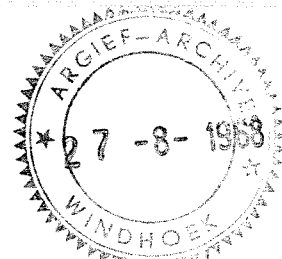


*Argief*



# OFFICIAL GAZETTE

EXTRAORDINARY  
OF SOUTH WEST AFRICA.

BUITENGEWONE

# OFFISIËLE KOERANT



ITGAWE OP GESAG.

VAN SUIDWES-AFRIKA.

PUBLISHED BY AUTHORITY.

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### DEPARTMENT OF THE PRIME MINISTER.

### DEPARTEMENT VAN DIE EERSTE MINISTER.

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

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. 69, 1968.]

## ACT

**To amend the Financial Relations Consolidation and Amendment Act, 1945, so as to entrust to provincial councils the power to make ordinances in relation to matters coming within the classes of subjects trades and occupations and to raise revenue from and legislate in respect of the licensing of certain trades and occupations, to clarify the meaning of the word "Minister" where it occurs for the first time in paragraph (c) of section 17 of the said Act, to empower the executive committee of the Transvaal Province to establish, maintain and control certain schools at Katima Mulilo and to provide for the transfer of certain functions from the Minister of Finance and the Treasury to the Minister of Social Welfare and Pensions and the Department of Social Welfare and Pensions, respectively; and to provide for other incidental matters.**

*(Afrikaans text signed by the State President.)  
(Assented to 17th June, 1968.)*

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

Substitution of section 14 of Act 38 of 1945, as amended by section 1 of Act 31 of 1950 and section 1 of Act 74 of 1957.

1. The following section is hereby substituted for section 14 of the Financial Relations Consolidation and Amendment Act, 1945 (hereinafter referred to as the principal Act):

**14.** (1) Subject to the provisions of subsection (2), a provincial council may make ordinances in relation to matters coming within the following classes of subjects, namely, trades and occupations.

(2) The provisions of subsection (1) shall not apply to the trade or occupation of any advocate, attorney, accountant, auditor, architect, conveyancer, dentist, medical practitioner, nurse, notary, veterinary surgeon or person by whom a licence or an authority or an exemption from obtaining a licence under the provisions of the Liquor Act, 1928 (Act No. 30 of 1928), is required or to any other trade or occupation specified by the Minister of Economic Affairs by notice in the *Gazette*."

Repeal of section 15 of Act 38 of 1945, as amended by section 2 of Act 45 of 1954, section 1 of Act 70 of 1956 and section 2 of Act 74 of 1957.

2. Section 15 of the principal Act is hereby repealed.

Amendment of section 17 of Act 38 of

3. Section 17 of the principal Act is hereby amended—  
(a) by the substitution for paragraph (c) of the following paragraph:

No. 69, 1968.]

## WET

Tot wysiging van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945, ten einde aan provinsiale rade die bevoegdheid op te dra om ordonnansies te maak in verband met sake wat onder die klasse onderwerpe handelsbesighede en beroepe ressorteer en om inkomste te verkry uit en wetgewing aan te neem ten opsigte van die lisensiëring van sekere handelsbesighede en beroepe, om die betekenis van die woord „Minister”, waar dit die eerste maal voorkom in paragraaf (c) van artikel 17 van bedoelde Wet, op te klaar, om die uitvoerende komitee van die Provinsie Transvaal te magtig om by Katima Mulilo sekere skole te stig, in stand te hou en te beheer en om voorsiening te maak vir die oordrag van sekere werksaamhede van die Minister van Finansies en die Tesourie na die Minister van Volkswelsyn en Pensioene en die Departement van Volkswelsyn en Pensioene, onderskeidelik; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 17 Junie 1968.)

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

1. Artikel 14 van die Konsolidasie- en Wysigingswet op Finansiële Verhoudings, 1945 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Wetgewende bevoegdhede van provinsiale rade in verband met handelsbesighede en beroepe. 14. (1) Behoudens die bepalings van subartikel (2), kan 'n provinsiale raad ordonnansies maak in verband met sake wat onder die volgende klasse onderwerpe ressorteer, naamlik, handelsbesighede en beroepe.

(2) Die bepalings van subartikel (1) is nie van toepassing nie op die handelsbesigheid of beroep van 'n advokaat, prokureur, rekenmeester, ouditeur, argitek, aktebesorger, tandarts, mediese praktisyn, verpleegster, notaris, veearts, of persoon deur wie 'n lisensie of 'n magtiging of 'n vrystelling van verkryging van 'n lisensie kragtens die bepalings van die Drankwet, 1928 (Wet No. 30 van 1928), benodig is of op enige ander handelsbesigheid of beroep deur die Minister van Ekonomiese Sake by kennisgewing in die *Staatskoerant* aangewys.”.

Vervanging van artikel 14 van Wet 38 van 1945 soos gewysig deur artikel 1 van Wet 31 van 1950 en artikel 1 van Wet 74 van 1957

2. Artikel 15 van die Hoofwet word hierby herroep.

Herroeping van artikel 15 van Wet 38 van 1945, soos gewysig deur artikel 2 van Wet 45 van 1954, artikel 1 van Wet 70 van 1956 en artikel 2 van Wet 74 van 1957.

3. Artikel 17 van die Hoofwet word hierby gewysig—  
(a) deur paragraaf (c) deur die volgende paragraaf te vervang:

Wysiging van artikel 17 van Wet 38 van 1945.

- „(c) onderwys gegee in die kuns-, (met inbegrip van ballet- en musiek-), landbou-, myn-, aptekers- en skeepvaartopleidingskole wat die Minister van Nasionale Opvoeding in oorleg met die Minister van Finansies, tot skole vir hoër onderwys verklaar;”; en
- (b) deur in paragraaf (g) die woorde „Onderwys, Kuns en Wetenskap” deur die woorde „Nasionale Opvoeding” te vervang.
4. Artikel 18*bis* van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
- „(b) die uitvoerende komitee van die Provinsie Transvaal om, uit fondse wat die Transvaalse Provinsiale Raad vir die doel beskikbaar gestel het—
- (i) hulptoelaes te maak tot enige privaatskool wat in Lourenço Marques in die gebied Mozambique vir blanke kinders gestig is en in stand gehou word en wat na sy oordeel geskikte onderwys vir kinders van Suid-Afrikaanse burgers verskaf;
- (ii) by Lourenço Marques in bedoelde gebied die skole te stig, in stand te hou en te beheer wat hy nodig ag vir die onderwys van kinders van Suid-Afrikaanse burgers wat blywend of tydelik in bedoelde gebied woonagtig is of van ouers wat hulle gewone verblyf in die Republiek het;
- (iii) by Katima Mulilo in die gebied bekend as die Oostelike Caprivi Zipfel en omskryf in die Proklamasie op die Administrasie van die Oostelike Caprivi Zipfel, 1939 (Proklamasie No. 147 van 1939 van die Republiek), die skole te stig, in stand te hou en te beheer wat hy nodig ag vir die onderwys van kinders van Suid-Afrikaanse burgers wat blywend of tydelik in bedoelde gebied woonagtig is of van ouers wat hulle gewone verblyf in die Republiek het.”; en
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- „(2) ’n Ingevolge subartikel (1) (a) of (b) (ii) of (iii) gestigte skool word vir alle doeleindes geag ’n skool te wees wat binne die provinsie die uitvoerende komitee waarvan dit gestig het, gestig is: Met dien verstande dat ’n uitvoerende komitee ’n skool wat hy aldus gestig het van dié wetsbepalings op onderwys wat in sy provinsie van krag is wat hy goetvind, kan uitsluit: Met dien verstande voorts dat die uitvoerende komitee van die Provinsie Transvaal voorwaardes vir toelating tot en gelde betaalbaar vir bywoning van ’n skool wat ingevolge subartikel (1) (b) (ii) of (iii) gestig is, kan voorskryf.”
5. Artikel 20 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (b) deur die volgende paragraaf te vervang:
- „(b) word geen ordonnansie waarvan die uitwerking is dat die verpligting van ’n provinsie ten opsigte van enige pensioenskema vergroot word, sonder die toestemming van die Minister van Volkswelsyn en Pensioene ingedien nie tensy ’n aktuariële rapport vooraf verkry en vir ’n tydperk van minstens ses maande op die Tafel van die betrokke provinsiale raad gelê het;”; en
- (b) deur paragraaf (d) deur die volgende paragraaf te vervang:
- „(d) word elke konsep-ordonnansie wat betrekking het op enige pensioenskema wat deur ’n provinsiale

soos vervang deur artikel 44 van Wet 41 van 1967.

Wysiging van artikel 18*bis* van Wet 38 van 1945, soos ingevoeg deur artikel 2 van Wet 31 van 1950.

Wysiging van artikel 20 van Wet 38 van 1945.

1945, as substituted by section 44 of Act 41 of 1967.

“(c) education provided by such schools of art (including ballet and music), agriculture, mining, pharmacy and nautical training as the Minister of National Education may, in consultation with the Minister of Finance, declare to be schools of higher education;” and

(b) by the substitution in paragraph (g) for the words “Education, Arts and Science” of the words “National Education”.

Amendment of section 18bis of Act 38 of 1945, as inserted by section 2 of Act 31 of 1950.

4. Section 18bis of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) the executive committee of the Transvaal Province, out of moneys appropriated by the Transvaal Provincial Council for the purpose—

(i) to make grants-in-aid to any private school established and maintained for European children in Lourenço Marques in the territory of Mozambique which in its opinion provides suitable education for children of South African citizens;

(ii) to establish, maintain and control at Lourenço Marques in the said territory such schools as it may deem necessary for the education of children of South African citizens permanently or temporarily resident in that territory, or of parents ordinarily resident in the Republic;

(iii) to establish, maintain and control at Katima Mulilo in the area known as the Eastern Caprivi Zipfel and described in the Eastern Caprivi Zipfel Administration Proclamation, 1939 (Proclamation No. 147 of 1939 of the Republic), such schools as it may deem necessary for the education of children of South African citizens permanently or temporarily resident in that area or of parents ordinarily resident in the Republic.”; and

(b) by the substitution for subsection (2) of the following subsection:

“(2) Any school established under subsection (1) (a) or (b) (ii) or (iii) shall for all purposes be deemed to be a school established within the province the executive committee of which established it: Provided that an executive committee may exclude any school so established by it from such provisions of the laws relating to education in force in its province as it may deem fit: Provided further that the executive committee of the Transvaal Province may prescribe conditions of admission to and fees payable for attendance at any school established under subsection (1) (b) (ii) or (iii).”.

Amendment of section 20 of Act 38 of 1945.

5. Section 20 of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of the following paragraph:

“(b) no ordinance the effect whereof is to increase the liability of a province in respect of any pension scheme shall be introduced without the consent of the Minister of Social Welfare and Pensions, unless an actuarial report has previously been obtained and has laid upon the Table of the provincial council concerned for a period of at least six months;” and

(b) by the substitution for paragraph (d) of the following paragraph:

“(d) every draft ordinance relating to any pension scheme administered or to be administered by a

administrasie geadminestreer word of geadminestreer moet word, minstens twee maande voor sy indiening aan die Departement van Volkswelsyn en Pensioene voorgelê.”.

6. Die Eerste Bylae by die Hoofwet word hierby gewysig deur Wysiging van Eerste Bylae by Wet 38 van 1945, soos gewysig deur artikel 1 van Wet 22 van 1946, artikel 2 van Wet 70 van 1956 en artikel 26 van Wet 6 van 1963.
- na paragraaf 6 die volgende paragraaf in te voeg:  
 „6A. Die lisensiëring van handelsbesighede en beroepe in verband waarmee ’n provinsiale raad by artikel 14 gemagtig word om ordonnansies te maak.”.
7. Die Tweede Bylae by die Hoofwet word hierby gewysig deur paragraaf 21 te skrap. Wysiging van Tweede Bylae by Wet 38 van 1945, soos gewysig deur artikel 2 van Wet 22 van 1946; artikels 1, 2 en 3 van Wet 8 van 1949, artikel 3 van Wet 31 van 1950, artikel 4 van Wet 45 van 1954, artikel 3 van Wet 70 van 1956, artikel 5 van Wet 25 van 1959, artikel 2 van Wet 28 van 1959, artikel 2 van Wet 3 van 1965 en artikel 2 van Wet 45 van 1967.
8. ’n Provinsiale raad kan by ordonnansie die bepalings van die Wet op Lisensies, 1962, vir sover sodanige bepalings op sy provinsie van toepassing is en betrekking het op handelsbesighede en beroepe in verband waarmee hy by artikel 14 van die Hoofwet, soos deur artikel 1 van hierdie Wet vervang, gemagtig word om ordonnansies te maak, herroep of van tyd tot tyd wysig. Herroeping of wysiging van Wet 44 van 1962 deur provinsiale rade.
9. Hierdie Wet heet die Verdere Wysigingswet op Finansiële Kort titel. Verhoudings, 1968.

provincial administration shall at least two months before its introduction be submitted to the Department of Social Welfare and Pensions.”.

Amendment of First Schedule to Act 38 of 1945, as amended by section 1 of Act 22 of 1946, section 2 of Act 70 of 1956 and section 26 of Act 6 of 1963.

6. The First Schedule to the principal Act is hereby amended by the insertion after paragraph 6 of the following paragraph:  
“6A. Licensing of trades and occupations in relation to which a provincial council is by section 14 empowered to make ordinances.”.

Amendment of Second Schedule to Act 38 of 1945, as amended by section 2 of Act 22 of 1946, sections 1, 2 and 3 of Act 8 of 1949, section 3 of Act 31 of 1950, section 4 of Act 45 of 1954, section 3 of Act 70 of 1956, section 5 of Act 25 of 1959, section 2 of Act 28 of 1959, section 2 of Act 3 of 1965 and section 2 of Act 45 of 1967.

7. The Second Schedule to the principal Act is hereby amended by the deletion of paragraph 21.

Repeal or amendment of Act 44 of 1962 by provincial councils.

8. A provincial council may by ordinance repeal or from time to time amend the provisions of the Licences Act, 1962, in so far as such provisions apply to its province and relate to trades and occupations in relation to which it is by section 14 of the principal Act, as substituted by section 1 of this Act, empowered to make ordinances.

Short title.

9. This Act shall be called the Financial Relations Further Amendment Act, 1968.



No. 71, 1968.]

## WET

**Om voorsiening te maak vir sekere verbodsbepalings en beperkings ten opsigte van die besit, vervaardiging, verkoop of verskaffing van sekere voorwerpe; om voorsiening te maak vir die oplegging van voorgeskrewe strawwe waar gevaarlike wapens of vuurwapens by die pleeg van misdrywe waarby geweld betrokke is, gebruik is; om artikels 10 en 10bis van die Algemene Regswysigingswet, 1949, te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.**

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 20 Junie 1968.)*

**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, **Woordomskriving.**  
beteken—

- (i) „gevaarlike wapen” enige voorwerp, behalwe ’n vuurwapen, wat waarskynlik ernstige liggaamlike letsels sal veroorsaak indien dit gebruik sou word om ’n aanranding te pleeg; (i)
- (ii) „Minister” die Minister van Justisie; (iii)
- (iii) „vuurwapen” ’n wapen soos in artikel 36 van die Wapens- en Ammunisiewet, 1937 (Wet No. 28 van 1937), omskryf. (ii)

2. (1) Iemand wat in besit is van ’n gevaarlike wapen, of van ’n voorwerp wat so na ’n vuurwapen lyk dat, onder omstandighede soos dié waaronder so iemand in besit daarvan is, dit waarskynlik vir ’n werklike vuurwapen aangesien sou word, is aan ’n misdryf skuldig, tensy hy kan bewys dat hy te gener tyd die bedoeling gehad het om sodanige wapen of voorwerp vir ’n onregmatige doel te gebruik nie, en is by skuldigbevinding strafbaar met ’n boete van hoogstens tweehonderd rand of met gevangenisstraf vir ’n tydperk van hoogstens twaalf maande of met sowel sodanige boete as sodanige gevangenisstraf.

Verbod op die besit van gevaarlike wapens en sekere ander voorwerpe.

(2) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* en onderworpe aan die vrystellings wat in sodanige kennisgewing vermeld word of waarvoor daarin voorsiening gemaak word, enige persoon of enige persoon wat tot ’n klas persone behoort wat in sodanige kennisgewing vermeld word, verbied om te eniger tyd of gedurende ’n aldus vermelde tydperk en òf in die algemeen òf by of in ’n aldus vermelde plek of gebied in besit te wees van ’n voorwerp wat tot ’n klas of soort voorwerp behoort wat na die Minister se oordeel ’n gevaarlike wapen is en wat in sodanige kennisgewing vermeld word.

(3) Iemand wat in besit is van ’n voorwerp in stryd met die bepalinge van ’n kragtens subartikel (2) uitgevaardigde kennisgewing, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met die in subartikel (1) voorgeskrewe strawwe.

(4) Die Minister kan ’n kragtens subartikel (2) uitgevaardigde kennisgewing te eniger tyd by kennisgewing in die *Staatskoerant* wysig of intrek.

3. (1) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* die vervaardiging, verkoop of verskaffing van ’n voorwerp wat tot ’n klas of soort voorwerp behoort wat na sy oordeel ’n gevaarlike wapen is en wat in sodanige kennisgewing vermeld word, verbied.

Verbod op die vervaardiging, verkoop of verskaffing van gevaarlike wapens.

No. 71, 1968.]

# ACT

**To provide for certain prohibitions and restrictions in respect of the possession, manufacture, sale or supply of certain objects; to provide for the imposition of prescribed sentences where dangerous weapons or firearms have been used in the commission of offences involving violence; to repeal sections 10 and 10bis of the General Law Amendment Act, 1949; and to provide for incidental matters.**

*(Afrikaans text signed by the State President.)  
(Assented to 20th June, 1968.)*

**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) “dangerous weapon” means any object, other than a firearm, which is likely to cause serious bodily injury if it were used to commit an assault; (i)
  - (ii) “firearm” means an arm as defined in section 36 of the Arms and Ammunition Act, 1937 (Act No. 28 of 1937); (iii)
  - (iii) “Minister” means the Minister of Justice. (ii)

## Prohibition of the possession of dangerous weapons and certain other objects.

2. (1) Any person who is in possession of any dangerous weapon, or of any object which so resembles a firearm that, under circumstances such as those under which such person is in possession thereof, it is likely to be mistaken for a real firearm, shall be guilty of an offence, unless he is able to prove that he at no time had any intention of using such weapon or object for any unlawful purpose, and shall on conviction be liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(2) The Minister may from time to time by notice in the *Gazette* and subject to such exemptions as may be specified in such notice or as may be provided for therein, prohibit any person or any person belonging to any class of persons specified in such notice, from being in possession at any time or during any period so specified and either generally or at or in any place or area so specified of any object belonging to a class or kind of object which, in the opinion of the Minister, is a dangerous weapon and which is specified in such notice.

(3) Any person who is in possession of any object in contravention of the provisions of any notice issued in terms of subsection (2), shall be guilty of an offence and liable on conviction to the penalties prescribed in subsection (1).

(4) The Minister may at any time by notice in the *Gazette* amend or repeal any notice issued in terms of subsection (2).

## Prohibition of the manufacture, sale or supply of dangerous weapons.

3. (1) The Minister may from time to time by notice in the *Gazette* prohibit the manufacture, sale or supply of any object belonging to a class or kind of object which, in his opinion, is a dangerous weapon, and which is specified in such notice.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* en onderworpe aan die voorwaardes wat hy bepaal, 'n in die kennisgewing vermelde persoon of klas persone of 'n ander persoon of klas persone as 'n aldus vermelde persoon of klas persone, òf in die algemeen òf onder die omstandighede wat aldus vermeld word en òf vir 'n onbepaalde tydperk òf vir die tydperk wat aldus vermeld word, van die toepassing van enige van of al die bepalings van 'n kragtens subartikel (1) uitgevaardigde kennisgewing vrystel.

(3) Iemand wat 'n voorwerp in stryd met die bepalings van 'n kragtens subartikel (1) uitgevaardigde kennisgewing vervaardig, verkoop of verskaf, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens driehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens agtien maande of met sowel sodanige boete as sodanige gevangenisstraf.

(4) By die toepassing van subartikels (1) en (3) beteken „verkoop” ook vir verkoop aanbied, vir verkoop hou of in 'n plek hou waar goedere verkoop, vir verkoop aangebied of vir verkoop gehou word.

(5) Die Minister kan 'n kragtens hierdie artikel uitgevaardigde kennisgewing te eniger tyd by kennisgewing in die *Staatskoerant* wysig of intrek.

4. (1) Wanneer iemand bo die ouderdom van agtien jaar skuldig bevind word aan 'n misdryf waarby geweld teenoor 'n ander persoon betrokke is en bewys is dat hy sodanige ander persoon deur gebruikmaking van 'n gevaarlike wapen of 'n vuurwapen gedood of beseer het, word hy, behalwe wanneer die doodstraf of die by artikel 334ter of 334quat van die Strafproseswet, 1955 (Wet No. 56 van 1955), voorgeskrewe straf opgelê word of hy ingevolge artikel 335 van daardie Wet 'n gewoontemisdadiger verklaar word, ondanks andersluidende wetsbepalings, gevangenisstraf vir 'n tydperk van minstens twee jaar en, indien hy voor 'n landdroshof aldus skuldig bevind word, hoogstens agt jaar, opgelê, en kan hy, benewens enige sodanige straf, lyfstraf van hoogstens tien hou opgelê word: Met dien verstande dat indien die hof oortuig is dat daar omstandighede is wat die oplegging van 'n ligter straf as die by hierdie artikel voorgeskrewe straf regverdig, hy daardie omstandighede in die notule van die verrigtinge aanteken en dan die persoon wat aldus skuldig bevind word, gevangenisstraf vir 'n tydperk wat minder as twee jaar is, kan oplê.

Strawwe wanneer gevaarlike wapens of vuurwapens gebruik word by die pleeg van misdrywe waarby geweld betrokke is.

(2) Ondanks andersluidende wetsbepalings, word daar met geen persoon ten opsigte van wie die oplegging van gevangenisstraf ingevolge subartikel (1) verpligtend is, kragtens artikel 342, 345 of 352 van die Strafproseswet, 1955, gehandel nie.

(3) (a) Die bepalings van subartikels (1) en (2) is slegs van toepassing ten opsigte van 'n in subartikel (1) bedoelde misdryf wat gepleeg word in 'n gebied waarop die Minister sodanige bepalings by kennisgewing in die *Staatskoerant* van toepassing verklaar het.

(b) Die Minister kan 'n kragtens paragraaf (a) uitgevaardigde kennisgewing te eniger tyd by kennisgewing in die *Staatskoerant* wysig of intrek.

5. Ondanks andersluidende wetsbepalings, maar behoudens die bepalings van artikel 4 (1), is 'n landdroshof regsbevoeg om enige by hierdie Wet voorgeskrewe straf op te lê.

Regsbevoegdheid van landdroshowe.

