (a) every person appointed to the service of an associated institution on or after the specified date shall, subject to the provisions of the regulations, become a member of and contribute to the fund; and
  - (b) no person appointed to the service of an associated institution on or after the specified date shall become a member of or contribute to the technical colleges

- (vii) „Minister” die Minister van Volkswelyn en Pensioene; (iii)
- (viii) „raad”—
  - (a) die raad of ander liggaam wat vir die beheer van 'n geassosieerde inrigting verantwoordelik is; of
  - (b) waar daar nie so 'n raad of liggaam is nie, die persoon wat deur die Minister erken word as verantwoordelik vir die beheer van die betrokke geassosieerde inrigting; (ii)
- (ix) „regulasie” 'n regulasie wat ingevolge hierdie Wet uitgevaardig en van krag is; (iv)
- (x) „Sekretaris” die Sekretaris van Volkswelyn en Pensioene. (v)

- 2.** (1) (a) Ondanks ander wetsbepalings kan die Minister, in oorleg met die Minister van Finansies, regulasies uitvaardig wat voorsiening maak vir 'n pensioenskema vir persone in diens by geassosieerde inrigtings.
- (b) So 'n skema moet voorsiening maak vir die instelling van 'n pensioenfonds.
- (2) Sonder om afbreuk te doen aan die algemene aard van die bepalings van sub-artikel (1) kan bedoelde regulasies—
- (a) voorsiening daarvoor maak dat persone wat onmiddellik voor die bepaalde datum in diens by 'n geassosieerde inrigting was en wat—
    - (i) bydraers tot die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings is; of
    - (ii) lede is van enige pensioen- of voorsorgfonds of ander skema (behalwe 'n in sub-paragraaf (i) bedoelde voorsorgfonds) wat ten bate van hulle ingestel is deur enige in paragraaf (f), (g) of (h) van die omskrywing van „geassosieerde inrigting” in artikel een bedoelde geassosieerde inrigting, onthef word van alle verpligtings teenoor en afstand doen van alle regte en voorregte ten opsigte van enige sodanige fonds of skema en lede word van en bydra tot die fonds, indien hulle aldus kies;
  - (b) die voorwaardes voorskryf onderworpe waaraan persone—
    - (i) in sub-paragraaf (i) of (ii) van paragraaf (a) bedoel wat ingevolge die regulasies kies om lede te word van en by te dra tot die fonds;
    - (ii) wat op die bepaalde datum in diens by 'n geassosieerde inrigting is maar wat op daardie datum nie lede van enige in paragraaf (a) bedoelde fonds of skema is nie;
    - (iii) wat op of na die bepaalde datum in die diens van 'n geassosieerde inrigting aangestel word,
  - (c) die skaal voorskryf waarvolgens persone wat bydraers tot die fonds word daartoe moet bydra;
  - (d) die grondslag en die wyse voorskryf waarop bydraes en enige ander bedrae deur 'n raad of uit gelde deur die Parlement vir die doel bewillig, in die fonds gestort moet word;
  - (e) die voordele voorskryf wat uit die fonds betaalbaar is;
  - (f) die bedrag voorskryf wat na die fonds uit die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings oorgedra moet word ten opsigte van 'n lid van so 'n fonds wat ingevolge die regulasies kies om 'n lid van die fonds te word en daartoe by te dra; en
  - (g) voorsiening maak vir die sessie aan die Sekretaris ten bate van die fonds van enige assuransiepolis wat ingevolge die regulasies wat die voorsorgfonds vir tegniese kolleges of die voorsorgfonds vir universiteitsinrigtings beheer, deel uitgemaak het van die voorsorg getref vir 'n lid van bedoelde fonds, indien sodanige lid ingevolge die regulasies kies om 'n lid van die fonds te word en daartoe by te dra, en die voorwaardes voorskryf waarop sodanige sessie moet geskied.

**3. Ondanks andersluidende wetsbepalings—**

- (a) moet elke persoon wat op of na die bepaalde datum in diens by 'n geassosieerde inrigting aangestel word, behoudens die bepalings van die regulasies, 'n lid van die fonds word en daartoe bydra; en
- (b) mag niemand wat op of na die bepaalde datum in diens by 'n geassosieerde inrigting aangestel word lid van die voorsorgfonds vir tegniese kolleges of die voorsorg-

Sekere persone verplig om tot fonds by te dra.

