

No. 27, 1930.

ACT

To make better provision for the allocation of the cost of certain annuities between the various pension and superannuation funds and the revenue of the Department of Railways and Harbours of the Union; to amend in certain respects the Railways and Harbours Service Acts, 1912 and 1925, and the Railways and Harbours Superannuation Fund Act, 1925, and to make provision for retirements on ground of ill-health from the service of the Railway Administration.

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

Limitation of payments from various pension and superannuation funds.

1. (1) No payment shall be made to the revenue of the Department of Railways and Harbours—

(a) from the Fund in terms of sections *forty-four* and *forty-five* of the Railways and Harbours Service Act, 1912 (Act No. 28 of 1912);

(b) from the Natal Public Employees Superannuation Fund established under Act No. 29 of 1897 of Natal (including the Railway Superannuation Fund incorporated therewith) in terms of section *sixty-two* of the Railways and Harbours Service Act, 1912, as amended by section *four* of the Railways and Harbours Service Act Amendment and Further Provision Act, 1917 (Act No. 33 of 1917); or

(c) from the New Fund in terms of sections *twenty-five* and *twenty-six* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), unless the member concerned of the Railways and Harbours Service shall have received from revenue a gratuity in terms of section *eleven* of the Railways and Harbours Service Act, 1925, (Act No. 23 of 1925) or any amendment thereof.

(2) This section shall be deemed to have been in operation on and from the first day of April, 1929.

Amendment of section *eleven* of Act No. 23 of 1925.

2. Section *eleven* of the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925), is hereby amended by the addition at the end thereof of the following proviso:—

Provided that no annuity granted under this section, save any proportion thereof resulting from an addition to the actual period of employment, shall be paid from revenue in respect of any period after the annuitant shall have attained the age fixed for superannuation, and that any annuity or proportion of annuity so ceasing to be paid from revenue shall be paid from the pension or superannuation fund concerned.

This proviso shall be deemed to have been in operation on and from the first day of April, 1929.

Addition of new section *eleven A* to Act No. 23 of 1925.

3. The following new section *eleven A* is hereby added to the Railways and Harbours Service Act, 1925 (Act No. 23 of 1925).

Retirement of servants on ground of severe bodily injury, ill-health or physical disability.

11A. The services of a servant may be dispensed with prior to the due date of his superannuation if he is found in manner prescribed to be incapable by reason of severe bodily injury or permanent ill-health or physical disability of discharging the duties of his office or post, provided the Administration is satisfied on enquiry that such incapacitation is permanent or will become permanent if the servant continues to perform the duties of his office or post or any other duties the Administration may assign to him.

- Amendment of section *ten* of Act No. 24 of 1925. 4. Sub-section (3) of section *ten* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), is hereby amended by the deletion of the words "to a period before the commencement of this Act".
- Amendment of section *twenty-five* of Act No. 24 of 1925. 5. Section *twenty-five* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), is hereby amended by the deletion of the words "*ten*" and the substitution therefor of the word "*eleven*".
- Amendment of section *thirty-two* of Act No. 24 of 1925. 6. Section *thirty-two* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), is hereby amended by the deletion of the words "from the New Fund" and the substitution therefor of the words "in respect of his contributions to the New Fund".
This amendment shall be deemed to have been in operation on and from the first day of September, 1925.
- Amendment of section *thirty-three* of Act No. 24 of 1925. 7. Sub-section (1) of section *thirty-three* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), is hereby amended by the deletion of the words "of the New Fund".
This amendment shall be deemed to have been in operation on and from the first day of September, 1925.
- Amendment of section *seventy-two* of Act No. 24 of 1925. 8. Sub-section (3) of section *seventy-two* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), is hereby amended—
(a) by the insertion after the word "member" of the words "of the Fund or"; and
(b) by the insertion of the words "out of the Fund or" after the word "paid" where that word appears for the third time.
This amendment shall be deemed to have been in operation on and from the first day of September, 1925.
- Amendment of section *forty-four* of Act No. 28 of 1912. 9. Section *forty-four* of the Railways and Harbours Service Act, 1912 (Act No. 28 of 1912), as amended by section *sixty-three* of the Railways and Harbours Superannuation Fund Act, 1925 (Act No. 24 of 1925), is hereby amended by the deletion of the word "*ten*" and the substitution therefor of the word "*eleven*".
- Amendment of section *forty-nine* of Act No. 28 of 1912. 10. Section *forty-nine* of the Railways and Harbours Service Act, 1912 (Act No. 28 of 1912), is hereby amended by the insertion after the word "annuity" where that word first occurs of the words "in respect of his contributions to the Fund".
- Amendment of section *fifty* of Act No. 28 of 1912. 11. Section *fifty* of the Railways and Harbours Service Act, 1912 (Act No. 28 of 1912), is hereby amended by the addition of the words "or annuitant"
(a) after the word "member" in the opening words of the said section; and
(b) after the words "of the deceased member".
- Short title. 12. This Act may be cited as the Railways and Harbours Service and Superannuation Fund Acts Amendment Act, 1930.