6. Artikels 10 en 10bis van die Algemene Regswysigingswet, 1949, word hierby herroep.

Herroeping van artikel 10 van Wet 54 van 1949 soos gewysig deur artikel 22 van Wet 32 van 1952 en artikel 28 van Wet 62 van 1955 en van artikel 10bis van Wet 54 van 1949, soos ingevoeg deur artikel 29 van Wet 62 van 1955.

7. Hierdie Wet heet die Wet op Gevaarlike Wapens, 1968.

Kort titel.

(2) The Minister may by notice in the *Gazette* and subject to such conditions as he may determine, exempt any person or class of persons specified in such notice, or any person or class of persons other than any person or class of persons so specified, either generally or under such circumstances as may be so specified and either indefinitely or for such period as may be so specified, from the operation of any or all of the provisions of any notice issued in terms of subsection (1).

(3) Any person who manufactures, sells or supplies any object in contravention of the provisions of any notice issued in terms of subsection (1), shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred rand or to imprisonment for a period not exceeding eighteen months or to both such fine and such imprisonment.

(4) For the purposes of subsections (1) and (3), "sell" includes to offer for sale, to keep for sale or to keep in a place where goods are sold, offered or kept for sale.

(5) The Minister may at any time by notice in the *Gazette* amend or repeal any notice issued in terms of this section.

Penalties when dangerous weapons or firearms are used in the commission of offences involving violence.

4. (1) Whenever any person above the age of eighteen years is convicted of an offence involving violence to any other person and it has been proved that he killed or injured such other person by using a dangerous weapon or a firearm, he shall, except when the death sentence or the punishment prescribed by section 334*ter* or 334*quat* of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), is imposed or he is in terms of section 335 of that Act declared an habitual criminal, notwithstanding anything to the contrary in any law contained, be sentenced to imprisonment for a period of not less than two years and, if he is so convicted by a magistrate's court, not exceeding eight years, and may in addition to any such punishment, be sentenced to a whipping not exceeding ten strokes: Provided that if the court is of the opinion that there are circumstances which justify the imposition of a lighter sentence than the punishment prescribed by this section, it shall enter those circumstances on the record of the proceedings and may thereupon impose on the person so convicted a sentence of imprisonment for a period which is less than two years.

(2) Notwithstanding anything to the contrary in any law contained, no person in respect of whom the imposition of a sentence of imprisonment is compulsory in terms of subsection (1), shall be dealt with under section 342, 345 or 352 of the Criminal Procedure Act, 1955.

(3) (a) The provisions of subsections (1) and (2) shall apply only in respect of an offence referred to in subsection (1) which is committed in an area to which the Minister has, by notice in the *Gazette*, declared such provisions to be applicable.

(b) The Minister may at any time by notice in the *Gazette* amend or repeal any notice issued in terms of paragraph (a).

Jurisdiction of magistrates' courts.

5. Notwithstanding anything to the contrary in any law contained, but subject to the provisions of section 4 (1), a magistrate's court shall have jurisdiction to impose any sentence provided for by this Act.

Repeal of section 10 of Act 54 of 1949, as amended by section 22 of Act 32 of 1952 and section 28 of Act 62 of 1955 and of section 10*bis* of Act 54 of 1949, as inserted by section 29 of Act 62 of 1955.

6. Sections 10 and 10*bis* of the General Law Amendment Act, 1949, are hereby repealed.

Short title.

7. This Act shall be called the Dangerous Weapons Act, 1968.

No. 73, 1968.]

## WET

**Om voorsiening te maak vir die beperking en bekendmaking van finansieringskoste wat ten opsigte van geldleningstransaksies en krediettransaksies gevorder word en vir aangeleenthede wat daarmee in verband staan; en om die Woekerwet, 1926, te herroep.**

*(Afrikaanse teks deur die Staatspresident geteken.)*

*(Goedgekeur op 20 Junie 1968.)*

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

**1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—** Woordomskrywings.

- (i) „finansieringskoste” die totaal van enige geldwaardige teenprestasie wat ’n geldopnemer of kredietopnemer uit hoofde van ’n geldleningstransaksie of ’n krediettransaksie, buite en behalwe ’n in artikel 5 (1) (b) bedoelde bedrag en enige geldwaardige teenprestasie wat uitdruklik deur hierdie Wet by die hoofskuld ingesluit word, hetsy as deel van die hoofskuld of andersins, regstreeks of onregstreeks aan ’n gelduitlener of kredietgewer of aan of ten behoeve van ’n tussen-ganger tussen hom en ’n gelduitlener of kredietgewer, gegee het of verskuldig is, en sluit dit ook in, in die geval van ’n ooreenkoms waarkragtens goedere verkoop word op ’n voorwaarde waarvolgens daardie goedere teruggekoop word teen ’n hoër prys, die verskil tussen die hoër prys waarteen die goedere teruggekoop word en die laer prys waarteen die goedere verkoop word; (vii)
- (ii) „finansieringskostekoers per jaar” ’n koers bereken deur die finansieringskostekoers per periode met die getal van sodanige periodes in een jaar te vermenigvuldig; (i)
- (iii) „finansieringskostekoers per periode” die koers waarteen finansieringskoste aan die einde van ’n periode op die dan verskuldigde saldo van die hoofskuld gehef word; (viii)
- (iv) „geldleningstransaksie” ’n transaksie wat, in watter vorm dit ook al is, en ongeag of dit deel uitmaak van ’n ander transaksie of nie, wesenlik een van geldleen is, en sluit dit ’n ooreenkoms in waarkragtens goedere verkoop word op ’n voorwaarde waarvolgens daardie goedere teruggekoop word teen ’n hoër prys, in watter geval die laer prys waarteen die goedere verkoop word by die toepassing van hierdie Wet geag word ’n som geld te wees wat uitgeleen is; (xii)
- (v) „geldopnemer” iemand aan wie ’n lening van ’n som geld deur ’n gelduitlener ingevolge ’n geldleningstransaksie toegestaan is, of iemand op wie die regte en verpligtinge van ’n geldopnemer ten opsigte van ’n geldleningstransaksie, hetsy deur oordrag, sessie of andersins, oorgegaan het; (ii)

No. 73, 1968.]

# ACT

To provide for the limitation and disclosure of finance charges levied in respect of money lending transactions and credit transactions and for matters incidental thereto; and to repeal the Usury Act, 1926.

*(Afrikaans text signed by the State President.)  
(Assented to 20th June, 1968.)*

**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) “annual finance charge rate” means a rate calculated by multiplying the finance charge rate per period by the number of such periods in one year; (ii)
  - (ii) “borrower” means any person to whom a money-lender has granted a loan of a sum of money in terms of a money lending transaction, or any person to whom, whether by delegation, cession or otherwise, the rights and obligations of a borrower in respect of a money lending transaction have passed; (v)
  - (iii) “credit grantor” means any person who is granting or has granted credit to a prospective credit receiver or to a credit receiver in terms of a credit transaction, or any person to whom, whether by delegation, cession or otherwise, the rights or the rights and obligations of a credit grantor in respect of a credit transaction have passed; (ix)
  - (iv) “credit receiver” means any natural person to whom a credit grantor has granted credit in terms of a credit transaction, or any natural person to whom, whether by delegation, cession or otherwise, the rights and obligations of a credit receiver in respect of a credit transaction have passed; (x)
  - (v) “credit transaction” means any transaction, whatever its form may be, by which—
    - (a) a credit grantor and a credit receiver agree that the credit grantor sell or supply to the credit receiver movable property or services intended mainly for personal, family, household or farming purposes, against payment by the credit receiver to the credit grantor of a stated or determinable sum of money at a stated or determinable future date or in whole or in part in instalments over a period in the future; or
    - (b) a credit grantor and a credit receiver agree that the credit grantor transfer or grant to the credit receiver the use or enjoyment of movable property or services, intended mainly for personal, family, household or farming purposes, against payment by the credit receiver to the credit grantor of a stated or determinable sum of money at a stated

- (vi) „gelduitlener” iemand wat ’n lening van ’n som geld ingevolge ’n geldleningstransaksie aan ’n voornemende geldopnemer of ’n geldopnemer toestaan of toegestaan het, of iemand op wie die regte of die regte en verpligtinge van ’n gelduitlener ten opsigte van ’n geldleningstransaksie, hetsy deur oordrag, sessie of andersins, oorgegaan het, en die houer van ’n skuldakte wat in verband met ’n geldleningstransaksie verly is; (xi)
- (vii) „hierdie Wet” ook die regulasies; (xviii)
- (viii) „hoofskuld” met betrekking tot—
- (a) ’n geldleningstransaksie—
- (i) die kontantbedrag geld wat werklik deur of ten behoeve van ’n geldopnemer ingevolge bedoelde transaksie ontvang is; plus
- (ii) die koste ten opsigte van seëlregte wat werklik deur die gelduitlener in verband met bedoelde transaksie betaal is of betaal moet word en aan hom deur die geldopnemer verskuldig is; plus
- (iii) indien die gelduitlener kragtens ’n ooreenkoms tussen hom en die geldopnemer daartoe gemagtig is—
- (aa) waar die geldlening in die geheel of gedeeltelik deur ’n verband op onroerende goed of ’n notariële verband op roerende goed gesekureer is—
- (i) die koste wat werklik deur die gelduitlener ten opsigte van die opstelling, verlyding en registrasie van die verband betaal is of betaal moet word; en
- (ii) belastingvorderings en ander fiskale heffings, lisensiegelde en brandversekeringpremies wat werklik deur die gelduitlener betaal is of betaal moet word ten opsigte van die betrokke goed;
- (bb) premies wat werklik deur die gelduitlener betaal is of betaal moet word aan ’n versekeraar geregistreer ingevolge die Versekeringwet, 1943 (Wet No. 27 van 1943), ten opsigte van ’n versekeringspolis wat as sekuriteit vir die terugbetaling van die lening aan die gelduitlener gesedeer is; en
- (cc) premies wat werklik deur die gelduitlener betaal is of betaal moet word aan ’n versekeraar geregistreer ingevolge die Versekeringwet, 1943, ten opsigte van ’n versekeringspolis oor roerende goed wat aan die gelduitlener verpand is as sekuriteit vir die terugbetaling van die lening; of
- (b) ’n krediettransaksie—
- (i) die verkoopprijs van roerende goed of dienste, of, indien toepaslik, die verskil tussen die verkoopprijs van roerende goed of dienste en die kontantbedrag geld of die ooreengekome redelike waarde van goedere wat deur die kredietopnemer aan die kredietgewer betaal of gelewer is of betaal of gelewer moet word vir aanwending ter vermindering van bedoelde verkoopprijs; of
- (ii) die verskil tussen die totale geldsom, uitgesonderd finansieringskoste, wat deur die kredietgewer vir die gebruik of genot van

or determinable future date or in whole or in part in instalments over a period in the future, but does not include any transaction by which it is agreed at the time of the conclusion of the transaction—

- (i) that the debtor, or any person on his behalf, shall at no stage during the period during which the use or enjoyment of movable property is granted to him or thereafter, acquire ownership of such property and that after the expiration of the said period, he shall not retain the possession, use or enjoyment of the property concerned; and
  - (ii) that the creditor shall, after the return to him of the movable property, apart from arrear instalments, not collect any further payments from the debtor unless at the time the agreement was entered into, agreement was reached in writing on the depreciated value of the said property at any material stage of the agreement and that upon termination of the agreement an adjustment shall be made only for the difference between the agreed depreciated value and the actual market value of the said property at that particular time;
- (xi)
- (vi) “deeds registry” means, in relation to an instrument of debt, the registry in which such instrument of debt may properly be registered; and “registrar of deeds” used in that connection has a corresponding meaning; (xv)
  - (vii) “finance charges” means the total of any valuable consideration, which, apart from any amount referred to in section 5 (1) (b) and any valuable consideration which is specifically included in the principal debt by this Act, a borrower or credit receiver has given or is owing, whether as part of the principal debt or otherwise, directly or indirectly, to a moneylender or credit grantor or to or on behalf of any intermediary between himself and a moneylender or credit grantor in terms of a money lending transaction or a credit transaction, and includes, in the case of an agreement in terms of which goods are sold under a condition of repurchase of such goods at a higher price, the difference between the higher price at which the goods are repurchased and the lower price at which the goods are sold; (i)
  - (viii) “finance charge rate per period” means the rate at which finance charges are levied at the end of a period on the balance of the principal debt then owing; (iii)
  - (ix) “instrument of debt” includes a negotiable instrument, bond, written contract or agreement or other document containing the terms and conditions of any contract or agreement in connection with a money lending transaction or a credit transaction, but does not include any covering bond in so far as it purports to convey security for future advances; (xviii)
  - (x) “Minister” means the the Minister of Finance; (xii)
  - (xi) “moneylender” means any person who is granting or has granted a loan of a sum of money to a prospective borrower or to a borrower in terms of a money lending transaction, or any person to whom, whether by delegation, cession or otherwise, the rights or the obligations of a moneylender in respect of a money lending transaction have passed, and the holder of an instrument of debt executed in respect of a money lending transaction; (vi)
  - (xii) “money lending transaction” means any transaction which, whatever its form may be, and whether or not it forms part of another transaction, is substantially one of money lending, and includes any agreement in terms of which goods are sold under a condition of



- roerende goed of dienste gevorder word en die kontantbedrag geld of die ooreengekome redelike waarde van goedere wat deur die kredietopnemer aan die kredietgewer betaal of gelewer is of betaal of gelewer moet word vir verrekening teen bedoelde geldsom; plus
- (iii) die koste ten opsigte van seëlregte wat werklik deur die kredietgewer in verband met bedoelde transaksie betaal is of betaal moet word en aan hom deur die kredietopnemer verskuldig is; plus
- (iv) indien die kredietgewer kragtens 'n ooreenkoms tussen hom en die kredietopnemer daartoe gemagtig is—
- (aa) waar goed ingevolge 'n notariële verband of 'n verband op onroerende goed aan die kredietgewer as sekuriteit in verband met bedoelde transaksie verpand of verhipotekeer is, die koste wat werklik deur die kredietgewer betaal is of betaal moet word ten opsigte van die opstelling, verlyding en registrasie van die verband;
- (bb) premies wat werklik deur die kredietgewer betaal is of betaal moet word aan 'n versekeraar geregistreer ingevolge die Versekeringwet, 1943, ten opsigte van 'n versekeringspolis oor goed wat as sekuriteit in verband met bedoelde transaksie dien; en
- (cc) belastingvorderings en ander fiskale heffings, lisensie- en ander gelde wat in verband met bedoelde transaksie betaalbaar is en wat werklik deur die kredietgewer betaal is of betaal moet word; (xiv)
- (ix) „kredietgewer” iemand wat krediet ingevolge 'n krediettransaksie aan 'n voornemende kredietopnemer of aan 'n kredietopnemer verleen of verleen het, of iemand op wie die regte of die regte en verpligtinge van 'n kredietgewer ten opsigte van 'n krediettransaksie, hetsy deur oordrag, sessie of andersins, oorgegaan het; (iii)
- (x) „kredietopnemer” 'n natuurlike persoon aan wie krediet deur 'n kredietgewer ingevolge 'n krediettransaksie verleen is, of 'n natuurlike persoon op wie die regte en verpligtinge van 'n kredietopnemer ten opsigte van 'n krediettransaksie, hetsy deur oordrag, sessie of andersins, oorgegaan het; (iv)
- (xi) „krediettransaksie” 'n transaksie in watter vorm dit ook al is, waarby—
- (a) 'n kredietgewer en 'n kredietopnemer ooreenkoms dat die kredietgewer roerende goed of dienste wat hoofsaaklik vir persoonlike, familie-, huishoudelike of boerderydoeleindes bestem is, aan 'n kredietopnemer verkoop of verskaf teen betaling deur die kredietopnemer aan die kredietgewer van 'n bepaalde of bepaalbare geldsom op 'n bepaalde of bepaalbare toekomstige datum of in die geheel of gedeeltelik in paaiemente oor 'n tydperk in die toekoms; of
- (b) 'n kredietgewer en 'n kredietopnemer ooreenkoms dat die kredietgewer die gebruik of genot van roerende goed of dienste, wat hoofsaaklik vir persoonlike, familie-, huishoudelike of boerdery-

repurchase of such goods at a higher price, in which case the lower price at which the goods are sold shall for the purposes of this Act be deemed to be a sum of money lent; (iv)

(xiii) "period" means, where the parties to an agreement in connection with a money lending transaction or a credit transaction have agreed that the sum of money payable in connection with the transaction—

(a) must be paid at a stated or determinable future date, the time that must elapse between the date upon which the transaction was concluded and the date upon which payment of the said sum of money must be made; or

(b) must be paid in whole or in part in instalments over a period in the future, the time that must elapse between the date upon which the transaction was concluded and the date upon which the first instalment is payable or the time that must elapse between the dates upon which two consecutive instalments are payable; (xiii)

(xiv) "principal debt" means in relation to—

(a) a money lending transaction—

(i) the cash amount in money actually received by or on behalf of a borrower in terms of the said transaction; plus

(ii) the costs in respect of stamp duties actually paid or to be paid by the moneylender in connection with the said transaction and which are owing to him by the borrower; plus

(iii) if the moneylender is authorized thereto in terms of an agreement between himself and the borrower—

(aa) where the money loan is wholly or partly secured by a mortgage bond over immovable property or a notarial bond over movable property—

(i) the costs actually paid or to be paid by the moneylender in respect of the preparation, execution and registration of the mortgage bond; and

(ii) taxes and other fiscal charges, licence fees and fire insurance premiums actually paid or to be paid by the moneylender in respect of the property concerned;

(bb) premiums actually paid or to be paid by the moneylender to an insurer registered in terms of the Insurance Act, 1943 (Act No. 27 of 1943), in respect of an insurance policy ceded to the moneylender as security for the repayment of the loan; and

(cc) premiums actually paid or to be paid by the moneylender to an insurer registered in terms of the Insurance Act, 1943, in respect of an insurance policy over movable property pledged to the moneylender as security for the repayment of the loan; or

(b) a credit transaction—

(i) the selling price of movable property or services or, if applicable, the difference between the selling price of movable property or services and the cash amount in money

doeleindes bestem is, aan die kredietopnemer oordra of verskaf teen betaling deur die kredietopnemer aan die kredietgewer van 'n bepaalde of bepaalbare geldsom op 'n bepaalde of bepaalbare toekomstige datum of in die geheel of gedeeltelik in paaiemente oor 'n tydperk in die toekoms, maar nie ook 'n transaksie nie waarby, ten tyde van die aangaan van die transaksie, ooreengekom word—

- (i) dat die skuldenaar, of iemand namens hom, op geen tydstip gedurende die tydperk waartydens die gebruik of genot van roerende goed aan hom afgestaan is of daarna, eiendomsreg op daardie goed verkry nie en dat hy, na verloop van bedoelde tydperk, nie die besit, gebruik of genot van die betrokke goed mag behou nie; en
- (ii) dat die skuldeiser, na teruggawe aan hom van die roerende goed, geen verdere betalings, uitgesonderd agterstallige paaiemente, van die skuldenaar mag vorder nie tensy daar ten tyde van die aangaan van die ooreenkoms, skriftelik ooreengekom is oor die gedepresieerde waarde van bedoelde goed op enige wesenlike stadium van die ooreenkoms, en dat by beëindiging van die ooreenkoms 'n verrekening slegs vir die verskil tussen die ooreengekome gedepresieerde waarde en die werklike markwaarde van bedoelde goed op daardie bepaalde tydstip gemaak moet word; (v)
- (xii) „Minister” die Minister van Finansies; (x)
- (xiii) „periode” waar die partye by 'n ooreenkoms in verband met 'n geldleningstransaksie of 'n krediettransaksie ooreengekom het dat die geldsom wat in verband met die transaksie betaalbaar is—
  - (a) op 'n bepaalde of bepaalbare toekomstige datum betaal moet word, die tyd wat moet verloop tussen die datum waarop die transaksie aangegaan is en die datum waarop betaling van bedoelde geldsom moet geskied; of
  - (b) in die geheel of gedeeltelik in paaiemente oor 'n tydperk in die toekoms betaal moet word, die tyd wat moet verloop tussen die datum waarop die transaksie aangegaan is en die datum waarop die eerste paaiement betaalbaar is of die tyd wat moet verloop tussen die datums waarop twee opeenvolgende paaiemente betaalbaar is; (xiii)
- (xiv) „reëlmatige betalings” betalings wat by wyse van 'n reeks gelyke paaiemente wat aan die einde van gelyke opeenvolgende periodes, wat nie langer as een jaar elk is nie, vanaf die datum waarop 'n geldleningstransaksie of 'n krediettransaksie aangegaan is, gemaak word: Met dien verstande dat by die toepassing van hierdie omskrywing—
  - (a) die paaiemente geag word gelyk te wees indien al die paaiemente in die reeks paaiemente gelyk is behalwe een wat met nie meer nie as tien persent van enige van die ander paaiemente verskil; en
  - (b) die periodes geag word gelyk te wees indien al die periodes ewe lank is behalwe die eerste periode, indien die eerste periode met nie meer nie as die helfte van die duur van die ander periodes verskil waar daardie ander periodes nie langer as een maand elk is nie en met nie meer nie as een maand waar daardie ander periodes langer as een maand elk is; (xvii)
- (xv) „registrasiekantoor van aktes”, in verband met 'n skuldakte, die registrasiekantoor waarin daardie skuldakte behoorlik geregistreer kan word; en het „registrateur van aktes” in daardie verband gebruik 'n ooreenstemmende betekenis; (vi)

paid or to be paid or the reasonable value, agreed upon, of goods delivered or to be delivered by the credit receiver to the credit grantor for application in reduction of the said selling price; or

- (ii) the difference between the total sum of money, excluding finance charges, charged by the credit grantor for the use or enjoyment of movable property or services and the cash amount in money paid or to be paid or the reasonable value, agreed upon, of goods delivered or to be delivered by the credit receiver to the credit grantor for deduction from the said sum of money; plus
- (iii) the costs in respect of stamp duties actually paid or to be paid by the credit grantor in connection with the said transaction and which are owing to him by the credit receiver; plus
- (iv) if the credit grantor is authorized thereto in terms of an agreement between himself and the credit receiver—
  - (aa) where property is pledged under notarial bond or hypothecated under a mortgage bond over immovable property to the credit grantor as security in connection with the transaction, the costs actually paid or to be paid by the credit grantor in respect of the preparation, execution and registration of the bond;
  - (bb) premiums actually paid or to be paid by the credit grantor to an insurer registered in terms of the Insurance Act, 1943, in respect of an insurance policy over property serving as security in connection with the said transaction; and
  - (cc) taxes and other fiscal charges, licence and other fees which may be payable in connection with the said transaction and which were actually paid or to be paid by the credit grantor; (viii)
- (xv) "Registrar" means the officer who is in charge of the Office of Financial Institutions and is known as the Registrar of Financial Institutions; (xvi)
- (xvi) "regulation" means a regulation in force under this Act; (xvii)
- (xvii) "regular payments" means payments made by way of a series of equal instalments at the end of equal consecutive periods, not longer than one year each, as from the date upon which a money lending transaction or a credit transaction was concluded: Provided that for the purposes of this definition—
  - (a) the instalments shall be deemed to be equal if all the instalments in the series of instalments are equal except one which does not differ by more than ten per cent from any of the other instalments; and

- (xvi) „Registrateur” die beampte wat aan die hoof staan van die Kantoor vir Finansiële Instellings en wat bekend staan as die Registrateur van Finansiële Instellings; (xv)
- (xvii) „regulasie” ’n regulasie wat kragtens hierdie Wet van krag is; (xvi)
- (xviii) „skuldakte” ook ’n verhandelbare stuk, verband, skriftelike kontrak of ooreenkoms of ander dokument waarin die bedinge en voorwaardes van ’n kontrak of ooreenkoms in verband met ’n geldleningstransaksie of ’n krediettransaksie vervat is, maar nie ook ’n dekkingverband vir sover dit sekuriteit vir toekomstige voorskotte heet te verleen nie. (ix)

2. (1) ’n Gelduitlener beding, eis of ontvang nie finansieringskoste in verband met ’n geldleningstransaksie teen ’n finansieringskostekoers per jaar van meer as—

Maksimum finansieringskostekoerse per jaar wat in verband met geldleningstransaksies en krediettransaksies gehef mag word.