Certain institutions, organizations or bodies may be declared to be associated institutions.

Date deemed to be specified date in relation to certain institutions, etc.

Certain regulations may be made with retrospective effect.

Short title.

provident fund or the university institutions provident fund or become a member of any pension or provident fund or other scheme established by the associated institution in question.

**4.** The Minister may, after consultation with the Minister of Finance, by notice in the *Gazette* declare any institution, organization or body established by or under any law, which is not an associated institution, to be such an institution as from a date specified in such notice.

**5.** Whenever any institution, organization or body becomes an associated institution on a date after the date specified in the regulations as the date of the establishment of the fund such first-mentioned date shall in relation to such institution, organization or body and any person in the service thereof, be deemed to be the specified date for the purposes of this Act.

**6.** Any regulation or any amendment to a regulation, other than an amendment relating to the rate at which contributions shall be made to the fund or the amount and nature of the benefits payable, may be made with retrospective effect from a date not earlier than the date of commencement of this Act.

**7.** This Act shall be called the Associated Institutions Pension Fund Act, 1963.

fonds vir universiteitsinrigtings word of daartoe bydra nie of 'n lid word van enige pensioen- of voorsorgfonds of ander skema wat deur die betrokke geassosieerde inrigting ingestel is nie.

**4.** Die Minister kan, na oorlegpleging met die Minister van Finansies, enige inrigting, organisasie of liggaaam wat deur of kragtens die een of ander wetsbepaling ingestel is en wat nie 'n geassosieerde inrigting is nie, by kennisgewing in die *Staatskoerant* vanaf 'n in daardie kennisgewing bepaalde datum, tot so 'n inrigting verklaar.

Sekere inrigtings, organisasies of liggame kan tot geassosieerde inrigtings verklaar word.

**5.** Wanneer 'n inrigting, organisasie of liggaaam op 'n datum na die datum in die regulasies bepaal as die stittingsdatum van die fonds, 'n geassosieerde inrigting word, word eersgenoemde datum met betrekking tot sodanige inrigting, organisasie of liggaaam en enigiemand in diens daarvan, by die toepassing van te wees. hierdie Wet, geag die bepaalde datum te wees.

Datum wat met betrekking tot sekere inrigtings, ens., geag word bepaalde datum

**6.** Enige regulasie of wysiging van 'n regulasie, behalwe 'n Sekere wysiging wat betrekking het op die skaal waarvolgens bydraes regulasies tot die fonds gemaak moet word of die bedrag en aard van die terugwerkende voordele betaalbaar, kan met terugwerkende krag uitgevaardig krag uitge- word vanaf 'n datum wat nie vroeër is as die datum waarop hier- vaardig word. die Wet in werking tree nie.

**7.** Hierdie Wet heet die Wet op die Pensioenfonds vir Kort titel. Geassosieerde Inrigtings, 1963.

No. 42, 1963.]

# ACT

## To amend the Precious Stones Amendment Act, 1960.

*(English text signed by the State President.)  
(Assented to 3rd May, 1963.)*

**B**E IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Insertion of  
section 21bis  
in Act 12  
of 1960.

**1.** The following section is hereby inserted in the Precious Stones Amendment Act, 1960, after section *twenty-one*:—

**“Appoint-  
ment of  
diamond  
develop-  
ment  
advisory  
committees.** **21bis.** (1) The Minister may in respect of any land referred to in paragraph (a) of sub-section (1) of section *twenty-one*, or in respect of any portion of such land, appoint a committee, to be known as a diamond development advisory committee, consisting of a chairman and not less than two and not more than six other members.

(2) A member of any such committee who is not in the full-time employment of the State shall be appointed for such period and at such remuneration and on such conditions as the Minister, in consultation with the Minister of Finance, may in each case determine.

(3) No person who is a member of the Senate or the House of Assembly or a provincial council shall be a member of any such committee, and no person who has an interest, direct or indirect, in any company or partnership which has submitted a tender or has applied for a prospecting lease under section *twenty-one* shall be a member of any such committee appointed in respect of the land to which such tender or application relates.

