

SCHEDULES

THIRD SCHEDULE

TRANSITIONAL PROVISIONS AND SAVINGS

Fugitive offenders

- 1 Where, in the case of a person accused of having committed an offence within the territory of the Republic, a warrant or provisional warrant for his apprehension has been endorsed or issued outside the Republic under Part I or Part II of the Fugitive Offenders Act, 1881, and has been executed before the commencement of this Act, the provisions of that Act shall apply in relation to the warrant and any proceedings thereon as if the Republic were a part of Her Majesty's dominions:

Provided that no person shall be returned to the Republic by virtue of this paragraph—

- (a) if the offence of which he is accused is an offence of a political character or an offence which is not an offence under the law of the country or territory in which the warrant was endorsed or issued as aforesaid ; or
- (b) if he proves to the satisfaction of a magistrate, court or authority having jurisdiction under the said Act to order his return or discharge that his return is in fact sought with a view to trying or punishing him for such an offence as aforesaid.

Veterinary surgeons

- 2 (1) In the case of a person registered before the commencement of this Act as a colonial practitioner in the register of veterinary surgeons kept in pursuance of the Veterinary Surgeons Act, 1881, his continued registration as such a practitioner shall not be affected by the fact that the Republic is not part of Her Majesty's dominions.
- (2) For the purposes of the registration of any person in the said register of veterinary surgeons after the commencement of this Act, the Republic shall be deemed never to have been a British possession.
- (3) During the period beginning with the commencement of this Act and ending with the thirty-first day of December, nineteen hundred and sixty-five, subsection (2) of section thirteen of the said Act of 1881 (which entitles persons satisfying certain conditions to be registered as foreign practitioners in the said register) shall have effect in relation to any British subject who shows that he holds some recognised veterinary diploma granted at any time in the Republic as if the condition relating to the practising of veterinary surgery (which applies only to British subjects) were omitted.

Status: This is the original version (as it was originally enacted).

Medical practitioners

- 3 (1) In the case of a person registered before the commencement of this Act as a Commonwealth practitioner under any of the provisions of Part III of the Medical Act, 1956, or of any enactment repealed by that Act, his continued registration as such a practitioner shall not be affected by the fact that the Republic is not a Commonwealth country.
- (2) For the purposes of the registration of any person under any of the provisions of the said Part III after the commencement of this Act, the Republic shall be deemed never to have been a Commonwealth country.

Dentists

- 4 (1) In the case of a person registered before the commencement of this Act in the Commonwealth list contained in the dentists register kept under the Dentists Act, 1957, his continued registration in that list shall not be affected by the fact that the Republic is not a country within the Commonwealth.
- (2) For the purposes of the registration of any person in the said dentists register after the commencement of this Act, the Republic shall be deemed never to have been a country within the Commonwealth.

Solicitors

- 5 (1) Where any person being an attorney of the Supreme Court of South Africa or of any local division thereof (within the meaning of the Order of 1919)—
- (a) has before the commencement of this Act complied with the requirements of clause (2) of that Order as to the leaving of documents ; or
 - (b) is at the commencement of this Act serving bona fide as a clerk to a solicitor in England in pursuance of subsection (1) of section four of the Solicitors Act, 1957,
- the provisions of the said subsection (1) or of section one of the Colonial Solicitors Act, 1900 (as the case may require) and of the said Order shall continue to apply to him as if the Republic were a part of Her Majesty's dominions.
- (2) In this paragraph " the Order of 1919 " means the Order in Council made under the Colonial Solicitors Act, 1900, and dated the 14th day of January, 1919 ([S.R. & O. 1919 No. 67](#)) as amended (in its application to England) by Orders in Council dated the 16th day of April, 1923 ([S.R. & O. 1923 No. 480](#)) and the 6th day of May, 1938 ([S.R. & O. 1938 No. 495](#)); and the power of Her Majesty to revoke or vary Orders in Council under the said Act and under section four of the Solicitors' Act, 1957, shall include power to revoke or vary the Order of 1919 so far as continued in force by this paragraph.

Merchant shipping—certificates of competency

- 6 (1) A certificate of competency as—
- (a) master, first mate or second mate of a foreign-going ship within the meaning of the Merchant Shipping Act, 1894 ; or
 - (b) first-class or second-class engineer ; or
 - (c) first-class or second-class motor engineer,

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granted under the Merchant Shipping (Certificates of Competency) Act, 1925 (an enactment of the legislature of the Republic) and any equivalent certificate of competency granted under the Merchant Shipping Act, 1951 (an enactment of the said legislature), being a certificate granted by the appropriate authority on or after the first day of July, nineteen hundred and twenty-eight, but before the commencement of this Act, shall be of the same force as if it had been granted in the United Kingdom under the said Act of 1894.