- (a) agtien persent nie, waar die totale bedrag geld wat deur hom binne ’n tydperk van drie maande aan ’n geldopnemer geleen is, met inbegrip van uitgawes wat binne bedoelde tydperk deur hom uitbetaal is en as deel van die hoofskuld verhaalbaar is, alles tesame nie tweehonderd rand oorskry nie;
- (b) vyftien persent nie, waar die totale bedrag geld, wat deur hom binne ’n tydperk van drie maande aan ’n geldopnemer geleen is, met inbegrip van uitgawes wat binne bedoelde tydperk deur hom uitbetaal is en as deel van die hoofskuld verhaalbaar is, alles tesame tweehonderd rand oorskry maar alles tesame nie vierhonderd rand oorskry nie;
- (c) twaalf persent nie, waar die totale bedrag geld, wat deur hom binne ’n tydperk van drie maande aan ’n geldopnemer geleen is, met inbegrip van uitgawes wat binne bedoelde tydperk deur hom uitbetaal is en as deel van die hoofskuld verhaalbaar is, alles tesame vierhonderd rand oorskry.

(2) ’n Kredietgewer beding, eis of ontvang nie finansieringskoste in verband met ’n krediettransaksie teen ’n finansieringskostekoers per jaar van meer as agtien persent nie.

(3) Die Minister publiseer tabelle in die *Staatskoerant* waaruit die finansieringskostekoers per jaar waarteen finansieringskoste gehef mag word ten opsigte van ’n geldleningstransaksie of ’n krediettransaksie in verband waarmee daar ooreengekom is dat betaling van die hoofskuld en finansieringskoste by wyse van reëlmatige betalings moet geskied, vasgestel kan word.

(4) Waar betaling van die hoofskuld en finansieringskoste volgens ’n ooreenkoms in verband met ’n geldleningstransaksie of ’n krediettransaksie op ’n ander wyse as by wyse van reëlmatige betalings moet geskied, word die finansieringskostekoers per jaar waarteen finansieringskoste gehef mag word, bereken op die saldo van die hoofskuld wat van tyd tot tyd deur die geldopnemer of kredietopnemer aan die gelduitlener of kredietgewer verskuldig is.

(5) ’n Gelduitlener of kredietgewer bereken nie finansieringskoste volgens korter of meer periodes nie as dié waarvolgens paaiemente of die uitstaande saldo van die hoofskuld ingevolge ’n ooreenkoms in verband met die betrokke geldleningstransaksie of krediettransaksie betaal moet word.

(6) Subartikel (5) word nie so uitgelê dat dit die verhaling van finansieringskoste volgens periodes van een maand of langer verbied nie in die geval van ’n geldleningstransaksie ten opsigte waarvan die periode tussen paaiementbetalings of die periode tussen die dag waarop die hoofskuld aangegaan is en die dag waarop die hoofskuld betaal moet word, langer as een maand is.

- (b) the periods shall be deemed to be equal if all the periods are of the same duration except the first period if the first period does not differ by more than one half of the duration of any of the other periods where those other periods are not longer than one month each and by not more than one month where those other periods are longer than one month each; (xiv)

(xviii) "this Act" includes the regulations. (vii)

Maximum annual finance charge rates which may be charged in connection with money lending transactions and credit transactions.

2. (1) No moneylender shall in connection with any money lending transaction stipulate for, demand or receive finance charges at an annual finance charge rate greater than—

- (a) eighteen per cent, where the total amount of money lent by him to a borrower, including disbursements, recoverable as part of the principal debt, made by him, within any period of three months does not in the aggregate exceed two hundred rand;
- (b) fifteen per cent, where the total amount of money lent by him to a borrower, including disbursements, recoverable as part of the principal debt, made by him, within any period of three months exceeds in the aggregate two hundred rand but does not in the aggregate exceed four hundred rand;
- (c) twelve per cent, where the total amount of money lent, by him to a borrower, including disbursements, recoverable as part of the principal debt, made by him, within any period of three months exceeds in the aggregate four hundred rand.

(2) No credit grantor shall in connection with any credit transaction stipulate for, demand or receive finance charges at an annual finance charge rate greater than eighteen per cent.

(3) The Minister shall publish tables in the *Gazette* from which may be ascertained the annual finance charge rate at which finance charges may be levied in respect of a money lending transaction or a credit transaction in connection with which it has been agreed that payment of the principal debt and finance charges must be effected by way of regular payments.

(4) Where in connection with a money lending transaction or a credit transaction, it is agreed that payment of the principal debt and finance charges must be effected in any manner other than by way of regular payments, the annual finance charge rate at which finance charges may be levied, shall be calculated on the balance of the principal debt owing from time to time by the borrower or credit receiver to the moneylender or credit grantor.

(5) No moneylender or credit grantor shall calculate finance charges according to shorter or more periods than those according to which instalments or the outstanding balance of the principal debt must be paid in terms of an agreement in connection with the money lending transaction or the credit transaction concerned.

(6) Subsection (5) shall not be construed as prohibiting the recovery of finance charges according to periods of one month or longer in the case of a money lending transaction in respect of which the period between instalment payments or the period between the date upon which the principal debt was incurred and the date upon which it must be paid, is longer than one month.

3. (1) 'n Gelduitlener wat die uitleen van geld as 'n bedryf uitoefen, verstrek, op versoek voordat 'n geldleningstransaksie in verband waarmee finansieringskoste betaalbaar is of betaalbaar sal wees, aangegaan word, afsonderlik en uitdruklik aan die voornemende geldopnemer, en, hetsy so 'n versoek gedoen word al dan nie, vermeld afsonderlik en uitdruklik in elke skuldakte wat in verband met so 'n transaksie verly word, vir sover dit bekend en bepaalbaar is, die volgende besonderhede:

Verpligte  
bekendmaking  
van finansierings-  
koste.

- (a) Die kontantbedrag geld wat werklik deur of ten behoeve van die geldopnemer ontvang is of deur of ten behoeve van die geldopnemer of voornemende geldopnemer ontvang sal word;
- (b) alle ander vorderings, afsonderlik vermeld, wat deel uitmaak of deel sal uitmaak van die hoofskuld;
- (c) die hoofskuld, dit wil sê, die som van die in paragrafe (a) en (b) bedoelde bedrae;
- (d) die bedrag in rand en sente van die finansieringskoste;
- (e) die finansieringskoste uitgedruk as 'n finansieringskoste-koers per jaar; en
- (f) na gelang van die geval, die datum waarop of die getal paaielemente waarin die hoofskuld tesame met die finansieringskoste betaal moet word, die bedrag van elke paaielement en die vervaldatum van elke paaielement of die wyse waarop dié datum bepaal word.

(2) 'n Kredietgewer wat in die normale loop van sy besigheid krediettransaksies aangaan, verstrek, op versoek voordat 'n krediettransaksie in verband waarmee finansieringskoste betaalbaar is of betaalbaar sal wees, aangegaan word, afsonderlik en uitdruklik aan die voornemende kredietopnemer, en, hetsy so 'n versoek gedoen word al dan nie, vermeld afsonderlik en uitdruklik in elke skuldakte wat in verband met so 'n transaksie verly word, vir sover dit bekend en bepaalbaar is, die volgende besonderhede:

- (a) Die verkoopprijs van die verkoopte goed of die goed wat verkoop gaan word of die geldsom wat vir die gebruik of genot van die goed gevorder is of gevorder gaan word;
- (b) alle ander vorderings, afsonderlik vermeld, wat deel van die hoofskuld uitmaak of deel van die hoofskuld sal uitmaak;
- (c) die kontantbedrag geld of die redelike waarde van goedere wat by die aangaan van die transaksie teen die bedrag in paragraaf (a) bedoel, verreken is of verreken sal word;
- (d) die hoofskuld, dit wil sê, die som van die in paragrafe (a) en (b) bedoelde bedrae min die in paragraaf (c) bedoelde bedrag;
- (e) die bedrag in rand en sente van die finansieringskoste;
- (f) die finansieringskoste uitgedruk as 'n finansieringskoste-koers per jaar; en
- (g) na gelang van die geval, die datum waarop of die getal paaielemente waarin die hoofskuld tesame met die finansieringskoste betaal moet word, die bedrag van elke paaielement en die vervaldatum van elke paaielement of die wyse waarop dié datum bepaal word.

(3) Die bepalinge van subartikels (1) en (2) is nie van toepassing nie op of ten opsigte van—

- (a) 'n wissel waar dié wissel deur die Suid-Afrikaanse Reserwebank, die Nasionale Finansiële Korporasie van Suid-Afrika of 'n bankinstelling soos omskryf in artikel 1 (1) van die Bankwet, 1965 (Wet No. 23 van 1965), verly of verdiskonteer word;
- (b) 'n verband op goed wat in 'n registrasiekantoor van aktes geregistreer word;
- (c) 'n debetsaldo in 'n rekening by 'n bankinstelling soos omskryf in artikel 1 (1) van die Bankwet, 1965, waaruit opvragings deur middel van tjeks of ander opdragte van kliënte gemaak kan word; en
- (d) 'n geldlening deur 'n versekeraar aan 'n polishouer gegee waar dié lening gesekeureer is deur verpanding

**Compulsory disclosure of finance charges.**

3. (1) A moneylender carrying on the business of money lending shall, on demand before the conclusion of any money lending transaction in connection with which finance charges are or will be payable, furnish separately and distinctly to the prospective borrower, and, whether or not any such demand is made, shall set out separately and distinctly in every instrument of debt executed in respect of any such transaction, in so far as the same may be known and determinable, the following particulars:

- (a) The cash amount in money actually received by or on behalf of the borrower or which will be received by or on behalf of the borrower or prospective borrower;
- (b) all other charges, shown separately, forming part or which will form part of the principal debt;
- (c) the principal debt, that is, the sum of the amounts referred to in paragraphs (a) and (b);
- (d) the amount in rand and cents of the finance charges;
- (e) the finance charges expressed as an annual finance charge rate; and
- (f) as the case may be, the date upon which or the number of instalments in which the principal debt together with the finance charges must be paid, the amount of each instalment and the date upon which each instalment must be paid or the manner in which that date is determined.

(2) A credit grantor who transacts credit transactions in the normal course of his business, shall, on demand before the conclusion of any credit transaction in connection with which finance charges are or will be payable, furnish separately and distinctly to the prospective credit receiver, and, whether or not any such demand is made, shall set out separately and distinctly in every instrument of debt executed in connection with any such transaction, in so far as the same may be known and determinable, the following particulars:

- (a) The selling price of the goods sold or to be sold or the sum of money charged or which will be charged for the use or enjoyment of the goods;
- (b) all other charges, shown separately, forming part or which will form part of the principal debt;
- (c) the cash amount in money or the reasonable value of goods deducted or which will be deducted at the conclusion of the transaction from the amount referred to in paragraph (a);
- (d) the principal debt, that is, the sum of the amounts referred to in paragraphs (a) and (b) less the amount referred to in paragraph (c);
- (e) the amount in rand and cents of the finance charges;
- (f) the finance charges expressed as an annual finance charge rate; and
- (g) as the case may be, the date upon which or the number of instalments in which the principal debt together with the finance charges must be paid, the amount of each instalment and the date upon which each instalment must be paid or the manner in which that date is determined.

(3) The provisions of subsections (1) and (2) shall not apply to or in respect of—

- (a) a bill of exchange when such bill is executed or discounted by the South African Reserve Bank, the National Finance Corporation of South Africa or a banking institution as defined in section 1 (1) of the Banks Act, 1965 (Act No. 23 of 1965);
- (b) a bond over property which is registered in a deeds registry;
- (c) a debit balance in an account with a banking institution as defined in section 1 (1) of the Banks Act, 1965, out of which withdrawals may be made by cheque or on other instructions of clients; and
- (d) a money loan given by an insurer to a policy-holder when such loan is secured by the pledge of a policy



van 'n deur daardie versekeraar uitgereikte polis op die lewe van bedoelde polishouer.

(4) Waar die besonderhede in subartikel (1) of (2) bedoel, in 'n dokument verstrek word waarin ook ander inligting vervat is, word bedoelde besonderhede verstrek in skrif wat nie minder opvallend is nie as die skrif waarin daardie ander inligting verstrek word.

(5) 'n Registrateur van aktes registreer geen skuldakte wat aan die bepalings van subartikels (1) of (2) en (4) moet voldoen maar wat nie daaraan voldoen nie.

(6) Iemand wat 'n skuldakte wat nie aan die bepalings van subartikels (1) of (2) en (4) voldoen nie, opstel of verly of by die opstel of verlyding daarvan betrokke is, of dit as sessionaris of andersins neem of hou, wetende dat dit nie aldus voldoen nie, is aan 'n misdryf skuldig.

(7) Iemand wat opsetlik 'n skuldakte wat 'n valse verklaring bevat ten aansien van die besonderhede wat ingevolge subartikel (1) of (2) daarin verstrek moet word, opstel of verly, of wetens 'n party by die opstel of verlyding daarvan is, en iemand wat so 'n skuldakte uitgee wetende dat dit so 'n valse verklaring bevat, is aan 'n misdryf skuldig.

(8) Ondanks die bepalings van hierdie artikel, maar behoudens die bepalings van artikel 5, word 'n skuldakte nie as ongeldig of gebrekkig beskou nie slegs omdat dit nie aan die een of ander voorskrif van subartikel (1), (2) of (4) van hierdie artikel voldoen nie.

4. Indien 'n geldopnemer of kredietopnemer versuim om 'n bedrag wat hy in verband met 'n geldleningstransaksie of 'n krediettransaksie aan 'n gelduitlener of kredietgewer verskuldig is, te betaal op die tydstip waarop sodanige bedrag betaalbaar is, of indien 'n geldopnemer of kredietopnemer met 'n gelduitlener of kredietgewer ooreenkom om die betaling van 'n bedrag wat hy soos voormeld aan daardie gelduitlener of kredietgewer verskuldig is, uit te stel, is die gelduitlener of kredietgewer daarop geregtig om op die geldopnemer of kredietopnemer 'n bykomende bedrag aan finansieringskoste te verhaal wat bereken word met inagneming van die totale bedrag wat betaalbaar is maar onbetaald is, die finansieringskostekoers per jaar waarteen finansieringskoste aanvanklik op die hoofskuld gevorder is en, na gelang van die geval, die tydperk wat die versuim voortduur of die tydperk waarvoor uitstel soos voormeld verleen word.

Beperking op bedrag verhaalbaar by versuim of by uitstel van betaling.

5. (1) 'n Gelduitlener of kredietgewer verkry in verband met 'n geldleningstransaksie of 'n krediettransaksie nie vonnis vir of verhaal nie op 'n geldopnemer of kredietopnemer, 'n bedrag wat groter is nie as die som van—

Beperking van som op geldopnemer of kredietopnemer verhaalbaar.

- (a) die hoofskuld aan hom deur die geldopnemer of kredietopnemer verskuldig;
- (b) in die geval van 'n geldlening wat in die geheel of gedeeltelik deur 'n verband op onroerende goed gesekureer is en indien die gelduitlener kragtens 'n ooreenkoms tussen hom en die geldopnemer daartoe gemagtig is, 'n bedrag wat, nadat die betrokke transaksie aangegaan is, werklik deur die gelduitlener uitbetaal is ten opsigte van die instandhouding en herstel van en hernuwingspremies op 'n brandversekeringspolis oor bedoelde onroerende goed;
- (c) finansieringskoste op die hoofskuld en, indien toepaslik, op die bedrag in paragraaf (b) bedoel teen 'n finansieringskostekoers per jaar wat nie hoër is nie as die toepaslike koers wat ten opsigte van die geldleningstransaksie of krediettransaksie deur artikel 2 (1) of (2) voorgeskryf is;
- (d) bykomende finansieringskoste bereken op die wyse in artikel 4 voorgeskryf; en

issued by the said insurer on the life of the said policyholder.

(4) Where the particulars referred to in subsection (1) or (2) are furnished in a document which also contains other information, such particulars shall be furnished in writing not less conspicuous than the writing in which such other information is furnished.

(5) No registrar of deeds shall register any instrument of debt which is required to comply with the provisions of subsections (1) or (2) and (4) but does not comply therewith.

(6) Any person who makes or executes or is a party to the making or execution of, or as cessionary or otherwise accepts or holds, an instrument of debt which does not comply with the provisions of subsections (1) or (2) and (4), knowing that it does not so comply, shall be guilty of an offence.

(7) Any person who wilfully makes or executes, or is knowingly a party to the making or execution of an instrument of debt which contains a statement which is false as to any of the particulars required to be inserted therein by subsection (1) or (2), and any person who utters any such instrument of debt knowing that it contains any such false statement, shall be guilty of an offence.

(8) Notwithstanding anything in this section contained, but subject to the provisions of section 5, no instrument of debt shall be deemed to be invalid or defective merely by reason of the fact that it does not comply with any provision of subsection (1), (2) or (4) of this section.

Limitation of sum recoverable on default or deferment of payment.

4. If a borrower or credit receiver fails to pay any amount which is owing by him to a moneylender or credit grantor in connection with a money lending transaction or a credit transaction, upon the date when such amount is payable, or if a borrower or credit receiver enters into an agreement with a moneylender or a credit grantor to defer the payment of an amount which is owing by him as aforesaid to the moneylender or credit grantor, the moneylender or credit grantor shall thereupon be entitled to recover from the borrower or credit receiver an additional amount in respect of finance charges which shall be calculated by reference to the total amount which is payable but is unpaid, the annual finance charge rate at which finance charges were charged initially on the principal debt and, as the case may be, the period during which the default continues or the period for which payment is deferred as aforesaid.

Limitation of sum recoverable from borrower or credit receiver.

5. (1) No moneylender or credit grantor shall in connection with a money lending transaction or a credit transaction obtain judgment for or recover from a borrower or credit receiver an amount exceeding the sum of—

- (a) the principal debt owing to him by the borrower or credit receiver;
- (b) in the case of a money loan secured wholly or partly by a mortgage bond over immovable property and if the moneylender is authorized thereto in terms of an agreement between himself and the borrower, any amount actually disbursed by the moneylender after the conclusion of the transaction concerned in respect of the maintenance and repair of and renewal premiums on a fire insurance policy over the said immovable property;
- (c) finance charges on the principal debt and, if applicable, on the amount referred to in paragraph (b) at an annual finance charge rate not exceeding the relevant rate prescribed in respect of the money lending transaction or credit transaction by section 2 (1) or (2);
- (d) additional finance charges calculated in the manner prescribed by section 4; and

- (e) alle koste wat werklik deur hom aangegaan is in verband met die invordering van die skuld of rente wat daarop verskuldig is en wat regtens op die geldopnemer of kredietopnemer verhaalbaar is.

(2) 'n Gelduitlener of kredietgewer verkry in 'n geding teen 'n geldopnemer of kredietopnemer ten opsigte van verlies, skade of uitgawe wat na bewering in verband met 'n geldleningstransaksie of 'n krediettransaksie, opgeloopt is, nie vonnis nie vir 'n bedrag wat nie ingesluit is nie in die bedrag wat ten opsigte van daardie geldleningstransaksie of krediettransaksie, na gelang van die geval, ingevolge subartikel (1) verhaalbaar is.

(3) In verrigtinge ingevolge die Insolvensiewet, 1936 (Wet No. 24 van 1936), of 'n ander wet, bewys 'n gelduitlener of kredietgewer ten aansien van 'n geldleningstransaksie of 'n krediettransaksie geen vordering vir 'n bedrag waarvoor hy ingevolge hierdie artikel nie vonnis kan verkry nie.

6. (1) Waar die hoofskuld en finansieringskoste wat deur 'n geldopnemer of 'n kredietopnemer in verband met 'n geldleningstransaksie of 'n krediettransaksie verskuldig is, kragtens 'n ooreenkoms tussen hom en die betrokke gelduitlener of kredietgewer in paaiemente oor 'n tydperk in die toekoms betaal moet word en die finansieringskoste deel van daardie paaiemente uitmaak, is die geldopnemer of kredietopnemer te alle tye geregtig om 'n paaiement voor die vervaldag daarvan te betaal, en is hy, as hy alle nog onbetaalde paaiemente (mits dit nie die laaste paaiement is nie) in een bedrag betaal, geregtig op 'n vermindering van elke paaiement wat nie op die datum waarop betaling aldus geskied, opeisbaar is nie, met 'n bedrag bereken teen die koers van sewe en 'n halfpersent per jaar op bedoelde paaiement ten opsigte van die tydperk waarmee die betaling van bedoelde paaiement vervroeg is.

Vermindering van paaiemente by vervroegde betaling, herfinansiering of konsolidasie van skuld.

(2) Waar die hoofskuld en finansieringskoste wat deur 'n geldopnemer of 'n kredietopnemer in verband met 'n geldleningstransaksie of 'n krediettransaksie verskuldig is, kragtens 'n ooreenkoms tussen hom en die betrokke gelduitlener of kredietgewer in paaiemente oor 'n tydperk in die toekoms betaal moet word en die finansieringskoste deel van daardie paaiemente uitmaak, is die geldopnemer of kredietopnemer, indien hy met die betrokke gelduitlener of kredietgewer ooreenkom dat bedoelde hoofskuld en finansieringskoste vanaf 'n bepaalde datum by wyse van kleiner of groter paaiemente as dié waarop by die aangaan van die betrokke transaksie ooreengekom is, betaal moet word, geregtig, by die berekening van die bedrag nog uitstaande, op 'n vermindering van elke paaiement wat ingevolge eersbedoelde ooreenkoms betaal moet word maar wat nie op bedoelde datum opeisbaar is nie, met 'n bedrag bereken op die grondslag in subartikel (1) voorgeskryf.