(4) The object of any such committee shall be to promote prospecting for precious stones on the land in respect of which it is appointed and, for the purpose of achieving its object, it shall be the functions of any such committee to assist in establishing companies for the purpose of carrying on prospecting operations for precious stones on such land and to make recommendations to the Minister in regard to the granting of prospecting leases under section *twenty-one* over such land or specific portions thereof to a particular company or companies.

(5) Subject to the laws governing the public service, the Minister may second to any such committee such officers in his department as may be necessary to enable the committee to carry out its functions.

(6) No such committee shall exercise any of the functions entrusted to the board under sub-paragraph (vii) of paragraph (a) of sub-section (2) of section *twenty-one* or under paragraph (b) of the said sub-section.

(7) The Minister may abolish any such committee if he is satisfied that the objects for which the committee was appointed have been achieved or, if in his opinion, there are other good reasons for doing so.”.

Short title.

**2.** This Act shall be called the Precious Stones Amendment Act, 1963.

No. 42, 1963.]

# WET

## Tot wysiging van die Wysigingswet op Edelgesteentes, 1960.

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 3 Mei 1963.)*

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

**1.** Die volgende artikel word hierby in die Wysigingswet op Edelgesteentes, 1960, na artikel *een-en-twintig* ingevoeg:

**Aanstelling van adviseerde diamantontwikkelingskomitees.** **21bis.** (1) Die Minister kan ten opsigte van grond in paragraaf (a) van sub-artikel (1) van artikel *een-en-twintig* bedoel, of ten opsigte van 'n deel van sodanige grond, 'n komitee aanstel wat as 'n adviseerde diamantontwikkelingskomitee bekend staan en wat uit 'n voorzitter en minstens twee en hoogstens ses ander lede bestaan.

Invoeging van artikel 21bis in Wet 12 van 1960.

(2) 'n Lid van so 'n komitee wat nie in die voltydse diens van die Staat is nie, word aangestel vir die tydperk en teen die besoldiging en op die voorwaardes wat die Minister, in oorleg met die Minister van Finansies, in iedere geval bepaal.

(3) Iemand wat 'n lid van die Senaat of die Volksraad of 'n provinsiale raad is, mag nie 'n lid van so 'n komitee wees nie, en iemand wat 'n belang, regstreeks of onregstreeks, in 'n maatskappy of vennootskap het wat kragtens artikel *een-en-twintig* 'n tender ingedien het of om 'n prospekteerhuur aansoek gedoen het, mag nie 'n lid wees van so 'n komitee wat ten opsigte van die grond waarop die tender of aansoek betrekking het, aangestel is nie.

(4) Die doel van so 'n komitee is om prospekteer na edelgesteentes op die grond ten opsigte waarvan hy aangestel word, te bevorder, en ter bereiking van sy doel is dit die werksaamhede van so 'n komitee om hulp te verleen by die oprigting van maatskappye ten einde prospekteerwerksaamhede na edelgesteentes op sodanige grond voort te sit en om by die Minister aanbevelings te doen met betrekking tot die toekenning kragtens artikel *een-en-twintig* van prospekteerhure oor sodanige grond of bepaalde dele daarvan aan 'n bepaalde maatskappy of maatskappye.

(5) Die Minister kan, met inagneming van die wetsbepalings op die Staatsdiens, die beampies van sy departement wat nodig is om so 'n komitee in staat te stel om sy werksaamhede uit te voer, tydelik aan die komitee afstaan.

(6) Geen sodanige komitee mag enige van die werksaamhede wat kragtens sub-paragraaf (vii) van paragraaf (a) van sub-artikel (2) van artikel *een-en-twintig*, of kragtens paragraaf (b) van genoemde sub-artikel, aan die raad toevertrou is, uitoefen nie.

(7) Die Minister kan so 'n komitee afskaf indien hy oortuig is dat die doelstellinge waarvoor daardie komitee aangestel is, verwesenlik is of indien daar, na sy oordeel, ander goeie redes is om dit te doen.”.

**2.** Hierdie Wet heet die Wysigingswet op Edelgesteentes, 1963. Kort titel.