- (2) The provisions of the said Act of 1894 which relate to certificates of competency granted under that Act (except those relating to certificates for a home-trade passenger ship, and section one hundred and one) shall apply to any such certificate as is described in the foregoing paragraph, and to any certificate certified by the Registrar-General of Shipping and Seamen to have been issued by the proper authority after the commencement of this Act in place of such a certificate.
- (3) In this paragraph " the proper authority " means the authority for the time being empowered by the legislature of the Republic to grant certificates of competency under the enactments of that legislature relating to merchant shipping.

Indication of origin of goods

- 7 (1) For the purposes of the following provisions of the Merchandise Marks Acts, 1887 to 1953, that is to say—
 - (a) subsection (1) (d) of section two of the Merchandise Marks Act, 1887 (application of false trade description to goods);
 - (b) subsection (2) of (the said section two (sale of goods bearing false trade description); and
 - (c) subsection (1) of section one of the Merchandise Marks Act, 1926, and any Order in Council made under subsection (1) of section two of that Act (sale of goods lacking indication of origin),

so far as those provisions apply to anything done before the relevant date prescribed by this paragraph, the word " Empire ", when used in relation to goods or things manufactured or produced in the Republic or in 'the mandated territory of South West Africa, shall be deemed not to constitute a false trade description, or shall be deemed to constitute a sufficient indication of origin, as the case may be.

- (2) For the purposes of this paragraph the relevant date—
 - (a) in relation to subsection (1)(d) of section two of the Merchandise Marks Act, 1887, is the thirty-first day of October, nineteen hundred and sixty-two';
 - (b) in relation to the other provisions referred to in sub-paragraph (1), is the thirty-first day of October, nineteen hundred and sixty-three:

Provided that for the purposes of section sixteen of the said Act of 1887 (prohibition on importation), the question whether any goods are goods which, if sold, would be liable to forfeiture under that Act shall be determined as if the thirty-first day of October, nineteen hundred and sixty-two, were 'the relevant date in relation to all the provisions referred to in sub-paragraph (1).

Old age pensions

- 8 (1) In relation to any person to whom this paragraph applies, subsection (1) of section two of the Old Age Pensions Act, 1936 (statutory conditions for receipt of old age pension) shall (without prejudice to the restrictions imposed on the payment of

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such pensions by subsection (3) of section seventy-four of the National Insurance Act, 1946) have effect as if for paragraph (b) there were substituted the following paragraph:—

“(b) the person shall satisfy the pension authorities that for at least ten years up to the date of the receipt of any sum on account of a pension he has been a British subject, or a citizen of the Republic of South Africa, or partly the one and partly the other, and that he has been resident in the United Kingdom, if he was born a British subject, for an aggregate period of not less than twelve years since attaining the age of fifty years or, in the case of a blind person, twenty years and, if he was not born a British subject, for an aggregate period of twenty years ;”.

- (2) This paragraph applies to any person who satisfies the pension authorities (within the meaning of the said section two) that he was, immediately before the commencement of this Act, a British subject by virtue of being a citizen of the Republic, but ceased to be a British subject at the commencement of this Act (whether or not he has subsequently become a British subject again).
- (3) References in the foregoing provisions of this paragraph to section two of the Old Age Pensions Act, 1936, and section seventy-four of the National Insurance Act, 1946, include respectively references to section two of the Old Age Pensions Act (Northern Ireland), 1936, and section seventy-one of the National Insurance Act (Northern Ireland), 1946.

Recognition of matrimonial decrees and orders

- 9 Any decree or order made before the commencement of this Act by virtue of a law of the Republic, being a decree or order of which the validity was required to be recognised in any British court by virtue of section four of the Matrimonial Causes (War Marriages) Act, 1944, shall continue to be so recognised as valid in all British courts as respects which that section has effect, notwithstanding that the Republic is not a part of Her Majesty's dominions.

Teachers

- 10 (1) Section eleven of the Superannuation (Miscellaneous Provisions) Act, 1948 and section twenty-two of the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956 (power to make rules for treating certain overseas employments as approved external service in relation to teachers) and any rules made thereunder (whether before or after the commencement of this Act) shall have effect in relation to any person to whom this paragraph applies as if the Republic were a part of Her Majesty's dominions.
- (2) This paragraph applies to any teacher who at any time during the three months immediately preceding the commencement of this Act was employed in the Republic or in the mandated territory of South West Africa in approved external service (within the meaning of section thirteen of 'the Teachers (Superannuation) Act, 1925, or section thirteen of the Teachers (Superannuation) Act (Northern Ireland), 1950, as the case may be).