(3) Die bepalinge van subartikel (2) met betrekking tot die berekening van die bedrag nog uitstaande is *mutatis mutandis* ook van toepassing waar 'n geldopnemer en 'n gelduitlener of 'n kredietopnemer en 'n kredietgewer ooreenkom om twee of meer bedrae wat in verband met verskillende geldleningstransaksies of krediettransaksies aan hoofskuld en finansieringskoste verskuldig is en in paaiemente betaal moet word soos in daardie subartikel bedoel, vanaf 'n bepaalde datum vir die doeleindes van betaling as een skuld te behandel.

7. 'n Geldopnemer of kredietopnemer wat in verband met 'n geldleningstransaksie of 'n krediettransaksie 'n bedrag betaal het wat meer is as die bedrag wat in verband met daardie transaksie volgens hierdie Wet wettiglik op hom verhaal kon geword het, kan te eniger tyd binne 'n tydperk van drie jaar na die datum van daardie betaling, op die persoon aan wie hy die betaling gedoen het, 'n bedrag gelyk aan die bedrag wat hy te veel betaal het, verhaal.

Verhaling van 'n bedrag te veel betaal in verband met 'n geldleningstransaksie of 'n krediettransaksie.

- (e) all costs actually incurred by him in connection with the recovery of the debt or interest owing thereon and which would be recoverable at law from the borrower or credit receiver.

(2) No moneylender or credit grantor shall in any proceedings against a borrower or credit receiver in respect of loss, damage or expense alleged to have been incurred in connection with a money lending transaction or a credit transaction, obtain judgment for any sum not included in the amount recoverable in respect of such money lending transaction or credit transaction, as the case may be, under subsection (1).

(3) In any proceedings in terms of the Insolvency Act, 1936 (Act No. 24 of 1936), or any other law, no moneylender or credit grantor shall prove a claim in respect of a money lending transaction or a credit transaction for any sum for which in terms of this section he cannot obtain judgment.

Reduction of instalments in the event of advanced payment, refinancing or consolidation of debt.

6. (1) Where the principal debt and finance charges owing by a borrower or a credit receiver in connection with a money lending transaction or credit transaction have, in terms of an agreement between himself and the moneylender or credit grantor concerned, to be paid in instalments over a period in the future and the finance charges form part of the said instalments, the borrower or credit receiver shall at all times be entitled to pay any instalment before it is due, and shall, if he pays all instalments still unpaid (not being the final instalment) in one amount, be entitled to a reduction of every instalment not due on the date upon which payment is thus effected, by an amount calculated at the rate of seven and one-half per cent per annum on such instalment in respect of the period by which the payment of the said instalment is advanced.

(2) Where the principal debt and finance charges owing by a borrower or a credit receiver in connection with a money lending transaction or a credit transaction have, in terms of an agreement between himself and the moneylender or credit grantor concerned, to be paid in instalments over a period in the future and the finance charges form part of the said instalments, the borrower or credit receiver shall, if he enters into an agreement with the moneylender or credit grantor concerned in terms of which the said principal debt and finance charges have as from a stated date to be paid by way of smaller or larger instalments than the instalments agreed upon at the time of the conclusion of the transaction concerned, be entitled, for the purpose of the calculation of the amount still outstanding, to a reduction of every instalment which has to be paid in terms of the firstmentioned agreement but which is not due on the said date, by an amount calculated on the basis prescribed by subsection (1).

(3) The provisions of subsection (2) relating to the calculation of the amount still outstanding shall *mutatis mutandis* apply also where a borrower and a moneylender or a credit receiver and a credit grantor agree, as from a fixed date and for the purpose of payment, to treat as a single debt two or more amounts which are owing and have to be paid in instalments as contemplated in the said subsection in respect of principal debt and finance charges in connection with various money lending transactions or credit transactions.

Recovery of an amount overpaid in connection with a money lending transaction or a credit transaction.

7. Any borrower or credit receiver who in connection with a money lending transaction or a credit transaction has paid an amount which exceeds the amount which in terms of this Act could lawfully have been recovered from him in connection with such transaction, may, at any time within a period of three years as from the date of such payment, recover from the person to whom he made the payment, a sum equal to the amount overpaid by him.

8. Iemand wat 'n *bona fide*-houer vir waarde, voor die vervaldatum, van 'n skuldakte word, wat deur 'n vorige houer teen 'n hoër finansieringskostekoers per jaar as wat kragtens hierdie Wet toelaatbaar is, verdiskonteer is, of ten opsigte waarvan finansieringskoste beding, geëis of ontvang is teen 'n hoër finansieringskostekoers per jaar as wat soos voormeld toelaatbaar is, kan nietemin die bedrag wat ingevolge die skuldakte verskuldig is, verhaal, maar die party op wie bedoelde bedrag aldus verhaal word, kan van bedoelde vorige houer of van iemand wat finansieringskoste ten opsigte daarvan teen 'n ongemagtigde finansieringskostekoers per jaar ontvang het, 'n bedrag terugvorder gelyk aan dié wat aan finansieringskoste meer beding, geëis of ontvang is as wat hierdie Wet toelaat.

Posisie van *bona fide*-houer vir waarde van skuldakte.

9. Die bepalinge van hierdie Wet word nie so uitgelê nie dat dit magtiging verleen om finansieringskoste of rente teen 'n hoër koers te beding, te eis of te ontvang as die koers wat verhaal mag word in 'n geval waar die koers by wet vasgestel word op 'n laer peil as dié wat hierdie Wet toelaat, en maak geen inbreuk nie op 'n bevoegdheid of regsbevoegdheid wat 'n hof het om in 'n geding waarin finansieringskoste of rente aldus gevorder word, 'n bevel vir die betaling van finansieringskoste of rente te weier of om die koers van finansieringskoste of rente wat aldus gevorder word, te verlaag selfs as daardie koers laer is as die toepaslike koers in artikel 2 van hierdie Wet vermeld.

'n Laer koers ingevolge 'n ander wet, nie geraak nie.

10. (1) Waar die verpligting van 'n geldopnemer of kredietopnemer ingevolge 'n geldleningstransaksie of 'n krediettransaksie nie in 'n verband of ander akte wat in 'n registrasiekantoor van aktes geregistreer is, vervat is nie, oorhandig die gelduitlener of kredietgewer binne veertien dae na die datum waarop die transaksie aangegaan is, aan die geldopnemer of kredietopnemer, na gelang van die geval, 'n duplikaat of ware afskrif van die skuldakte wat in verband met die transaksie verly is of, indien geen skuldakte aldus verly is nie, 'n duplikaat of ware afskrif van 'n dokument wat, na gelang van die geval, deur die gelduitlener en geldopnemer of die kredietgewer en kredietopnemer, of deur hulle behoorlik gemagtigde lashebbers, onderteken is en waarin die toepaslike besonderhede in artikel 3 (1) of (2) vermeld, aangegee word.

Gelduitlener of kredietgewer moet geldopnemer of kredietopnemer van afskrif van skuldakte en van sekere inligting voorsien.

(2) Op 'n skriftelike versoek van 'n geldopnemer of kredietopnemer en teen betaling van 'n bedrag deur die Minister voorgeskryf, verstrek 'n gelduitlener of kredietgewer te eniger tyd gedurende die duur van 'n ooreenkoms in verband met 'n geldleningstransaksie of 'n krediettransaksie aan sodanige geldopnemer of kredietopnemer of aan iemand in bedoelde versoek genoem, 'n opgawe, deur die gelduitlener of kredietgewer of sy behoorlik gemagtigde lashebbers onderteken, wat aantoon—

- (a) die bedrag van die hoofskuld wat deur die geldopnemer of kredietopnemer verskuldig was toe die transaksie aangegaan is;
- (b) indien toepaslik, die som van enige bedrae in artikel 5 (1) (b) bedoel wat werklik deur die gelduitlener uitbetaal is;
- (c) die bedrag van die finansieringskoste wat ten opsigte van die transaksie gehef is;
- (d) die som van die in paragrafe (a), (b) en (c) bedoelde bedrae;
- (e) die finansieringskostekoers per jaar waarteen finansieringskoste betaalbaar is; en
- (f) die totale bedrag wat ten opsigte van die hoofskuld en finansieringskoste en, indien toepaslik, ten opsigte van die bedrae in paragraaf (b) bedoel, afbetaal is.

(3) Indien 'n gelduitlener of kredietgewer aan wie 'n versoek ingevolge subartikel (2) gerig is, sonder redelike verontskuldiging versuim om binne sewe dae nadat die versoek deur hom ontvang is, daaraan te voldoen, is hy aan 'n misdryf skuldig.

Position of *bona fide* holder for value of instrument of debt.

8. Any person who becomes a *bona fide* holder for value before maturity, of any instrument of debt discounted by a previous holder at an annual finance charge rate exceeding that authorized by this Act or in respect of which finance charges have been stipulated for, demanded or received at an annual finance charge rate exceeding the rate so authorized, may nevertheless recover the amount owing in terms of the instrument of debt, but the party from whom the said amount is so recovered, may reclaim from the said previous holder or from any person who has received finance charges in respect thereof at an unauthorized annual finance charge rate, an amount equal to the amount stipulated for, demanded or received in respect of finance charges in excess of the amount allowed by this Act.

Lower rate under another law not affected.

9. The provisions of this Act shall not be construed as conferring authority to stipulate for, demand or receive finance charges or interest at a rate exceeding the rate that may be recovered in any case where by law the rate is fixed at less than the rate allowed by this Act, and shall not derogate from any power or jurisdiction which any court may have to refuse an order for the payment of finance charges or interest or to reduce the rate of finance charges or interest so claimed in any proceedings for the recovery of finance charges or interest even when such rate is less than the relevant rate set forth in section 2 of this Act.

Moneylender or credit grantor to furnish borrower or credit receiver with copy of instrument of debt and with certain information.

10. (1) Where the obligation of a borrower or a credit receiver under a money lending transaction or a credit transaction is not evidenced by a bond or other instrument registered in a deeds registry, the moneylender or credit grantor shall, within fourteen days after the date on which the transaction was concluded, deliver to the borrower or credit receiver, as the case may be, a duplicate or true copy of the instrument of debt executed in connection with the transaction, or if no instrument of debt was so executed, a duplicate or true copy of a document which has been signed, as the case may be, by the moneylender and borrower or the credit grantor and credit receiver or by their duly authorized representatives and wherein the relevant particulars specified in section 3 (1) or (2) are set forth.

(2) On a written demand by a borrower or a credit receiver and against payment of an amount prescribed by the Minister, a moneylender or credit grantor shall, at any time during the currency of an agreement in connection with a money lending transaction or a credit transaction, furnish to such borrower or credit receiver or to any person named in such demand, a statement signed by the moneylender or credit grantor or his duly authorized representative, setting forth—

- (a) the amount of the principal debt which was owing by the borrower or credit receiver at the time of the conclusion of the transaction;
- (b) if applicable, the sum of any amounts referred to in section 5 (1) (b) actually paid out by the moneylender;
- (c) the amount of the finance charges levied in respect of the transaction;
- (d) the sum of the amounts referred to in paragraphs (a), (b) and (c);
- (e) the annual finance charge rate at which finance charges are payable; and
- (f) the total amount paid off in respect of the principal debt and finance charges and, if applicable, in respect of the amounts referred to in paragraph (b).

(3) If a moneylender or credit grantor to whom a demand has been made in terms of subsection (2), fails without reasonable cause to comply therewith within seven days after the demand has been received by him, he shall be guilty of an offence.

11. Indien in 'n geding, hetsy by wyse van voorlopige vonnis, summiere vonnis of andersins, vir die verhaal van skuld ingevolge 'n geldleningstransaksie of 'n krediettransaksie, die verweerder beweer dat die betaling van finansieringskoste geëis word deur, of betaal is aan, die eiser teen 'n hoër koers as die maksimum finansieringskostekoers per jaar wat hierdie Wet toelaat, en die verweerder versoek dat die eiser as 'n getuie opgeroep moet word om sy eis te bewys, word in sodanige geding geen vonnis gevel voordat die hof aan die verweerder, of sy regsvertegenwoordiger, 'n geleentheid gebied het om die eiser in verband met sy eis te ondervra nie tensy dit vir bedoelde hof voorkom dat so 'n ondervraging ondoenlik is of dat die verweerder se bewering *prima facie* ongegrond is.

Geregtelike  
stappe vir verhaal  
van skuld  
ingevolge 'n  
geldlenings-  
transaksie of 'n  
krediettransaksie  
aangegaan.

12. Indien in 'n geding beweer word dat roerende goed of dienste, wat kragtens 'n ooreenkoms in verband met 'n krediettransaksie verkoop, oorgedra of verskaf is, vir hoofsaaklik persoonlike, familie-, huishoudelike of boerderydoeleindes bestem is, word vermoed dat bedoelde goed of dienste aldus bestem is totdat die teendeel bewys is.

Bewyslewing.

13. (1) 'n Inspekteur wat kragtens artikel 2 van die Wet op Inspeksie van Finansiële Instellings, 1962 (Wet No. 68 van 1962), aangestel is, kan te eniger tyd in opdrag van die Registrateur, vir die doeleindes van hierdie Wet, die sake van 'n gelduitlener of kredietgewer inspekteer.

Inspeksie-  
bevoegdhede.

(2) Die bepalings van die Wet op Inspeksie van Finansiële Instellings, 1962, is *mutatis mutandis* van toepassing ten opsigte van 'n inspeksie ingevolge subartikel (1) uitgevoer.

(3) By die toepassing van die bepalings van die Wet op Inspeksie van Finansiële Instellings, 1962, op 'n inspeksie kragtens hierdie artikel, word 'n verwysing in daardie Wet na 'n finansiële instelling uitgelê as 'n verwysing na 'n gelduitlener of kredietgewer, en word 'n verwysing daarin na die registrateur, uitgelê as 'n verwysing na die Registrateur.

14. Die Registrateur kan te eniger tyd 'n gelduitlener of kredietgewer aansê om enige inligting, behoorlik as korrek gesertifiseer deur 'n ouditeur wat kragtens die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), geregistreer is, indien die Registrateur sodanige sertifisering verlang, omtrent enige van sodanige gelduitlener se geldlenings-transaksies of sodanige kredietgewer se krediettransaksies te verskaf, en indien die gelduitlener of kredietgewer versuim om binne 'n tydperk van dertig dae na ontvangs van 'n skriftelike versoek van die Registrateur, of binne die verdere tydperk daarna wat die Registrateur toelaat, aan die Registrateur enige deur hom verlangde inligting te verstrek, is die gelduitlener of kredietgewer aan 'n misdryf skuldig.

Verskaffing van  
inligting aan  
Registrateur.

15. Die bepalings van hierdie Wet is nie van toepassing nie op—

Vrystellings van  
bepalings van  
hierdie Wet.

(a) 'n geldleningstransaksie of 'n krediettransaksie wat aangegaan is voor, of op 'n skuldakte wat bestaan by, die inwerkingtrekking van hierdie Wet: Met dien verstande dat bedoelde bepalings van toepassing is op of ten aansien van die hernuwing van iedere sodanige transaksie of akte wat op of na die datum van inwerkingtrekking van hierdie Wet bewerkstellig word;

(b) 'n geldleningstransaksie of krediettransaksie van 'n pandhuishouer wat binne die bestek van 'n wet val wat van tyd tot tyd met betrekking tot pandhuishouers van krag is; of

(c) die Land- en Landboubank van Suid-Afrika.

16. Die Minister kan regulasies uitvaardig waarby hy alle aangeleenthede kan voorskryf wat ingevolge die een of ander bepaling van hierdie Wet voorgeskryf moet of kan word, of wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.

Regulasies.

- Legal proceedings for recovery of debt incurred in connection with a money lending transaction or a credit transaction.** 11. If in any proceedings, whether by way of provisional sentence, summary judgment or otherwise, for the recovery of a debt in pursuance of a money lending transaction or a credit transaction, the defendant alleges that payment of finance charges is claimed by, or has been made to, the plaintiff at a rate exceeding the maximum annual finance charge rate allowed by this Act, and the defendant requests that the plaintiff be called as a witness to prove his claim, no judgment shall be granted in such proceedings until the court has afforded the defendant or his legal representative an opportunity to examine the plaintiff in regard to his claim unless it appears to such court that such examination is impracticable or that the defendant's allegation is *prima facie* without foundation.
- Evidence.** 12. If in any proceedings it is alleged that movable property or services sold, transferred or supplied in terms of an agreement in connection with a credit transaction, is or are intended mainly for personal, family, household or farming purposes, it shall be presumed that the said property is or the said services are so intended until the contrary has been proved.
- Powers of inspection.** 13. (1) An inspector appointed under section 2 of the Inspection of Financial Institutions Act, 1962 (Act No. 68 of 1962), may at any time at the direction of the Registrar inspect the affairs of a moneylender or credit grantor for the purposes of this Act.  
(2) The provisions of the Inspection of Financial Institutions Act, 1962, shall apply *mutatis mutandis* in respect of an inspection carried out in terms of subsection (1).  
(3) For the purposes of the application of the provisions of the Inspection of Financial Institutions Act, 1962, to an inspection under this section, any reference in that Act to a financial institution shall be construed as a reference to a moneylender or credit grantor and any reference therein to the registrar shall be construed as a reference to the Registrar.
- Furnishing of information to the Registrar.** 14. The Registrar may at any time require any moneylender or credit grantor to furnish him with any information, duly certified as correct by an auditor registered under the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), if the Registrar requires such certification, relating to any of such moneylender's money lending transactions or credit grantor's credit transactions, and if the moneylender or credit grantor fails to furnish the Registrar within thirty days after receipt of a written request from the Registrar, or within such further period thereafter as the Registrar may allow, with any information demanded by the Registrar, such moneylender or credit grantor shall be guilty of an offence.
- Exemptions from the provisions of this Act.** 15. The provisions of this Act shall not apply to—  
(a) any money lending transaction or any credit transaction entered into before, or any instrument of debt existing at, the commencement of this Act: Provided that the said provisions shall apply to or in respect of the renewal of every such transaction or instrument effected on or after the date of commencement of this Act;  
(b) any money lending transaction or credit transaction of a pawnbroker falling within the ambit of any law for the time being in force in relation to pawnbrokers; or  
(c) the Land and Agricultural Bank of South Africa.
- Regulations.** 16. The Minister may make regulations with regard to all matters which, in terms of any provision of this Act, are required or permitted to be prescribed, or which he deems it necessary or expedient to prescribe in order to achieve the objects of this Act.



17. 'n Persoon wat 'n bepaling van hierdie Wet oortree of Strafbepalings. versuim om te voldoen aan 'n bepaling van hierdie Wet waaraan dit sy plig is om te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel sodanige boete as sodanige gevangenisstraf.

18. Ondanks andersluidende wetsbepalings is 'n landdroshof Regsbevoegdheid van landdroshof. te lè. bevoeg om enige straf wat by hierdie Wet voorgeskryf word, op te lè.

19. (1) Die bepalinge van hierdie Wet en enige wysiging Toepassing van Wet in Suidwes-Afrika. daarvan is van toepassing ook in die gebied Suidwes-Afrika, met inbegrip van die gebied bekend as die Oostelike Caprivi Zipfel en genoem in artikel 3 (3) van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1951 (Wet No. 55 van 1951), en ook met betrekking tot alle persone in dié deel van die gebied Suidwes-Afrika wat bekend staan as die „Rehoboth Gebied” en wat in die Eerste Bylae by Proklamasie No. 28 van 1923 van die Administrateur van daardie gebied omskryf word.

(2) Vir die doeleindes van bedoelde toepassing word 'n verwysing in hierdie Wet—

(a) na die Insolvensiewet, 1936 (Wet No. 24 van 1936), uitgelê as 'n verwysing na bedoelde Wet soos by artikel 158ter van bedoelde Wet op bedoelde gebied toegepas; en

(b) na 'n registrateur van aktes uitgelê as 'n verwysing na die Registrateur van Aktes van bedoelde gebied.

20. (1) Die Woekerwet, 1926 (Wet No. 37 van 1926), die Herroeping van bestaande Wette. Woeker-Wysigingswet, 1933 (Wet No. 1 van 1933), en artikel 23 van die Bankwet, 1965 (Wet No. 23 van 1965), word hierby herroep.

(2) Nieteenstaande 'n herroeping kragtens hierdie artikel teweeggebring, dog behoudens die bepalinge van die voorbehoudsbepaling by artikel 15 (a), bly die wetsbepalinge wat onmiddellik voor die inwerkingtreding van hierdie Wet van krag was, van toepassing op elke geldleningstransaksie wat aangegaan is voor, en op elke skuldakte wat in verband met 'n geldleningstransaksie verly is en bestaan by, bedoelde inwerkingtreding.

21. Hierdie Wet heet die Wet op Beperking en Bekend- Kort titel en datum van inwerkingtreding. making van Finansieringskoste, 1968, en tree in werking op 'n datum wat deur die Staatspresident by proklamasie in die Staatskoerant vasgestel word.

## Penalties.

17. Any person who contravenes any provision of this Act or fails to comply with any provision of this Act with which it is his duty to comply, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

## Jurisdiction of magistrate's court.

18. Notwithstanding anything to the contrary in any law contained, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Act.

## Application of Act to South-West Africa.

19. (1) The provisions of this Act and any amendment thereof shall apply also in the territory of South-West Africa, including the area known as the Eastern Caprivi Zipfel and referred to in section 3 (3) of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and also in relation to all persons in that portion of the territory of South-West Africa known as the "Rehoboth Gebiet" and defined in the First Schedule to Proclamation No. 28 of 1923, of the Administrator of the said territory.

(2) For the purposes of the said application any reference in this Act—

- (a) to the Insolvency Act, 1936 (Act No. 24 of 1936), shall be construed as a reference to that Act as applied to the said territory by section 158*ter* of the said Act; and
- (b) to a registrar of deeds shall be construed as a reference to the Registrar of Deeds of the said territory.

## Repeal of existing laws.

20. (1) The Usury Act, 1926 (Act No. 37 of 1926), the Usury Amendment Act, 1933 (Act No. 1 of 1933), and section 23 of the Banks Act, 1965 (Act No. 23 of 1965), are hereby repealed.

(2) Notwithstanding any repeal effected by this section, the law in force immediately before the commencement of this Act shall, subject to the provisions of the proviso to section 15 (a), continue to apply to every money lending transaction entered into before, and to every instrument of debt executed in connection with a money lending transaction and existing at, such commencement.

## Short title and date of commencement.

21. This Act shall be called the Limitation and Disclosure of Finance Charges Act, 1968, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

No. 74, 1968.]

# WET

**Om voorsiening te maak vir die verdere voortsetting van sekere regulasies uitgevaardig kragtens artikel 1*bis* van die Wet op Oorlogsmaatreëls, 1940, of afgekondig by proklamasies deur artikel 2 van genoemde Wet bekragtig, en tot wysiging van die Bylae by die Wet op die Voortsetting van Oorlogsmaatreëls, 1956.**

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 20 Junie 1968.)

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

1. Artikel 1 van die Wet op die Voortsetting van Oorlogsmaatreëls, 1956 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Sekere regulasies uitgevaardig kragtens artikel 1*bis* van Wet 13 van 1940, soos deur artikel 1 van Wet 32 van 1940 ingevoeg, of afgekondig by proklamasies deur artikel 2 van Wet 13 van 1940 bekragtig, bly van krag.

1. (1) Ondanks die bepalings van artikel 1 van die Wet op die Voortsetting van Oorlogsmaatreëls, 1954 (Wet No. 51 van 1954), of enige ander wet, bly die regulasies wat in die Bylae uiteengesit word, van krag in die mate in die vierde kolom van bedoelde Bylae vermeld, tot die dertigste dag van Junie 1971, tensy hulle eerder deur die Staatspresident ingevolge subartikel (2) herroep word.

(2) Die Staatspresident kan te eniger tyd by proklamasie in die *Staatskoerant* enigeen van die in subartikel (1) bedoelde regulasies herroep.”

Vervanging van artikel 1 van Wet 58 van 1956, soos gewysig deur artikel 1 van Wet 39 van 1959 en artikel 1 van Wet 66 van 1962 en vervang deur artikel 1 van Wet 57 van 1965.

2. Die Bylae by die Hoofwet word hierby gewysig deur items 1, 2, 3 en 6 met ingang van die dertigste dag van Junie 1968, te skrap.

Wysiging van Bylae by Wet 58 van 1956, soos gewysig deur artikel 2 van Wet 39 van 1959, artikel 2 van Wet 66 van 1962, artikel 7 van Wet 45 van 1963, artikel 22 van Wet 25 van 1964 en artikel 1 van Wet 25 van 1967.

3. Hierdie Wet heet die Wysigingswet op die Voortsetting Kort titel van Oorlogsmaatreëls, 1968.

No. 74, 1968.]

# ACT

**To provide for the further continuation of certain regulations made under section 1bis of the War Measures Act, 1940, or promulgated by proclamations validated by section 2 of the said Act, and to amend the Schedule to the War Measures Continuation Act, 1956.**

*(English text signed by the State President.)  
(Assented to 20th June, 1968.)*

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

Substitution of section 1 of Act 58 of 1956, as amended by section 1 of Act 39 of 1959 and section 1 of Act 66 of 1962 and substituted by section 1 of Act 57 of 1965.

1. The following section is hereby substituted for section 1 of the War Measures Continuation Act, 1956 (hereinafter referred to as the principal Act):

“Certain regulations made under section 1bis of Act 13 of 1940, as inserted by section 1 of Act 32 of 1940, or promulgated by proclamations validated by section 2 of Act 13 of 1940, to continue in operation.

1. (1) The regulations set out in the Schedule shall, notwithstanding the provisions of section 1 of the War Measures Continuation Act, 1954 (Act No. 51 of 1954), or any other law, continue in operation to the extent mentioned in the fourth column of the said Schedule, until the thirtieth day of June, 1971, unless previously repealed by the State President in terms of subsection (2).

(2) The State President may at any time by proclamation in the *Gazette* repeal any of the regulations referred to in subsection (1).”

Amendment of Schedule to Act 58 of 1956, as amended by section 2 of Act 39 of 1959, section 2 of Act 66 of 1962, section 7 of Act 45 of 1963, section 22 of Act 25 of 1964 and section 1 of Act 25 of 1967.

2. The Schedule to the principal Act is hereby amended by the deletion with effect from the thirtieth day of June, 1968, of items 1, 2, 3 and 6.

Short title.

3. This Act shall be called the War Measures Continuation Amendment Act, 1968.

No. 75, 1968.]

## WET

**Tot wysiging van die Boedelbelastingwet, 1955, ten einde die kortings wat ingevolge paragrawe (i) en (iv) van die eerste voorbehoudsbepaling by die Eerste Bylae by daardie Wet toelaatbaar is, te verhoog.**

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 20 Junie 1968.)*

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

1. (1) Die Eerste Bylae by die Boedelbelastingwet, 1955, word hierby gewysig deur die eerste voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:
- Wysiging van  
1ste Bylae by  
Wet 45 van 1955,  
soos vervang deur  
artikel 8 van  
Wet 81 van 1965.
- „Met dien verstande dat die belasting ooreenkomstig hierdie tabel bereken, onderworpe is aan 'n korting van 'n bedrag gelyk aan 'n belasting aldus bereken op 'n belasbare bedrag gelyk aan die totaal van—
- (i) 'n bedrag van vyf-en-twintigduisend rand; en
  - (ii) 'n bedrag van twaalfduisend vyfhonderd rand ten opsigte van iedere kind van die oorledene wat hom oorleef; en
  - (iii) 'n bedrag van twaalfduisend vyfhonderd rand ten opsigte van iedere kind van die oorledene wat voor hom te sterwe gekom het en wat nakomelinge nagelaat het wat die oorledene oorleef of 'n eggenoot nagelaat het wat die oorledene oorleef en wat nie op of voor die datum van dood van die oorledene hertrou het nie; en
  - (iv) 'n bedrag van vyf-en-twintigduisend rand in 'n geval waar die oorledene deur sy eggenoot oorleef word:”.
- (2) Die wysigings deur subartikel (1) aangebring, is van toepassing ten opsigte van die boedel van enige persoon wat op of na die sewe-en-twintigste dag van Maart 1968 te sterwe gekom het of te sterwe kom.

2. Hierdie Wet heet die Wysigingswet op Boedelbelasting, Kort titel. 1968.

No. 75, 1968.]

# ACT

**To amend the Estate Duty Act, 1955, so as to increase the rebates allowable under paragraphs (i) and (iv) of the first proviso to the First Schedule to that Act.**

*(Afrikaans text signed by the State President.)  
(Assented to 20th June, 1968.)*

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

Amendment of  
1st Schedule to  
Act 45 of 1955,  
as substituted  
by section 8 of  
Act 81 of 1965.

1. (1) The First Schedule to the Estate Duty Act, 1955, is hereby amended by the substitution for the first proviso of the following proviso:

“Provided that the duty calculated in accordance with this table shall be subject to a rebate of an amount equal to a duty so calculated upon a dutiable amount equal to the aggregate of—

- (i) an amount of twenty-five thousand rand; and
- (ii) an amount of twelve thousand five hundred rand in respect of every child of the deceased who survives him; and
- (iii) an amount of twelve thousand five hundred rand in respect of every child of the deceased who predeceased him and who left issue surviving the deceased or a spouse surviving the deceased who had not remarried on or before the date of death of the deceased; and
- (iv) an amount of twenty-five thousand rand in any case in which the deceased is survived by his spouse:”.

(2) The amendments effected by subsection (1) shall apply in respect of the estate of any person who died or dies on or after the twenty-seventh day of March, 1968.

Short title.

2. This Act shall be called the Estate Duty Amendment Act, 1968.

No. 78, 1968.]

## WET

Om voorsiening te maak vir die besteding van sekere surplusstaatsinkomste; vir die finansiering van sekere tekorte in die Bantoe-onderwysrekening; vir die wyse waarop sekere bepalinge rakende die bevoegdhede van die Minister van Finansies toegepas moet word; vir die beskikking oor gelde en eiendom in die bewaring of onder beheer van die Bewaarder van Vyandseiendom; vir die geldigverklaring van die verhoging van die koers waarteen rente op sekere gelde in die Voogdyfonds betaal is; vir waarborge deur die Regering ten opsigte van sekere verliese wat die Suid-Afrikaanse Reserwebank mag ly; vir waarborge deur die Regering ten opsigte van sekere verpligtinge van die Suid-Afrikaanse Yster en Staal Industriële Korporasie; om artikel 3 van die Finansiewet, 1954, te wysig met betrekking tot die aflossing van sekere ingeskrewe fondse en die belegging van die opbrengs van sodanige aflossing; om artikel 3bis van die Algemene Leningswet, 1961, te wysig om voorsiening te maak vir die oordrag van sekere gelde uit die Stabilisasie-rekening na die Leningsrekening en vir die tertafellegging van state wat betrekking het op sodanige gelde; om artikel 4 van laasgemelde Wet te wysig om voorsiening te maak vir die plasing op krediet van die Leningsrekening van gelde wat aldus oorgedra is; om artikel 1 van die Finansiewet, 1966, te wysig met betrekking tot lenings waarvan terugbetaling deur die Regering gewaarborg kan word; om voorsiening te maak vir die besteding van die surplus-inkomste van die Spoorweg- en Hawefonds; vir die bekragtiging van die betaling van verhoogde salarisse en vir die magtiging van die betaling van sekere bedrae aan die Spoorwegkommissarisse; en om vir aangeleenthede wat daarmee in verband staan, voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 20 Junie 1968.)*

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

### DEEL I.

#### AANGELEENTHEDE WAT DIE GEKONSOLIDEERDE INKOMSTEFONDS RAAK.

1. Uit die surplus in die Inkomsterekening op die een-en-dertigste dag van Maart 1968, soos deur die Kontroleur en ouditeur-generaal gesertifiseer, word daar—

- (a) aan die Poskantoorfonds 'n bedrag van een-en-twintigmiljoen rand oorbetaal;
- (b) aan die Rekening vir die Ontwikkeling van Strategiese Mineralebronne 'n bedrag van tienmiljoen rand oorbetaal; en
- (c) aan die Leningsfonds ter Bevordering van Ekonomiese Samewerking 'n bedrag van vyfmiljoen rand oorbetaal.

Besteding van  
sekere surplus-  
staatsinkomste.

No. 78, 1968.]

# ACT

To provide for the disposal of certain surplus State revenues; for the financing of certain deficiencies in the Bantu Education Account; for the manner in which certain provisions relative to the powers of the Minister of Finance shall be applied; for the disposal of moneys and property in the custody or under the control of the Custodian of Enemy Property; for the validation of the increase of the rate at which interest on certain moneys in the Guardian's Fund has been paid; for guarantees by the Government in respect of certain losses which may be sustained by the South African Reserve Bank; for guarantees by the Government in respect of certain obligations of the South African Iron and Steel Industrial Corporation; to amend section 3 of the Finance Act, 1954, relative to the redemption of certain inscribed stock, and the investment of the proceeds of such redemption; to amend section 3*bis* of the General Loans Act, 1961, so as to provide for the transfer of certain moneys from the Stabilization Account to the Loan Account, and for the tabling of statements relative to such moneys; to amend section 4 of the last-mentioned Act so as to provide for the placing to the credit of the Loan Account of moneys so transferred; to amend section 1 of the Finance Act, 1966, relative to loans the repayment of which may be guaranteed by the Government; to provide for the disposal of the surplus revenue of the Railway and Harbour Fund; for the validation of the payment of increased salaries, and for the authorization of the payment of certain amounts to the Railway Commissioners; and to provide for matters incidental thereto.

*(English text signed by the State President.)*

*(Assented to 20th June, 1968.)*

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

## PART I.

### MATTERS AFFECTING THE CONSOLIDATED REVENUE FUND.

Disposal of  
certain surplus  
State revenues.

1. From the surplus in the Revenue Account as at the thirty-first day of March, 1968, as certified by the Controller and Auditor-General, there shall be—

- (a) paid to the credit of the Post Office Fund, an amount of twenty-one million rand;
- (b) paid to the credit of the Strategic Mineral Resources Development Account, an amount of ten million rand; and
- (c) paid to the credit of the Economic Co-operation Promotion Loan Fund, an amount of five million rand.



2. (1) As dit te eniger tyd in die loop van 'n maand blyk dat die gelde in die Bantoe-onderwysrekening bedoel in artikel 20 van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), waarskynlik ontoereikend sal wees om die gemagtigde laste teen sodanige rekening te bestry, stel die Tesourie 'n staat op en verstrek dit aan die Kontroleur en Ouditeur-generaal, waarin die bedrag van die geraamde tekort aan die einde van daardie maand aangetoon word en waarin die wyse aangedui word waarop die tekort gefinansier moet word, en daarna kan die Tesourie enige ander gelde wat in die Skatkisrekening beskikbaar is, vir die finansiering van bedoelde tekort aanwend.

Finansiering van tekorte in die Bantoe-onderwysrekening.

(2) 'n Tekort wat op die laaste dag van 'n boekjaar in bedoelde Bantoe-onderwysrekening bestaan, word by wyse van 'n rentevrye verhaalbare voorskot uit die Leningsrekening op die een-en-dertigste dag van Maart van daardie jaar bestry.

(3) 'n Voorskot kragtens subartikel (2) word by die toepassing van artikel 2 van die Algemene Leningswet, 1961 (Wet No. 16 van 1961), geag leningsuitgawes te wees wat deur 'n Begrotingswet gemagtig is.

(4) Subartikels (1), (2) en (3) word geag op die eerste dag van Februarie 1968 in werking te getree het, en ten opsigte van 'n tekort in die Bantoe-onderwysrekening wat ontstaan het gedurende die boekjaar wat op die een-en-dertigste dag van Maart, 1968, geëindig het, word geag dat aan die bepalings van subartikel (1) voldoen is.

3. (1) Wanneer 'n bepaling van 'n wet vereis dat 'n Minister iets in of na oorleg met die Minister van Finansies moet doen; word geag, tensy een van die betrokke Ministers anders gelas, dat aan gemelde bepaling voldoen is indien oorlegpleging tussen die betrokke departementshoofde, binne die bedoeling van die Staatsdienswet, 1957 (Wet No. 54 van 1957), of hul verteenwoordigers plaasgevind het.

Toepassing van sekere bepalings rakende bevoegdheede van Minister van Finansies.

(2) Die Minister van Finansies kan, behalwe in 'n geval waarop subartikel (1) betrekking het, enige bevoegdheid of werksaamheid met betrekking tot die inkomste, uitgawes of eiendom van die Staat of 'n statutêre liggaam omskryf in artikel 1 van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), wat by wet aan hom verleen of opgedra is, uitgesonderd 'n bevoegdheid om regulasies uit te vaardig, aan 'n beamppte in die Departement van Finansies delegeer, maar word nie daardeur van 'n aldus gedelegerde bevoegdheid of werksaamheid ontdoen nie en kan 'n besluit van so 'n beamppte wysig of intrek.

4. (1) Alle gelde en alle eiendom wat deur die Bewaarder van Vyandseiendom kragtens die regulasies afgekondig by Proklamasie No. 201 van 1939, Proklamasie No. 247 van 1941 (Oorlogsmaatreël No. 60 van 1941) of Proklamasie No. 197 van 1946 (Oorlogsmaatreël No. 53 van 1946), verkry is, en enige ander gelde wat nog op die dertigste dag van Junie 1968 in sy bewaring of onder sy beheer is, word op daardie datum aan die Tesourie ten bate van die Gekonsolideerde Inkomstefonds oorbetal en oorgedra, en alle boeke, aantekeninge of dokumente wat deur bedoelde Bewaarder gehou word, word op daardie datum aan die Tesourie oorgedra.

Oordrag van sekere gelde en eiendom in die bewaring of onder beheer van Bewaarder van Vyandseiendom aan die Gekonsolideerde Inkomstefonds en verlening aan die Tesourie van sekere bevoegdheede ten opsigte van sodanige gelde en eiendom.

(2) Vanaf die in subartikel (1) vermelde datum, word bedoelde Bewaarder onthef van alle verpligtinge wat aan hom opgelê is in verband met die in daardie subartikel bedoelde gelde en eiendom.

(3) Vanaf bedoelde datum kan die Tesourie, indien hy dit billik ag, onderworpe aan die bedinge en voorwaardes wat hy bepaal, gelde of eiendom in subartikel (1) vermeld, terugbetaal of oordra aan of ten behoewe van die persoon wat die eienaar daarvan was onmiddellik voordat dit deur bedoelde Bewaarder verkry is, of aan of ten behoewe van die regsopvolger van sodanige persoon.

(4) Gelde wat kragtens subartikel (3) terugbetaal word, word uit gelde deur die Parlement bewillig, betaal.

(5) Die Staatspresident kan by proklamasie in die *Staatskoerant*, vanaf 'n datum deur hom in sodanige proklamasie vasgestel, die bevoegdheede aan die Tesourie by hierdie artikel verleen, herroep.

**Financing of deficiencies in the Bantu Education Account.**

2. (1) If at any time during the course of a month it appears that the moneys in the Bantu Education Account referred to in section 20 of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), are likely to be insufficient to defray the authorized charges upon such account, the Treasury shall prepare and submit to the Controller and Auditor-General a statement showing the amount of the estimated deficiency as at the end of that month and indicating the manner in which the deficiency is to be financed and thereupon the Treasury may utilize any other moneys available in the Exchequer Account for the purpose of financing such deficiency.

(2) Any deficiency existing in the said Bantu Education Account on the last day of any financial year shall be met by means of an interest-free recoverable advance from the Loan Account on the thirty-first day of March of that year.

(3) Any advance under subsection (2) shall for the purposes of section 2 of the General Loans Act, 1961 (Act No. 16 of 1961), be deemed to be loan expenditure sanctioned by an Appropriation Act.

(4) Subsections (1), (2) and (3) shall be deemed to have come into operation on the first day of February, 1968, and in respect of any deficiency in the Bantu Education Account which arose during the financial year ended on the thirty-first day of March, 1968, it shall be deemed that the provisions of subsection (1) have been complied with.

**Application of certain provisions relative to powers of the Minister of Finance.**

3. (1) When a provision in any law contained requires a Minister to do anything in or after consultation with the Minister of Finance, such provision shall, unless one of the Ministers in question directs otherwise, be deemed to have been complied with if consultation has taken place between the heads of departments concerned, within the meaning of the Public Service Act, 1957 (Act No. 54 of 1957), or their representatives.

(2) Except in a case to which subsection (1) applies, the Minister of Finance may delegate to an official in the Department of Finance any power or function conferred on or assigned to him by law in relation to the revenue, expenditure or property of the State or a statutory body, as defined in section 1 of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), with the exception of a power to make regulations, but shall not thereby be divested of a power or function so delegated and may amend or withdraw a decision of such official.

**Transfer of certain moneys and property in custody or under control of Custodian of Enemy Property to Consolidated Revenue Fund, and conferment of certain powers on Treasury in relation to such moneys and property.**

4. (1) All moneys and all property acquired by the Custodian of Enemy Property under the regulations published under Proclamation No. 201 of 1939, Proclamation No. 247 of 1941 (War Measure No. 60 of 1941), or Proclamation No. 197 of 1946 (War Measure No. 53 of 1946), and any other moneys still in his custody or under his control on the thirtieth day of June, 1968, shall on that date be paid over and transferred to the Treasury to the credit of the Consolidated Revenue Fund, and all books, records and documents kept by the said Custodian shall on the said date be transferred to the Treasury.

(2) As from the date mentioned in subsection (1), the said Custodian shall be relieved of all obligations imposed upon him in respect of moneys and property referred to in that subsection.

(3) As from the said date the Treasury may, if it deems it to be equitable, subject to such terms and conditions as it may determine, refund or transfer moneys or property referred to in subsection (1), to or on behalf of the person who was the owner of such property or money immediately before it was acquired by the said Custodian, or to or on behalf of the successor in title of such person.

(4) Money refunded under subsection (3) shall be paid out of moneys appropriated by Parliament.

(5) The State President may by proclamation in the *Gazette*, as from a date fixed by him in such proclamation, repeal the powers conferred upon the Treasury by this section.

5. Die betaling van rente teen 'n koers van vyf persent per jaar op sekere gelde in die Voogdyfonds vanaf die eerste dag van April 1967 tot die tweede dag van Oktober 1967, word, ondanks die bepalings van artikel 93 van die Boedelwet, 1913 (Wet No. 24 van 1913), nou herroep, hierby geldig verklaar en bevestig.

Geldigverklaring van betaling van rente op sekere gelde in die Voogdyfonds.

6. Die Minister van Finansies kan vergoeding van enige verlies waarborg wat die Suid-Afrikaanse Reserwebank mag ly ten opsigte van enige waarborg wat gemelde Reserwebank verstrekket vir die terugbetaling van die hoofsom van en die betaling van rente op en die betaling van koste aangegaan in verband met enige promesse wat deur die Suid-Afrikaanse Spoorweë- en Hawensadministrasie uitgereik is ten gunste van die International General Electric, Export Division, General Electric Company, New York: Met dien verstande dat die totale bedrag van alle bedoelde promesses waarvan terugbetaling aldus gewaarborg kan word, nie die som van tienmiljoen vyfhonderdduisend rand mag oorskry nie.

Waarborg deur die Regering vir die vergoeding van verliese as gevolg van 'n waarborg deur die Suid-Afrikaanse Reserwebank vir die betaling van sekere promesses uitgereik deur die Spoorwegadministrasie.

7. Die volgende artikel word hierby in die Yster- en Staalnywerheid Wet, 1928, na artikel 11 ingevoeg:

Invoeging van artikel 11A in Wet 11 van 1928.

„Waarborge deur die Regering vir die nakoming van sekere verpligtinge van die Korporasie. 11A. Benewens enige ander waarborge waarvoor in hierdie Wet voorsiening gemaak word, kan die Minister, met instemming van die Minister van Finansies, by wyse van een of meer waarborge, in sodanige vorm en op sodanige bedinge en voorwaardes as wat hy goeddink, die nakoming van enige verpligting van die Korporasie teenoor 'n persoon buite die Republiek, uitgesonderd enige verpligting aangegaan kragtens artikel 10, 10bis of 11, waarborg: Met dien verstande dat die totale waarde van verpligtinge wat aldus gewaarborg kan word, nie die som van twintigmiljoen rand mag oorskry nie.”

8. Artikel 3 van die Finansiewet, 1954, word hierby gewysig—  
(a) deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van artikel 3 van Wet 34 van 1954, soos gewysig deur artikel 10 van Wet 76 van 1961.

„(3) Ondanks andersluidende bepalings in subartikel (1), word die in daardie subartikel bedoelde ingeskrewe fondse ter waarde van minstens twintigmiljoen rand jaarliks met ingang van die jaar negentien honderd een-en-sestig afgelos totdat sodanige fondse in die geheel afgelos is: Met dien verstande dat die fondse waaraan die ingeskrewe fondse uitgereik is in die jaarlikse aflossing sal deel in verhouding tot hul totale besit van sodanige fondse by afsluiting van besigheid op die dag wat die aflosdatum onmiddellik voorafgaan.”; en

(b) deur subartikel (4) te skrap.

9. Artikel 3bis van die Algemene Leningswet, 1961, word hierby gewysig—

Wysiging van artikel 3bis van Wet 16 van 1961, soos ingevoeg deur artikel 18 van Wet 76 van 1964 en gewysig deur artikel 5 van Wet 103 van 1967.

(a) deur die invoeging van die volgende subartikel na subartikel (3):

„(3A) Die Minister kan, na oorlegpleging met gemelde Reserwebank, gelde uit die Stabilisasierekening na die leningsrekening laat oordra wanneer hy dit nodig ag.”; en

(b) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Die Minister moet so gou moontlik na die een-en-dertigste dag van Maart in elke jaar 'n staat waarin die bedrae wat gedurende die jaar wat op daardie datum eindig kragtens subartikel (1) geleen is, die wyse waarop bedoelde bedrae kragtens subartikel (3) belê is en die bedrae wat ingevolge subartikel (3A) oorgedra is, aangetoon word, in die Senaat en in die Volksraad ter Tafel lê.”

Validation of the payment of interest on certain moneys in the Guardian's Fund.

5. The payment of interest at a rate of five per centum per annum on certain moneys in the Guardian's Fund from the first day of April, 1967, to the second day of October, 1967, is, notwithstanding the provisions of section 93 of the Administration of Estates Act, 1913 (Act No. 24 of 1913), now repealed, hereby validated and confirmed.

Guarantee by the Government for the reimbursement of losses consequent upon a guarantee by the South African Reserve Bank for the payment of certain promissory notes issued by the Railways Administration.

6. The Minister of Finance may guarantee reimbursement of any loss which may be sustained by the South African Reserve Bank in respect of any guarantee furnished by the said Reserve Bank for the repayment of the capital of and payment of the interest on and payment of any charges incurred in connection with any promissory note issued by the South African Railways and Harbours Administration in favour of International General Electric, Export Division, General Electric Company, New York: Provided that the total amount of all the said promissory notes whereof repayment may be so guaranteed shall not exceed the sum of ten million five hundred thousand rand.

Insertion of section 11A in Act 11 of 1928.

7. The following section is hereby inserted in the Iron and Steel Industry Act, 1928, after section 11:

“Guarantees by the Government for the fulfilment of certain obligations of the Corporation. 11A. In addition to any other guarantees provided for in this Act, the Minister may, with the concurrence of the Minister of Finance, by way of one or more guarantees, in such form and on such terms and conditions as he may deem fit, guarantee the fulfilment of any obligation of the Corporation to any person outside the Republic, excluding any obligation incurred under section 10, 10*bis* or 11: Provided that the total value of obligations which may be so guaranteed shall not exceed the sum of twenty million rand.”

Amendment of section 3 of Act 34 of 1954, as amended by section 10 of Act 76 of 1961.

8. Section 3 of the Finance Act, 1954, is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) Notwithstanding anything contained in subsection (1), inscribed stock referred to in that subsection to the value of not less than twenty million rand shall, until the whole of such stock shall have been redeemed, be redeemed annually commencing with the year nineteen hundred and sixty-one: Provided that the funds to which the inscribed stock has been issued shall share in the annual redemption in proportion to their total holdings of such stock as at the close of business on the day immediately preceding the date of redemption.”; and

(b) by the deletion of subsection (4).

Amendment of section 3*bis* of Act 16 of 1961, as inserted by section 18 of Act 76 of 1964 and amended by section 5 of Act 103 of 1967.

9. Section 3*bis* of the General Loans Act, 1961, is hereby amended—

(a) by the insertion after subsection (3) of the following subsection:

“(3A) The Minister may, after consultation with the said Reserve Bank, cause to be transferred moneys from the Stabilization Account to the loan account when he deems it to be necessary.”; and

(b) by the substitution for subsection (6) of the following subsection:

“(6) The Minister shall as soon as possible after the thirty-first day of March in each year lay on the Table of the Senate and of the House of Assembly a statement showing the amounts borrowed under subsection (1) during the year ending on that date, the manner in which the said amounts were invested under subsection (3) and the amounts transferred in terms of subsection (3A).”

10. Artikel 4 van die Algemene Leningswet, 1961, word hierby gewysig deur die volgende paragraaf by te voeg:  
„(j) gelde oorgedra ingevolge artikel 3*bis* (3A).”.

Wysiging van artikel 4 van Wet 16 van 1961, soos gewysig deur artikel 16 van Wet 76 van 1961, artikel 9 van Wet 82 van 1965 en artikel 12 van Wet 58 van 1966.

11. Artikel 1 van die Finansiewet, 1966, word hierby gewysig deur subparagraaf (d) deur die volgende subparagraaf te vervang:

Wysiging van artikel 1 van Wet 23 van 1966, soos vervang deur artikel 7 van Wet 103 van 1967.

„(d) die terugbetaling van die hoofsom van en die betaling van die rente op en die betaling van koste aangegaan in verband met 'n lening, waarborg wat deur 'n bankinstelling soos omskryf in die Bankwet, 1965 (Wet No. 23 van 1965), aan die maatskappy wat kragtens die Maatskappywet, 1926, as 'S.A. Sugar Export Corporation (Proprietary) Limited' geregistreer is, toegestaan word: Met dien verstande dat die totale bedrag van alle aan bedoelde maatskappy toegestane lenings waarvan terugbetaling aldus gewaarborg kan word, nie die som van sestienmiljoen rand mag oorskry nie; en”.

## DEEL II.

### AANGELEENTHEDE WAT DIE SPOORWEG- EN HAWEFONDS RAAK.

12. Oor die surplus-inkomste van die Spoorweg- en Hawefonds ten opsigte van die boekjaar wat op die een-en-dertigste dag van Maart 1968 geëindig het, soos deur die Kontroleur en Ouditeur-generaal gesertifiseer, word daar soos volg beskik:

Besteding van surplus-inkomste van Spoorweg- en Hawefonds.

- (a) Driemiljoen rand word aangewend ter vermindering van rentedraende kapitaal.
- (b) Die oorskot van die surplus-inkomste word oorgedra na die fonds wat ingevolge artikel 104 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), ingestel is.

13. Die betaling aan die Spoorwegkommissaris, synde lede van die Spoorweg- en Haweraad in artikel 2 van die Spoorwegraadwet, 1962 (Wet No. 73 van 1962), bedoel, van salaris teen die skaal van agtduisend sewehonderd rand per jaar vir die Senior Kommissaris en agtduisend driehonderd rand per jaar vir die ander Kommissaris met ingang van die eerste dag van April 1968, word hierby bekragtig en bevestig, en van 'n jaarlikse vakansiebonus van eenhonderd rand elk, met ingang van die huidige boekjaar, word hierby gemagtig.

Bekragtiging van betaling van verhoogde salaris en magtiging van betaling van vakansiebonus aan Spoorwegkommissaris.

14. Hierdie Wet heet die Finansiewet, 1968.

Kort titel.

Amendment of section 4 of Act 16 of 1961, as amended by section 16 of Act 76 of 1961, section 9 of Act 82 of 1965 and section 12 of Act 58 of 1966.

10. Section 4 of the General Loans Act, 1961, is hereby amended by the addition of the following paragraph:

“(j) moneys transferred in terms of section 3bis (3A).”.

Amendment of section 1 of Act 23 of 1966, as substituted by section 7 of Act 103 of 1967.

11. Section 1 of the Finance Act, 1966, is hereby amended by the substitution for subparagraph (d) of the following subparagraph:

“(d) repayment of the capital of and payment of the interest on and payment of any charges incurred in connection with any loan granted by a banking institution as defined in the Banks Act, 1965 (Act No. 23 of 1965, to the company registered under the Companies Act, 1926, as ‘S.A. Sugar Export Corporation (Proprietary) Limited’: Provided that the total amount of all the loans granted to the said company whereof repayment may be so guaranteed shall not exceed the sum of sixteen million rand; and”.

## PART II.

### MATTERS AFFECTING THE RAILWAY AND HARBOUR FUND.

Disposal of surplus revenue of Railway and Harbour Fund.

12. The surplus revenue of the Railway and Harbour Fund in respect of the financial year ended on the thirty-first day of March, 1968, as certified by the Controller and Auditor-General, shall be disposed of as follows:

- (a) Three million rand shall be applied towards the reduction of interest-bearing capital.
- (b) The balance of the surplus revenue shall be credited to the fund established under section 104 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961).

Validation of payment of increased salaries and authorization of payment of holiday bonus to Railway Commissioners.

13. The payment to the Railway Commissioners, being members of the Railways and Harbours Board referred to in section 2 of the Railway Board Act, 1962 (Act No. 73 of 1962), of salaries at the rate of eight thousand seven hundred rand per annum for the Senior Commissioner and eight thousand three hundred rand per annum for the other Commissioners with effect from the first day of April, 1968, is hereby validated and confirmed, and of an annual holiday bonus of one hundred rand each with effect from the current financial year is hereby authorized.

Short title.

14. This Act shall be called the Finance Act, 1968.

No. 79, 1968.]

## WET

Om voorsiening te maak vir die verhoging van sekere voordele ingevolge artikel 47 van die Wysigingswet op die Pensioenwette, 1943; om voorsiening te maak vir 'n verhoogde pensioen aan iemand wat die amp van Staatspresident te eniger tyd na die eerste dag van April 1968 beklee het; om die omskrywings van „kind” en „vrou” in die Wet op Spesiale Oorlogspensioene, 1962, te wysig, en voorsiening te maak vir die verhoging in sekere omstandighede van die pensioen wat ingevolge artikel 19 van daardie Wet aan die weduwee van 'n vrywilliger betaalbaar is; om artikel 51 van die Wysigingswet op die Pensioenwette, 1962, te herroep; om die Sekretaris van Kleurlingsake te magtig om diensonderbrekings in die geval van sekere persone vir pensioendoeleindes te kondoneer; om die bepalings van die Regeringsdienspensioenwet, 1965, met betrekking tot die uitvaardiging van regulasies en tot toelaatbare aftrekkings van pensioene te wysig; om die omskrywings van „kind” en „vrou” in die Oorlogspensioenwet, 1967, te wysig; om sekere beperkings op die toekenning van sekere voordele ingevolge artikel 7 of 16 van laasgenoemde Wet op te hef; om voorsiening te maak vir die verhoging in sekere omstandighede van die pensioen wat ingevolge artikel 19 van daardie Wet aan die weduwee van 'n vrywilliger betaalbaar is; om die bepalings met betrekking tot 'n aansoek om voordele kragtens daardie Wet te wysig; om voorsiening te maak vir die betaling van bonusse aan persone wat militêre pensioene ontvang; om voorsiening te maak vir die toepassing van sekere wette in die gebied Suidwes-Afrika; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 20 Junie 1968.)*

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

1. Artikel 47 van die Wysigingswet op die Pensioenwette, 1943, word hierby gewysig—
  - (a) deur paragrafe (i) tot en met (v) van subartikel (3) deur die volgende paragrafe te vervang:
    - „(i) dertig persent van daardie pensioen indien die pensioen met ingang van 'n datum voor die eerste dag van Oktober 1953 betaalbaar geword het;
    - (ii) vyf-en-twintig persent van daardie pensioen indien die pensioen met ingang van 'n datum na die dertigste dag van September 1953 maar voor die eerste dag van Oktober 1958 betaalbaar geword het;
    - (iii) twintig persent van daardie pensioen indien die pensioen met ingang van 'n datum na die dertigste dag van September 1958 maar voor die eerste dag van Oktober 1962 betaalbaar geword het;

Wysiging van artikel 47 van Wet 33 van 1943, soos gewysig deur artikel 13 van Wet 41 van 1948, artikel 2 van Wet 62 van 1957, artikel 9 van Wet 67 van 1959, artikel 3 van Wet 92 van 1962 en artikel 7 van Wet 26 van 1966.

No. 79, 1968.]

# ACT

To provide for the increase of certain benefits under section 47 of the Pension Laws Amendment Act, 1943; to provide for an increased pension for any person who occupied the office of State President at any time after the first day of April, 1968; to amend the definitions of "child" and "wife" in the War Special Pensions Act, 1962, and provide for the increase under certain circumstances of the pension payable under section 19 of that Act to the widow of a volunteer; to repeal section 51 of the Pension Laws Amendment Act, 1962; to empower the Secretary for Coloured Affairs to condone for pension purposes service breaks in the case of certain persons; to amend the provisions of the Government Service Pensions Act, 1965, relating to the making of regulations and to permissible deductions from pensions; to amend the definitions of "child" and "wife" in the War Pensions Act, 1967; to revoke certain limitations on the grant of certain benefits under section 7 or 16 of the last-mentioned Act; to provide for the increase under certain circumstances of the pension payable under section 19 of that Act to the widow of a volunteer; to amend the provisions relating to an application for benefits under that Act; to provide for the payment of bonuses to persons in receipt of military pensions; to provide for the application of certain laws in the territory of South-West Africa; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)*

*(Assented to 20th June, 1968.)*

**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 47 of Act 33 of 1943, as amended by section 13 of Act 41 of 1948, section 2 of Act 62 of 1957, section 9 of Act 67 of 1959, section 3 of Act 92 of 1962 and section 7 of Act 26 of 1966.

1. Section 47 of the Pension Laws Amendment Act, 1943, is hereby amended—

(a) by the substitution for paragraphs (i) to (v) inclusive of subsection (3) of the following paragraphs:

"(i) thirty per cent of that pension if the pension became payable with effect from a date prior to the first day of October, 1953;

(ii) twenty-five per cent of that pension if the pension became payable with effect from a date after the thirtieth day of September, 1953, but prior to the first day of October, 1958;

(iii) twenty per cent of that pension if the pension became payable with effect from a date after the thirtieth day of September, 1958, but prior to the first day of October, 1962;



- (iv) vyftien persent van daardie pensioen indien die pensioen met ingang van 'n datum na die dertigste dag van September 1962 maar voor die eerste dag van Oktober 1965 betaalbaar geword het;
  - (v) tien persent van daardie pensioen indien die pensioen met ingang van 'n datum na die dertigste dag van September 1965 maar voor die eerste dag van Oktober 1968 betaalbaar geword het; of
  - (vi) vyf persent van daardie pensioen indien die pensioen met ingang van 'n datum na die dertigste dag van September 1968 betaalbaar word.”; en
- (b) deur paragrawe (a) en (b) van subartikel (6) deur die volgende paragrawe te vervang:
- „(a) beteken die uitdrukking ‚inkomste’—
    - (i) behalwe soos in subparagraaf (ii) bepaal, dieselfde as in die omskrywing van daardie uitdrukking in artikel 1 van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965);
    - (ii) met betrekking tot nie-blanke persone wat uitgetree het of ontslaan is uit diens by of in verband met 'n naturelleskool of Bantoeskool soos omskryf in artikel 1 van die Wet op Bantoe-onderwys 1953 (Wet No. 47 van 1953), die Bantoe-onderwysrekening in artikel 20 van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), bedoel;
  - (b) beteken ‚inkomstefonds’—
    - (i) behalwe soos in subparagraaf (ii) bepaal, 'n fonds in die omskrywing van ‚inkomste’ in artikel 1 van die gemelde Regeringsdienspensioenwet, 1965, bedoel;
    - (ii) met betrekking tot die in paragraaf (a) (ii) bedoelde nie-blanke persone, die gemelde Bantoe-onderwysrekening;”.

2. (1) Artikel 15 van die Grondwet van die Republiek van Suid-Afrika, 1961, word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) aan iemand wat te eniger tyd na die eerste dag van April 1968 die amp van Staatspresident bekleed het, 'n pensioen teen die skaal van dertienduisee rand per jaar betaal;”.

(2) 'n Pensioen wat onmiddellik voor die inwerkingtreding van hierdie Wet aan iemand betaalbaar was kragtens gemelde paragraaf (a), bly aan hom betaalbaar asof daardie paragraaf nie ingevolge subartikel (1) vervang was nie, en 'n pensioen wat aan die weduwee van so iemand in die geval van sy dood betaalbaar sou gewees het as dit nie vir bedoelde vervanging was nie is in daardie geval nog aan haar betaalbaar asof daardie vervanging nie teweeggebring was nie.

3. Artikel 1 van die Wet op Spesiale Oorlogspensioene, 1962, word hierby gewysig—

(a) deur die omskrywing van „kind” deur die volgende omskrywing te vervang:

„ ‚kind’, met betrekking tot 'n vrywilliger—

- (a) 'n kind van die vrywilliger, hetsy eg of oneg;
- (b) 'n stiefkind van die vrywilliger, en 'n kind wat wettiglik deur die vrywilliger aangeneem is;
- (c) 'n kind wat gereeld deur die vrywilliger onderhou was ten tyde van die beëindiging van sy militêre diens:

Met dien verstande dat, by die toepassing van hierdie Wet—

- (i) enige kind wat ingevolge paragraaf (a) of (b) 'n kind van 'n vrywilliger is, maar wat voor die beëindiging van die militêre diens van sodanige vrywilliger wettiglik deur iemand anders aangeneem is, geag word nie die kind van sodanige vrywilliger te wees nie;
- (ii) enige kind wat ingevolge voorgaande bepalings 'n kind van 'n vrywilliger is, die kind

Wysiging van artikel 15 van Wet 32 van 1961 soos gewysig deur artikel 18 van Wet 102 van 1965.

Wysiging van artikel 1 van Wet 35 van 1962.

- (iv) fifteen per cent of that pension if the pension became payable with effect from a date after the thirtieth day of September, 1962, but prior to the first day of October, 1965;
  - (v) ten per cent of that pension if the pension became payable with effect from a date after the thirtieth day of September, 1965, but prior to the first day of October, 1968; or
  - (vi) five per cent of that pension if the pension becomes payable with effect from a date after the thirtieth day of September, 1968.”; and
- (b) by the substitution for paragraphs (a) and (b) of subsection (6) of the following paragraphs:
- “(a) the expression ‘revenue’—
- (i) save as provided in subparagraph (ii), has the meaning assigned thereto in section 1 of the Government Service Pensions Act, 1965 (Act No. 62 of 1965);
  - (ii) in relation to non-White persons who have retired or have been discharged from employment at or in connection with any native school or Bantu school as defined in section 1 of the Bantu Education Act, 1953 (Act No. 47 of 1953), means the Bantu Education Account referred to in section 20 of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956);
- (b) ‘revenue fund’ means—
- (i) save as provided in subparagraph (ii), a fund referred to in the definition of ‘revenue’ in section 1 of the said Government Service Pensions Act, 1965;
  - (ii) in relation to the non-White persons referred to in paragraph (a) (ii), the said Bantu Education Account;”.

Amendment of section 15 of Act 32 of 1961, as amended by section 18 of Act 102 of 1965.

2. (1) Section 15 of the Republic of South Africa Constitution Act, 1961, is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) to any person who has at any time after the first day of April, 1968, occupied the office of State President, a pension at the rate of thirteen thousand rand per annum;”.

(2) A pension payable to any person under the said paragraph (a) immediately prior to the commencement of this Act, shall continue to be payable to him as if the substitution of that paragraph in terms of subsection (1) had not been effected, and a pension which but for such substitution would have been payable to the widow of any such person in the event of his death shall in that event still be payable to her as if such substitution had not been effected.

Amendment of section 1 of Act 35 of 1962.

3. Section 1 of the War Special Pensions Act, 1962, is hereby amended—

(a) by the substitution for the definition of “child” of the following definition:

“‘child’, in relation to a volunteer, means—

- (a) any child of the volunteer, whether legitimate or illegitimate;
- (b) any step-child of the volunteer, and any child legally adopted by such volunteer;
- (c) any child regularly maintained by the volunteer at the termination of his military service:

Provided that, for the purposes of this Act—

- (i) any child who is a child of a volunteer in terms of paragraph (a) or (b) but was legally adopted by some other person before the termination of such volunteer’s military service, shall be deemed not to be the child of such volunteer;
- (ii) any child who is a child of a volunteer in terms of the foregoing provisions shall

van sodanige vrywilliger bly en nie die kind van enige ander persoon is of word nie tensy sodanige ander persoon self 'n vrywilliger is wat die annemende ouer of stiefouer van die kind geword het;

(iii) indien 'n kind ingeolge voorgaande bepalings die kind van meer as een vrywilliger is, hy geag word die kind van dié een van daardie vrywilligers te wees wat die betaling van die hoogste toelae ten opsigte van bedoelde kind sou meebring;"

(b) deur die omskrywing van „vrou” deur die volgende omskrywing te vervang:

„vrou”, met betrekking tot 'n vrywilliger—

(a) 'n vrou wat met die vrywilliger getroud is, maar nie ook 'n vrou wat van tafel en bed van die vrywilliger geskei is nie (hetsy deur 'n order van die hof of andersins) tensy so 'n vrou wat aldus geskei is wettiglik geregtig is om vir haarself onderhoud van die vrywilliger te eis, of in werklikheid onderhoud vir haarself van die vrywilliger ontvang; of

(b) 'n vrou wat 'n kind van die vrywilliger gehad het en wat voor sy inskrywing vir minstens een jaar deur hom op 'n normale huweliksvoet ten volle of wesenlik onderhou was en nog deur hom onderhou word, en wat nie na haar eggenoot teruggekeer het of onderhoud van hom ontvang nie, mits die vrywilliger geen vrou, soos in paragraaf (a) omskryf, het nie;"

4. Artikel 19 van die Wet op Spesiale Oorlogspensioene, 1962, word hierby gewysig deur na subartikel (1A) die volgende subartikels in te voeg:

„(1B) Indien 'n vrywilliger wat 'n ongeskiktheidspensioen of 'n alternatiewe pensioen ten opsigte van 'n pensioengewende mate van ongeskiktheid van minstens veertig persent ontvang het, voor die eerste dag van Oktober 1968 gesterf het as gevolg van 'n gebrek wat nie deur sy militêre diens veroorsaak of vererger is nie, kan 'n pensioen wat ingeolge subartikel (1) aan 'n weduwee van die vrywilliger met ingang van die eerste dag van Oktober 1968, of 'n later datum, betaalbaar word en wat, as dit nie vir die wysiging van artikel 1 van hierdie Wet deur artikel 3 van die Wysigingswet op die Pensioenwette, 1968, was nie, nie aldus betaalbaar sou geword het nie, behoudens die bepalings van paragraaf (b) van die voorbehoudsbepaling by subartikel (1), verhoog word tot 'n bedrag van hoogstens die helfte van die ongeskiktheidspensioen en toelae vir vrou, wat aan die vrywilliger betaalbaar sou gewees het ingeolge hierdie Wet indien hy op die eerste dag van Oktober 1968 gelewe het en indien hy op daardie dag in ontvangs was van 'n toelae vir vrou.

(1C) Indien die ongeskiktheidspensioene of toelae vir vrouens wat aan vrywilligers ingeolge hierdie Wet betaalbaar is, op of na die eerste dag van Oktober 1968 as gevolg van 'n wysiging van hierdie Wet verhoog word, kan die bedrag van 'n pensioen betaalbaar aan die weduwee van 'n vrywilliger ingeolge die bepalings van subartikels (1), (1A) of (1B) verhoog word met 'n bedrag gelyk aan die helfte van die verhoging: Met dien verstande dat die verhoogde pensioen nie die toepaslike skaal in die tweede kolom van die Vierde Bylae vermeld, oorskry nie."

5. Artikel 51 van die Wysigingswet op die Pensioenwette, 1962, word hierby herroep.

Wysiging van artikel 19 van Wet 35 van 1962, soos gewysig deur artikel 36 van Wet 92 van 1962, artikel 25 van Wet 102 van 1965 en artikel 10 van Wet 26 van 1966.

Herroeping van artikel 51 van Wet 92 van 1962.

6. Artikel 13 van die Wet op Onderwys vir Kleurlinge, 1963, word hierby gewysig deur die volgende subartikel by te voeg:

„(8) 'n Bevoegdheid van die een of ander gesag van 'n provinsiale administrasie om onderbrekings in die diens van 'n in subartikel (1) bedoelde persoon vir pensioendoeleindes te kondoneer, gaan op die Sekretaris oor."

Wysiging van artikel 13 van Wet 47 van 1963, soos gewysig deur artikel 3 van Wet 76 van 1967.

continue to be the child of such volunteer and shall not be or become the child of any other person, unless such other person is himself a volunteer who has become the adoptive parent or step-parent of such child;

(iii) if any child is the child of more than one volunteer in terms of the foregoing provisions, he shall be deemed to be the child of such one of those volunteers as would entail payment of the highest allowance in respect of such child;";

(b) by the substitution for the definition of "wife" of the following definition:

"'wife', in relation to a volunteer, means—

(a) a woman who is married to the volunteer but does not include a woman who is separated *a mensa et thoro* from the volunteer (whether by order of court or otherwise), unless such woman so separated is legally entitled to claim maintenance for herself, or is actually in receipt of maintenance for herself, from the volunteer; or

(b) a woman who has had a child by the volunteer and was wholly or substantially maintained by him on a normal marital basis for at least one year prior to his enlistment and is still being maintained by him, and who has not returned to nor is in receipt of support from her husband, provided the volunteer has no wife as defined in paragraph (a)."

Amendment of section 19 of Act 35 of 1962, as amended by section 36 of Act 92 of 1962, section 25 of Act 102 of 1965 and section 10 of Act 26 of 1966.

4. Section 19 of the War Special Pensions Act, 1962, is hereby amended by the insertion after subsection (1A) of the following subsections:

"(1B) If a volunteer who was in receipt of a disablement pension or an alternative pension in respect of a pensionable degree of disablement of not less than forty per cent, died prior to the first day of October, 1968, of a disability which was not attributable to or aggravated by his military service, any pension which in terms of subsection (1) becomes payable to a widow of the volunteer with effect from the first day of October, 1968, or a later date and which, but for the amendment of section 1 of this Act by section 3 of the Pension Laws Amendment Act, 1968, would not have become so payable, may, subject to the provisions of paragraph (b) of the proviso to subsection (1), be increased to an amount not exceeding one-half of the disablement pension and allowance for wife, which would have been payable to the volunteer in terms of this Act had he been alive on the first day of October, 1968, and had he on that day been in receipt of an allowance for wife.

(1C) If on or after the first day of October, 1968, the disablement pensions or allowances for wives which are payable to volunteers in terms of this Act, are, by reason of an amendment to this Act, increased, the amount of any pension payable to the widow of a volunteer by virtue of the provisions of subsection (1), (1A) or (1B), may be increased by an amount equal to one-half of the increase: Provided that the increased pension shall not exceed the appropriate rate specified in the second column of the Fourth Schedule."

Repeal of section 51 of Act 92 of 1962.

5. Section 51 of the Pension Laws Amendment Act, 1962, is hereby repealed.

Amendment of section 13 of Act 47 of 1963, as amended by section 3 of Act 76 of 1967.

6. Section 13 of the Coloured Persons Education Act, 1963, is hereby amended by the addition of the following subsection:

"(8) A power vested in any authority of a provincial administration to condone for pension purposes any break in the service of a person referred to in subsection (1), shall vest in the Secretary."

7. Artikel 5 van die Regeringsdienspensioenwet, 1965, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang: Wysiging van artikel 5 van Wet 62 van 1965, soos gewysig deur artikel 18 van Wet 91 van 1967.
- „(5) Enige regulasie behalwe 'n regulasie wat bestaande regulasies wysig en wat die skaal waarvolgens bydraes tot 'n in artikel 2 bedoelde fonds gemaak moet word, verhoog of die bedrag van die voordele betaalbaar verminder, kan met terugwerkende krag uitgevaardig word vanaf 'n datum wat nie vroeër is as die vasgestelde datum nie.”.
8. Artikel 14 van die Regeringsdienspensioenwet, 1965, word hierby gewysig deur die volgende subartikel by te voeg: Wysiging van artikel 14 van Wet 62 van 1965.
- „(4) Waar 'n beampte of werknemer te sterwe kom voor die laaste dag van 'n tydperk ten opsigte waarvan salaris of toelae voor sy dood aan hom betaal is, kan 'n *pro rata*-deel van die aldus betaalde bedrag ten opsigte van die onverstreke gedeelte van daardie tydperk verhaal word deur dit in 'n enkele bedrag of in die paaiemente wat die Sekretaris bepaal, af te trek van die pensioen wat aan die boedel of aan 'n afhanklike van die oorledene betaalbaar is kragtens hierdie Wet of 'n in subartikel (1) beoogde ander wet.”.
9. Artikel 1 van die Oorlogspensioenwet, 1967, word hierby gewysig— Wysiging van artikel 1 van Wet 82 van 1967.
- (a) deur die omskrywing van „kind” deur die volgende omskrywing te vervang:
- „kind”, met betrekking tot 'n vrywilliger—
- (a) 'n kind van die vrywilliger, hetsy eg of oneg;
- (b) 'n stiefkind van die vrywilliger, en 'n kind wat wettiglik deur die vrywilliger aangeneem is;
- (c) 'n kind wat gereeld deur die vrywilliger by die beëindiging van sy militêre diens onderhou is:
- Met dien verstande dat, by die toepassing van hierdie Wet—
- (aa) 'n kind wat 'n kind van 'n vrywilliger ingevolge paragraaf (a) of (b) is, maar deur iemand anders voor die beëindiging van so 'n vrywilliger se militêre diens wettiglik aangeneem is, geag word nie die kind van so 'n vrywilliger te wees nie;
- (bb) 'n kind wat ingevolge die voorgaande bepalings 'n kind van 'n vrywilliger is, die kind van so 'n vrywilliger bly en nie die kind van enige ander persoon is of word nie, tensy sodanige ander persoon self 'n vrywilliger is wat die pleegouer of stiefouer van so 'n kind geword het;
- (cc) indien 'n kind ingevolge die voorgaande bepalings die kind van meer as een vrywilliger is, hy geag word die kind te wees van dié een van daardie vrywilligers wat die betaling van die hoogste toelae ten opsigte van so 'n kind sou meebring;” en
- (b) deur paragraaf (a) van die omskrywing van „vrou” deur die volgende paragraaf te vervang:
- „(a) 'n vrou wat met die vrywilliger getroud is, maar nie ook 'n vrou wat van tafel en bed van hom geskei is nie (hetsy deur regterlike bevel of andersins), tensy so 'n vrou, wat aldus geskei is, regtens bevoeg is om onderhoud vir haarself van die vrywilliger te eis, of werklik onderhoud vir haarself van hom ontvang;”.
10. Artikel 7 van die Oorlogspensioenwet, 1967, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: Wysiging van artikel 7 van Wet 82 van 1967.
- „(2) Aan 'n vroulike vrywilliger, aan wie 'n ongeskiktheidspensioen ingevolge artikel 6 toegeken is, word 'n toelae teen die in Bylae 3 vermelde skaal ten opsigte van elke kind wat van haar vir onderhoud afhanklik is,

Amendment of section 5 of Act 62 of 1965, as amended by section 18 of Act 91 of 1967.

7. Section 5 of the Government Service Pensions Act, 1965, is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) Any regulation, not being a regulation which amends existing regulations and which increases the rate at which contributions shall be made to any fund referred to in section 2 or decreases the amount of any benefits payable, may be made with retrospective effect from a date not earlier than the fixed date.”

Amendment of section 14 of Act 62 of 1965.

8. Section 14 of the Government Service Pensions Act, 1965, is hereby amended by the addition of the following subsection:

“(4) Where an officer or employee dies before the last day of a period in respect of which salary or allowances have been paid to him prior to his death, a *pro rata* part of the amount so paid may be recovered in respect of the unexpired portion of that period by deducting it in a lump sum or in such instalments as the Secretary may determine from the pension payable to the estate or to a dependant of the deceased under this Act or any other law contemplated in subsection (1).”

Amendment of section 1 of Act 82 of 1967.

9. Section 1 of the War Pensions Act, 1967, is hereby amended—

(a) by the substitution for the definition of “child” of the following definition:

“‘child’, in relation to a volunteer, means—

- (a) any child of the volunteer, whether legitimate or illegitimate;
- (b) any step-child of the volunteer, and any child legally adopted by such volunteer;
- (c) any child regularly maintained by the volunteer at the termination of his military service:

Provided that, for the purposes of this Act—

- (aa) any child who is a child of a volunteer in terms of paragraph (a) or (b) but was legally adopted by some other person before the termination of such volunteer’s military service, shall be deemed not to be the child of such volunteer;
- (bb) any child who is a child of a volunteer in terms of the foregoing provisions shall continue to be the child of such volunteer and shall not be or become the child of any other person, unless such other person is himself a volunteer who has become the adoptive parent or step-parent of such child;
- (cc) if any child is the child of more than one volunteer, in terms of the foregoing provisions, he shall be deemed to be the child of such one of those volunteers as would entail payment of the highest allowance in respect of such child;” and

(b) by the substitution for paragraph (a) of the definition of “wife” of the following paragraph:

“(a) a woman who is married to the volunteer but does not include a woman who is separated *a mensa et thoro* from the volunteer (whether by order of court or otherwise), unless such woman so separated is legally entitled to claim maintenance for herself, or is actually in receipt of maintenance for herself, from the volunteer;”

Amendment of section 7 of Act 82 of 1967.

10. Section 7 of the War Pensions Act, 1967, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) A female volunteer to whom a disablement pension has been awarded in terms of section 6 shall be awarded an allowance at the rate specified in Schedule 3 in respect of each child dependent upon her for maintenance, and an

en 'n toelae teen die in Bylae 2 vermelde skaal ten opsigte van haar eggenoot toegeken, terwyl sodanige eggenoot as gevolg van liggaamlike of geestelike swakheid vir sy onderhoud van haar afhanklik is."

**11.** Artikel 16 van die Oorlogspensioenwet, 1967, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: Wysiging van artikel 16 van Wet 82 van 1967.

„(2) Indien die wewenaar van 'n vroulike vrywilliger wat onder die omstandighede in subartikel (1) beskrywe, gedood is of te sterwe gekom het, weens liggaamlike of geestelike swakheid van so 'n vrywilliger ten tyde van haar dood afhanklik was, word aan hom 'n pensioen teen die skaal en 'n gratifikasie teen die bedrag in Bylae 6 vermeld, toegeken, vir solank sodanige swakheid voortduur."

**12.** Artikel 19 van die Oorlogspensioenwet, 1967, word hierby gewysig deur die volgende subartikels by te voeg: Wysiging van artikel 19 van Wet 82 van 1967.

„(3) Indien 'n vrywilliger wat 'n ongeskiktheidspensioen ten opsigte van 'n pensioengewende ongeskiktheid vasgestel op minstens veertig persent ontvang het of daarop geregtig was, voor die eerste dag van Oktober 1968 gesterf het as gevolg van 'n gebrek wat nie deur sy militêre diens veroorsaak of vererger is nie, kan 'n pensioen wat ingevolge subartikel (1) aan 'n weduwee van die vrywilliger met ingang van die eerste dag van Oktober 1968, of 'n later datum, betaalbaar word en wat, as dit nie vir die wysiging van artikel 1 van hierdie Wet deur artikel 9 van die Wysigingswet op die Pensioenwette, 1968, was nie, nie aldus betaalbaar sou geword het nie, verhoog word tot 'n bedrag van hoogstens—

(a) die helfte van die totaalbedrag van die ongeskiktheidspensioen, aanvullingspensioen (as daar is) en toelae ten opsigte van vrou, wat aan die vrywilliger betaalbaar sou gewees het ingevolge hierdie Wet, indien hy op die eerste dag van Oktober 1968 gelewe het en indien hy op daardie dag in ontvangs was van 'n toelae vir vrou; of

(b) die toepaslike skaal soos in die tweede kolom van Bylae 6 vermeld, na gelang van watter bedrag die kleinste is.

(4) Indien die ongeskiktheidspensioene, aanvullingspensioene of toelae ten opsigte van vrouens wat aan vrywilligers ingevolge hierdie Wet betaalbaar is, op of na die eerste dag van Oktober 1968 as gevolg van 'n wysiging van hierdie Wet verhoog word, kan die bedrag van 'n pensioen betaalbaar aan die weduwee van 'n vrywilliger ingevolge die bepalings van subartikel (1) (a), (2)-(a) of (3) (a) verhoog word met 'n bedrag gelyk aan die helfte van die verhoging: Met dien verstande dat die verhoogde pensioen betaalbaar aan die weduwee nie die toepaslike skaal in die tweede kolom van Bylae 6 vermeld, oorskry nie."

**13.** Artikel 31 van die Oorlogspensioenwet, 1967, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 31 van Wet 82 van 1967.

„(1) Geen voordeel word ingevolge hierdie Wet toegeken nie, tensy aansoek daarom by die Sekretaris gedoen word, maar 'n aansoek deur of namens 'n vrywilliger om vergoeding ten opsigte van ongeskiktheid, of 'n aansoek deur of namens die weduwee, kinders, ouers of afhanklikes van 'n oorlede vrywilliger om 'n voordeel ten opsigte van die dood van so 'n vrywilliger, word geag 'n aansoek te wees om al die voordele (behalwe 'n voordeel ingevolge artikel 7 of artikel 16 (3) of (5)) waarop die applikant ingevolge die bepalings van hierdie Wet geregtig is of word, met inbegrip van 'n voordeel waarvoor voorsiening op 'n later datum as die datum van die aansoek gemaak word."

**14.** Artikel 42 van die Oorlogspensioenwet, 1967, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang: Wysiging van artikel 42 van Wet 82 van 1967.

allowance at the rate specified in Schedule 2 in respect of her husband while such husband is by reason of physical or mental infirmity dependent upon her for his maintenance.”.

Amendment of section 16 of Act 82 of 1967.

11. Section 16 of the War Pensions Act, 1967, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If the widower of a woman volunteer who was killed or died in the circumstances described in subsection (1), was by reason of physical or mental infirmity, dependent upon such volunteer for maintenance at the time of her death, he shall, for as long as such infirmity continues, be granted a pension at the rate and a gratuity in the amount specified in Schedule 6.”.

Amendment of section 19 of Act 82 of 1967.

12. Section 19 of the War Pensions Act, 1967, is hereby amended by the addition of the following subsections:

“(3) If a volunteer who was in receipt of or entitled to a disablement pension in respect of a disablement assessed at not less than forty per cent, died prior to the first day of October, 1968, of a disability not caused or aggravated by his military service, any pension which in terms of subsection (1) becomes payable to a widow of the volunteer with effect from the first day of October, 1968, or a later date and which, but for the amendment of section 1 of this Act by section 9 of the Pension Laws Amendment Act, 1968, would not have become so payable, may be increased to an amount not exceeding—

- (a) one-half of the sum total of the disablement pension, supplementary pension (if any) and allowance for wife, which would have been payable to the volunteer in terms of this Act had he been alive on the first day of October, 1968, and had he on that day been in receipt of an allowance for wife; or
- (b) the appropriate rate specified in the second column of Schedule 6,

whichever is the lesser amount.

(4) If on or after the first day of October, 1968, the disablement pensions, supplementary pensions, or allowances in respect of wives, which are payable to volunteers in terms of this Act are, by reason of an amendment to this Act, increased, the amount of any pension payable to the widow of a volunteer by virtue of the provisions of subsection (1) (a), (2) (a) or (3) (a) may be increased by an amount equal to one-half of the increase: Provided that the increased Pension payable to the widow shall not exceed the appropriate rate specified in the second column of Schedule 6.”.

Amendment of section 31 of Act 82 of 1967.

13. Section 31 of the War Pensions Act, 1967, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) No benefit shall be awarded under this Act unless application is made therefor to the Secretary, but an application by or on behalf of a volunteer for compensation in respect of disablement, or an application by or on behalf of the widow, children, parents or dependants of a deceased volunteer for a benefit in respect of the death of such volunteer, shall be deemed to be an application for all the benefits (other than a benefit under section 7 or section 16 (3) or (5)) to which the applicant may be entitled or may become entitled under the provisions of this Act, including any benefit for which provision is made at a date subsequent to the date of the application.”.

Amendment of section 42 of Act 82 of 1967.

14. Section 42 of the War Pensions Act, 1967, is hereby amended by the substitution for subsection (4) of the following subsection:



„(4) Wanneer ook al 'n aansoek om 'n voordeel ingevolge hierdie Wet verwerp is, en nie binne ses maande na die datum van bekendmaking van so 'n verwerping hernieu word nie, word 'n hernuwing van die aansoek by die toepassing van hierdie artikel geag 'n nuwe aansoek te wees: Met dien verstande dat ingeval 'n geval deur die raad as gevolg van 'n wysiging van hierdie Wet (behalwe 'n wysiging deur die Wysigingswet op die Pensioenwette, 1968, aangebring) hersien word, die datum waarop 'n toekenning wat as gevolg van so 'n hersiening gemaak word van krag word, die datum is waarop die betrokke wysiging in werking getree het.”.

15. (1) Daar kan aan iemand wat 'n pensioen, toelae of kleretoekeening ingevolge of op die grondslag van die Wet op Spesiale Oorlogspensioene, 1962 (Wet No. 35 van 1962), of die Oorlogspensioenwet, 1967 (Wet No. 82 van 1967), ontvang, 'n bonus van tien persent van sodanige pensioen, toelae of toekenning betaal word: Met dien verstande dat in die geval van iemand wat kragtens artikel 39 van die Wet op Spesiale Oorlogspensioene, 1962, of kragtens artikel 43 (2) of 44 van die Oorlogspensioenwet, 1967, 'n aanvullingspensioen of toelae ontvang, die bonus bereken word op die volle bedrag van die pensioen of toelae deur so iemand van 'n ander regering soos in gemelde artikel 39, 43 (2) of 44 beoog, ontvang tesame met die voormelde aanvullingspensioen, toelae of toekenning.

(2) By die toepassing van artikels 33 en 35 van die Oorlogspensioenwet, 1967, word 'n bonus wat kragtens subartikel (1) betaalbaar is, geag 'n voordeel te wees wat kragtens daardie Wet betaalbaar is.

Toekenning van bonus aan persone wat militêre pensioene ontvang.

16. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* die bepalinge van die Wet op Bejaarde Persone, 1967 (Wet No. 81 van 1967), die Wet op Blindes, 1968 (Wet No. 26 van 1968), en die Wet op Ongeskiktheidstoelaes, 1968 (Wet No. 27 van 1968), *mutatis mutandis* in die gebied Suidwes-Afrika met inbegrip van die Oostelike Caprivi Zipfel, ten opsigte van natuurlike, soos omskrywe in artikel 25 van die Naturelle-administrasie Proklamasie, 1928 (Proklamasie No. 15 van 1928), van bedoelde gebied, van toepassing verklaar vir sover daardie bepalinge op Bantoes of Bantoe persone betrekking het.

Toepassing van sekere Wette in Suidwes-Afrika.

(2) Bedoelde bepalinge kan van toepassing verklaar word onderworpe aan die voorwaardes, wysigings of uitsonderings wat in die proklamasie vermeld word.

(3) Die Staatspresident kan op dergelike wyse enige proklamasie kragtens hierdie artikel uitgevaardig, intrek of wysig.

(4) Met ingang van die datum waarop 'n in subartikel (1) bedoelde Wet in die gemelde gebied van toepassing word ingevolge 'n proklamasie kragtens daardie subartikel uitgevaardig, hou die ooreenstemmende Wet wat kragtens artikel 45 (1) van die Wysigingswet op die Pensioenwette, 1965 (Wet No. 102 van 1965), in bedoelde gebied van toepassing verklaar is, op om daarin van toepassing te wees: Met dien verstande dat enigiets wat gedoen is ingevolge die betrokke ooreenstemmende Wet en wat gedoen sou kon word ingevolge die betrokke in subartikel (1) bedoelde Wet wat op daardie datum in die gebied van toepassing word, geag word ingevolge laasbedoelde Wet gedoen te gewees het.

17. (1) Die bepalinge van artikels 1 (a), 3, 4, 5, 9 tot en met 16 tree op die eerste dag van Oktober 1968 in werking.

Inwerkingtreding van sekere bepalinge.

(2) Die bepalinge van artikels 1 (b) en 7 word geag op die eerste dag van April 1968 in werking te getree het.

(3) Die bepalinge van artikel 6 word geag op die eerste dag van Januarie 1964 in werking te getree het.

(4) Die bepalinge van artikel 8 word geag op die vyftiende dag van November 1967 in werking te getree het.

18. Hierdie Wet heet die Wysigingswet op die Pensioenwette, Kort titel. 1968.

“(4) Whenever an application for a benefit under this Act has been rejected and is not renewed within six months of the date of notification of such rejection, any renewal of the application shall for the purposes of this section be deemed to be a fresh application: Provided that where a case is reviewed by the board as a result of an amendment to this Act (other than an amendment effected by the Pension Laws Amendment Act, 1968), the date of taking effect of any award granted as the result of such review shall be the date on which the amendment concerned became operative.”.

Grant of bonus to persons in receipt of military pensions.

15. (1) Any person who is in receipt of a pension, allowance or clothing grant in terms of or on the basis of the War Special Pensions Act, 1962 (Act No. 35 of 1962), or the War Pensions Act, 1967 (Act No. 82 of 1967), may be paid a bonus of ten per cent of such pension, allowance or grant: Provided that in the case of a person in receipt of a supplementary pension or allowance in terms of section 39 of the War Special Pensions Act, 1962, or in terms of section 43 (2) or 44 of the War Pensions Act, 1967, the bonus shall be calculated on the full amount of the pension or allowance received by such person from another government as contemplated in the said section 39, 43 (2) or 44, together with the supplementary pension, allowance or grant aforesaid.

(2) For the purposes of sections 33 and 35 of the War Pensions Act, 1967, any bonus payable in terms of subsection (1) shall be regarded as a benefit payable under that Act.

Application of certain laws in South-West Africa.<sup>1</sup>

16. (1) The State President may by proclamation in the *Gazette* declare the provisions of the Aged Persons Act, 1967 (Act No. 81 of 1967), the Blind Persons Act, 1968 (Act No. 26 of 1968), and the Disability Grants Act, 1968 (Act No. 27 of 1968), to be *mutatis mutandis* applicable in the territory of South-West Africa, including the Eastern Caprivi Zipfel, in respect of natives, as defined in section 25 of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the said territory, in so far as those provisions relate to Bantu or Bantu persons.

(2) The said provisions may be declared to be applicable subject to such conditions, amendments or exceptions as may be specified in the proclamation.

(3) The State President may in like manner withdraw or amend any proclamation issued under this section.

(4) With effect from the date on which any Act referred to in subsection (1) becomes applicable in the said territory in terms of a proclamation issued under that subsection, the corresponding Act which under section 45 (1) of the Pension Laws Amendment Act, 1965 (Act No. 102 of 1965), was declared to be applicable in the said territory, shall cease to be applicable therein: Provided that anything done in terms of the relevant corresponding Act and which could be done in terms of the relevant Act referred to in subsection (1) which becomes applicable in the territory on the said date, shall be deemed to have been done in terms of the last-mentioned Act.

Commencement of certain provisions.

17. (1) The provisions of sections 1 (a), 3, 4, 5 and 9 to 16 inclusive shall come into operation on the first day of October, 1968.

(2) The provisions of sections 1 (b) and 7 shall be deemed to have come into operation on the first day of April, 1968.

(3) The provisions of section 6 shall be deemed to have come into operation on the first day of January, 1964.

(4) The provisions of section 8 shall be deemed to have come into operation on the fifteenth day of November, 1967.

Short title.

18. This Act shall be called the Pension Laws Amendment Act, 1968.

No. 81, 1968.]

# WET

**Om voorsiening te maak vir die instelling van 'n Suid-Afrikaanse Raad vir Professionele Ingenieurs, vir die registrasie van ingenieurs en ingenieurs-in-opleiding, en vir ander bykomstige aangeleenthede.**

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 20 Junie 1968.)*

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

**1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—** Woordomskriving.

- (i) „adviserende komitee” ’n adviserende komitee kragtens artikel 11 ingestel; (i)
- (ii) „as ’n ingenieur geregistreer” as ’n ingenieur geregistreer ingevolge die bepalings van artikel 18 (2), (6) of (11); (xi)
- (iii) „departement” die Departement van Openbare Werke; (iii)
- (iv) „hierdie Wet” ook ’n regulasie, kennisgewing of reël kragtens hierdie Wet uitgevaardig of uitgereik; (xvi)
- (v) „in diens van die Staat” in die voltydse diens van die Sentrale Regering, ’n Provinsiale Administrasie, die Suidwes-Afrika-administrasie, die Suid-Afrikaanse Spoorweë- en Hawensadministrasie of die Departement van Pos- en Telegraafwese; (iv)
- (vi) „Minister” die Minister van Openbare Werke; (v)
- (vii) „private praktyk” die verrigting van werk deur enige persoon vir ’n ander persoon andersins as kragtens ’n kontrak van werkgewer en dienaar; (vii)
- (viii) „professionele ingenieur” iemand wat as ’n ingenieur geregistreer is; (viii)
- (ix) „professionele ingenieursinstituut” ’n vereniging van ingenieurs gestig met die doel om die belange van die ingenieursberoep te bevorder en kragtens artikel 7 (3) (a) erken; (ix)
- (x) „raad” die Suid-Afrikaanse Raad vir Professionele Ingenieurs by artikel 2 ingestel; (ii)
- (xi) „register” die in artikel 7 (2) bedoelde register; (x)
- (xii) „registrator” die persoon wat kragtens artikel 7 (1) (a) as registrator aangestel is; (xii)
- (xiii) „regulasie” ’n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is; (xiii)
- (xiv) „Republiek” ook die gebied Suidwes-Afrika; (xiv)
- (xv) „Sekretaris” die Sekretaris van Openbare Werke; (xv)
- (xvi) „voorgeskryf” by of kragtens hierdie Wet voorgeskryf. (vi)

**2. Hierby word ’n raad ingestel, bekend as die Suid-Afrikaanse Raad vir Professionele Ingenieurs, wat met regs persoonlikheid bekleed is en bevoeg is om in sy naam as regs persoon as eiser en verweerder in regte op te tree en om alle handeling te verrig wat nodig is vir, of in verband staan met, die uitvoering van sy oogmerke en die verrigting van sy werksaamhede en pligte kragtens hierdie Wet.** Instelling van die Suid-Afrikaanse Raad vir Professionele Ingenieurs.

No. 81, 1968.]

# ACT

To provide for the establishment of a South African Council for Professional Engineers, for the registration of engineers and engineers in training, and for other incidental matters.

*(Afrikaans text signed by the State President.)  
(Assented to 20th June, 1968.)*

**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) “advisory committee” means any advisory committee established under section 11; (i)
  - (ii) “council” means the South African Council for Professional Engineers established by section 2; (x)
  - (iii) “department” means the Department of Public Works; (iii)
  - (iv) “in the service of the State” means in the fulltime employment of the Central Government, any Provincial Administration, the South-West Africa Administration, the South African Railways and Harbours Administration or the Department of Posts and Telegraphs; (v)
  - (v) “Minister” means the Minister of Public Works; (vi)
  - (vi) “prescribed” means prescribed by or under this Act; (xvi)
  - (vii) “private practice” means the performance of work by any person for another person otherwise than under a contract of master and servant; (vii)
  - (viii) “professional engineer” means a person registered as an engineer; (viii)
  - (ix) “professional engineers’ institute” means any association of engineers established for the purpose of furthering the interests of the engineering profession and which has been recognized in terms of section 7 (3) (a); (ix)
  - (x) “register” means the register referred to in section 7 (2); (xi)
  - (xi) “registered as an engineer” means registered as an engineer in terms of the provisions of section 18 (2), (6) or (11); (ii)
  - (xii) “registrar” means the person appointed as registrar under section 7 (1) (a); (xii)
  - (xiii) “regulation” means a regulation made and in force under this Act; (xiii)
  - (xiv) “Republic” includes the territory of South-West Africa; (xiv)
  - (xv) “Secretary” means the Secretary for Public Works; (xv)
  - (xvi) “this Act” includes any regulation, notice or rule made or issued under this Act. (iv)

Establishment of the South African Council for Professional Engineers.

2. There is hereby established a council to be known as the South African Council for Professional Engineers, which shall be a body corporate, capable of suing and being sued in its corporate name, and of performing all such acts as are necessary for or incidental to the carrying out of its objects and the performance of its functions and duties under this Act.

3. (1) Die raad bestaan uit die volgende lede, wat deur die Minister aangestel moet word, naamlik—

Samestelling van raad en eerste vergadering.

(a) ses persone, van wie—

- (i) een die landboukundige ingenieursberoep moet verteenwoordig en deur die Suid-Afrikaanse Instituut van Landbou-ingenieurs genomineer moet word;
- (ii) een die chemiese ingenieursberoep moet verteenwoordig en deur die Suid-Afrikaanse Instituut van Chemiese Ingenieurs genomineer moet word;
- (iii) een die siviele ingenieursberoep moet verteenwoordig en deur die Suid-Afrikaanse Instituut van Siviele Ingenieurs genomineer moet word;
- (iv) een die elektrotegniese ingenieursberoep moet verteenwoordig en deur die Suid-Afrikaanse Instituut van Elektrotegniese Ingenieurs genomineer moet word;
- (v) een die meganiese ingenieursberoep moet verteenwoordig en deur die Suid-Afrikaanse Instituut van Meganiese Ingenieurs genomineer moet word;
- (vi) een die mynboukundige en metallurgiese ingenieursberoep moet verteenwoordig en deur die Suid-Afrikaanse Instituut vir Mynbou en Metallurgie genomineer moet word;

(b) drie persone wat soos volg genomineer moet word—

- (i) een deur die Ingenieursafdeling van die Suid-Afrikaanse Akademie vir Wetenskap en Kuns;
- (ii) een deur die Ingenieursgenootskap van Suid-Afrika;
- (iii) een deur die Suid-Afrikaanse Vereniging van Raadgewende Ingenieurs;

(c) drie persone wat deur die Gesamentlike Raad vir Professionele Ingenieurs genomineer moet word;

(d) 'n verteenwoordiger van elke Universiteit in die Republiek wat 'n fakulteit van ingenieurswese het, welke verteenwoordiger 'n professor of lektor in die ingenieurswese aan sodanige universiteit moet wees en genomineer moet word deur die senaat van sodanige universiteit;

(e) twee persone wat deur die Minister gekies moet word vanuit persone in diens van die Staat;

- (f) (i) twee persone wat deur die Minister gekies moet word op grond daarvan dat hulle uit hoofde van hul kennis en ervaring betreffende openbare aangeleenthede en die nywerheidsbehoefte van die land, uitnemend geskik is om te oordeel hoe die openbare belang, vir sover dit deur die professionele ingenieurswese geraak word, op die beste wyse beskerm of bevorder kan word, en van wie een spesiaal gekies moet word op grond van sy kennis van die reg soos dit op die praktyk van die professionele ingenieurswese betrekking het;
- (ii) een persoon wat deur die Minister gekies word uit die geledere van persone wat houers is van sertifikate van bevoegdheid uitgereik kragtens die regulasies uitgevaardig ingevolge die Wet op Fabriek, Masjinerie en Bouwerk, 1941 (Wet No. 22 van 1941), of die Wet op Myne en Bedrywe, 1956 (Wet No. 27 van 1956); en
- (iii) een persoon wat deur die Minister gekies word uit die geledere van die uitvoerende komitee van die Vereniging van Kolleges vir Gevorderde Tegniese Onderwys, ingestel kragtens artikel 28 van die Wet op Gevorderde Tegniese Onderwys, 1967 (Wet No. 40 van 1967).

(2) Wanneer 'n nominasie kragtens subartikel (1) (a), (b), (c) of (d) nodig word, moet die Minister die betrokke liggaam deur skriftelike kennisgewing aansê of laat aansê om binne 'n tydperk in die kennisgewing vermeld, maar minstens sestig dae vanaf die datum van die kennisgewing, soveel persone te nomineer as wat deur die liggaam vir aanstelling in die raad genomineer moet word.

Constitution of council and first meeting.

3. (1) The council shall consist of the following members to be appointed by the Minister, namely—

- (a) six persons of whom—
- (i) one shall represent the agricultural engineering profession and shall be nominated by the South African Institute of Agricultural Engineers;
  - (ii) one shall represent the chemical engineering profession and shall be nominated by the South African Institution of Chemical Engineers;
  - (iii) one shall represent the civil engineering profession and shall be nominated by the South African Institution of Civil Engineers;
  - (iv) one shall represent the electrical engineering profession and shall be nominated by the South African Institute of Electrical Engineers;
  - (v) one shall represent the mechanical engineering profession and shall be nominated by the South African Institution of Mechanical Engineers;
  - (vi) one shall represent the mining and metallurgical engineering professions and shall be nominated by the South African Institute of Mining and Metallurgy;
- (b) three persons who shall be nominated as follows—
- (i) one by the “Ingenieursafdeling van die Suid-Afrikaanse Akademie vir Wetenskap en Kuns”;
  - (ii) one by the Engineers’ Association of South Africa;
  - (iii) one by the South African Association of Consulting Engineers;
- (c) three persons who shall be nominated by the Professional Engineers’ Joint Council;
- (d) a representative of each university in the Republic which has a faculty of engineering, which representative shall be a professor or lecturer in engineering at such university and shall be nominated by the senate of such university;
- (e) two persons selected by the Minister from among persons in the service of the State; and
- (f) (i) two persons selected by the Minister on the grounds that by virtue of their knowledge and experience of public affairs and the industrial requirements of the country, they are particularly suited to judge how the public interest in so far as it is affected by professional engineering can best be safeguarded or promoted, and of whom one shall be specially selected by reason of his knowledge of the law as it relates to the practice of professional engineering;
- (ii) one person selected by the Minister from among persons who are holders of certificates of competency issued in terms of the regulations made in terms of the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941), or the Mines and Works Act, 1956 (Act No. 27 of 1956); and
  - (iii) one person selected by the Minister from among the members of the executive committee of the Association of Colleges for Advanced Technical Education established in terms of section 28 of the Advanced Technical Education Act, 1967 (Act No. 40 of 1967).

(2) Whenever any nomination under subsection (1) (a), (b), (c) or (d) becomes necessary, the Minister shall call upon the body concerned, or cause it to be called upon, by notice in writing, to nominate within a period specified in the notice, being not less than sixty days from the date thereof, so many persons as may be required to be nominated by it for appointment to the council.

(3) Indien die betrokke liggaam in gebreke bly om, na aansegging deur kennisgewing soos in subartikel (2) bepaal, binne die tydperk in die kennisgewing vermeld soveel persone te nomineer as wat volgens die kennisgewing genomineer moes word, kan die Minister die persone, as daar is, wat werklik aldus genomineer is en die ander persone wat hy goedvind en wat die kwalifikasies nodig vir aanstelling besit, tot die vereiste getal aanstel om lede van die raad te wees.

(4) Vir elke lid van die raad kragtens subartikel (1) (a), (b), (c) of (d) aangestel, moet daar 'n plaasvervangende lid op dieselfde wyse as bedoelde lid aangestel word, en 'n in subartikel (1) (e) bedoelde lid van die raad kan, met toestemming van die Minister, 'n persoon in diens van die Staat aanwys om in sy plek as 'n plaasvervangende lid van die raad op te tree, en 'n plaasvervangende lid aldus aangestel of aangewys kan 'n vergadering van die raad bywoon en aan die verrigtings aldaar deelneem wanneer die lid vir wie hy as plaasvervangende lid aangestel of aangewys is, van bedoelde vergadering afwesig is.

(5) Die naam van elke persoon as lid van die raad aangestel, en van elke persoon as plaasvervanger van 'n lid aangestel, en die datum vanaf wanneer die aanstelling geld en die duur van sodanige aanstelling, moet in die *Staatskoerant* afgekondig word.

(6) Geen besluit van die raad of handeling op gesag van die raad verrig, is ongeldig nie bloot vanweë 'n vakature in die raad of omdat 'n persoon wat nie geregtig was om as 'n raadslid sitting te neem nie, as 'n raadslid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.

(7) Die eerste vergadering van die raad word gehou op 'n tyd en plek wat die Minister vasstel.

4. (1) Niemand word aangestel—

- (a) as 'n lid van die raad kragtens artikel 3 (1) of as 'n plaasvervanger van so 'n lid kragtens artikel 3 (4) nie, tensy hy 'n Suid-Afrikaanse burger is;
- (b) as 'n lid van die raad kragtens artikel 3 (1) (a), (b), (c), (d) of (e) of as 'n plaasvervanger van so 'n lid kragtens artikel 3 (4) nie, tensy hy 'n professionele ingenieur is;
- (c) as 'n lid van die raad kragtens artikel 3 (1) (a) of (b) of as 'n plaasvervanger van so 'n lid kragtens artikel 3 (4) nie, tensy hy 'n lid is van die liggaam deur wie hy genomineer is.

Kwalifikasies van raadslede en omstandighede waaronder hulle hul amp ontruim.

(2) 'n Lid van die raad ontruim sy amp—

- (a) as hy skriftelik kennis gee van sy wens om te bedank en sy bedanking deur die Minister aanvaar word;
- (b) as hy insolvent raak of van sy boedel afstand doen ten voordele van sy skuldeisers of met hulle 'n skikking aangaan;
- (c) as 'n bevoegde hof verklaar dat hy in sy geestesvermoë gekrenk is;
- (d) as hy weens 'n misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete gevonnissen word;
- (e) as hy weens onbehoorlike gedrag uit 'n vertrouensamp verwyder word of as hy hom skuldig gemaak het aan gedrag van so 'n aard dat hy na die oordeel van die Minister nie 'n geskikte persoon is om 'n lid van die raad te wees nie;
- (f) as hy ingevolge hierdie Wet onbevoeg verklaar word om sy beroep te beoefen;
- (g) as hy sonder toestemming van die raad van drie agtereenvolgende vergaderings van die raad afwesig was;
- (h) as hy kragtens artikel 3 (1) (a) of (b) (ii) of (iii) aangestel is en die liggaam deur wie hy genomineer is, versuim om binne ses maande na inwerkingtreding van hierdie Wet aansoek om erkenning te doen kragtens artikel 7 (3), of indien die liggaam wel aansoek gedoen het, erkenning nie verleen word nie;

(3) If after having been called upon by notice under subsection (2), the body concerned fails to nominate, within the period specified in that notice, so many persons as were in terms of such notice required to be nominated, the Minister may appoint the persons, if any, actually so nominated and such other persons who hold the qualifications necessary for appointment as he may deem fit, up to the number required, to be members of the council.

(4) For every member of the council appointed in terms of subsection (1) (a), (b), (c) or (d), there shall be an alternate member appointed in the same manner as such member, and any member of the council referred to in subsection (1) (e) may, with the consent of the Minister, designate a person in the service of the State to act in his stead as an alternate member of the council, and any alternate member so appointed or designated may attend and take part in the proceedings at any meeting of the council whenever the member to whom he has been appointed or designated as alternate member is absent from such meeting.

(5) The name of every person appointed as a member of the council and of every person appointed as an alternate to any member, together with the date from which the appointment takes effect and the duration of such appointment, shall be notified in the *Gazette*.

(6) No decision taken by the council or act performed under authority of the council, shall be invalid by reason only of a vacancy on the council or of the fact that a person who was not entitled to sit as a member of the council sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the council who were present at the time and entitled to sit as members.

(7) The first meeting of the council shall be held at a time and place to be fixed by the Minister.

Qualifications of members of council and circumstances under which they vacate office.

4. (1) No person shall be appointed—
- (a) as a member of the council in terms of section 3 (1), or as an alternate to any such member in terms of section 3 (4), unless he is a South African citizen;
  - (b) as a member of the council in terms of section 3 (1) (a), (b), (c), (d) or (e), or as an alternate to any such member in terms of section 3 (4), unless he is a professional engineer; or
  - (c) as a member of the council in terms of section 3 (1) (a) or (b), or as an alternate to any such member in terms of section 3 (4), unless he is a member of the body by which he was nominated.
- (2) A member of the council shall vacate his office—
- (a) if he signifies in writing his wish to resign and his resignation is accepted by the Minister;
  - (b) if he becomes insolvent or assigns his estate for the benefit of, or compounds with, his creditors;
  - (c) if he is declared by a competent court to be of unsound mind;
  - (d) if he is convicted of an offence and sentenced to a term of imprisonment without the option of a fine;
  - (e) if he is removed from an office of trust on account of improper conduct or if he has been guilty of conduct by reason whereof he is in the opinion of the Minister not a fit person to be a member of the council;
  - (f) if he is disqualified under this Act from carrying on his profession;
  - (g) if he has been absent from three consecutive meetings of the council without its leave;
  - (h) if he was appointed under section 3 (1) (a) or (b) (ii) or (iii) and the body by which he was nominated fails to apply within six months after the commencement of this Act for recognition under section 7 (3) or having applied is not granted recognition;



- (i) as hy kragtens artikel 3 (1) (a) of (b) aangestel is en hy ophou om 'n lid te wees van die liggaam deur wie hy genomineer is;
- (j) as hy kragtens artikel 3 (1) (a), (b), (c), (d) of (e) aangestel is en hy ophou om 'n professionele ingenieur te wees; of
- (k) as hy kragtens artikel 3 (1) (d) of (e) aangestel is en hy ophou om 'n professor of lektor in die ingenieurswese aan die betrokke universiteit te wees of ophou om 'n persoon in diens van die Staat te wees, na gelang van die geval.

(3) Subartikel (1) (b) tree in werking ses maande na die inwerkingtreding van hierdie Wet.

5. (1) Elke lid van die raad (uitgesonderd 'n kragtens artikel 3 (1) (e) aangestelde lid, wat sy amp beklee solank dit die Minister behaag) word aangestel vir 'n tydperk van vier jaar, maar behou na verstryking van die tydperk waarvoor hy aangestel is, sy amp vir 'n verdere tydperk van hoogstens drie maande totdat sy opvolger aangestel is.

Ampsduur van raadslede.

(2) Wanneer 'n lid van die raad sy amp ontruim voor die verstryking van die tydperk waarvoor hy aangestel is, kan die Minister, met inagneming van die toepaslike bepalings van artikel 3, 'n persoon aanstel om die vakature te vul vir die onverstreke gedeelte van die tydperk waarvoor bedoelde lid aangestel is.

(3) Iemand wie se ampstermyn as lid van die raad verstryk het, kan weer aangestel word.

6. (1) Die lede van die raad kies op die eerste vergadering van elke nuut-saamgestelde raad, uit hul midde 'n president en 'n vise-president van die raad en die president en vise-president beklee hulle amp gedurende die ampsduur van die raad.

President en vise-president van raad.

(2) Indien die president of die vise-president van die raad sy amp ontruim voor die verstryking van die tydperk waarvoor hy as lid van die raad aangestel is, word 'n ander lid van die raad as president of vise-president, na gelang van die geval, behoudens die bepalings van subartikel (1), gekies.

(3) Indien die president om die een of ander rede nie kan optree nie, moet die vise-president, indien hy dit kan doen, in sy plek optree.

(4) Indien die president en vise-president van 'n vergadering van die raad afwesig is of nie as voorsitter kan optree nie, moet die aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit en die persoon aldus gekies om voor te sit kan gedurende daardie vergadering en totdat die president of vise-president sy ampspligte hervat, al die pligte van die president verrig.

(5) 'n Lid van die raad wat kragtens artikel 3 (1) (f) aangestel is, kan nie tot president of vise-president van die raad gekies word of op 'n raadsvergadering voorsit nie.

7. (1) Die raad het die bevoegdheid—

- (a) om 'n registrateur (wat ook as sekretaris vir die raad moet optree) en ander amptenare aan te stel en te besoldig en om hul pligte en verantwoordelikhede te bepaal;
- (b) om, behoudens die bepalings van hierdie Wet, die prosedure op vergaderings van die raad of 'n komitee van die raad of 'n adviserende komitee en die wyse waarop notule van die verrigtinge gehou moet word, te bepaal;
- (c) om, behoudens die bepalings van artikel 10 (2), die aanbevelings van 'n komitee van die raad of 'n adviseerende komitee te oorweeg en finaal daarvoor te besluit;
- (d) om die roerende of onroerende goed wat hy nodig ag vir die doeltreffende uitvoering van sy werksaamhede aan te skaf of te huur;
- (e) om kontrakte aan te gaan en om te besluit op watter wyse kontrakte namens die raad aangegaan moet word;
- (f) om die fondse van die raad in te samel en, behoudens die bepalings van subartikel (1) (d), te belê en daar-

Algemene bevoegdhede van raad en bevoegdhede van die Minister betreffende sekere aangeleenthede ten opsigte waarvan die raad aanbevelings gemaak het.

- (i) if he was appointed under section 3 (1) (a) or (b) and ceases to be a member of the body by which he was nominated;
- (j) if he was appointed under section 3 (1) (a), (b), (c), (d), or (e) and ceases to be a professional engineer; or
- (k) if he was appointed under section 3 (1) (d) or (e) and ceases to be a professor or lecturer in engineering at the university concerned or ceases to be a person in the service of the State, as the case may be.

(3) Subsection (1) (b) shall come into operation six months after the commencement of this Act.

Tenure of office of members of council.

5. (1) Every member of the council (not being a member appointed under section 3 (1) (e), who shall hold office during the Minister's pleasure) shall be appointed for a period of four years, but shall on termination of the period for which he was appointed, continue to hold office for a further period not exceeding three months until his successor has been appointed.

(2) Whenever a member of the council vacates his office before the expiration of the period for which he was appointed, the Minister may, subject to the applicable provisions of section 3, appoint a person to fill the vacancy for the unexpired portion of the period for which such member was appointed.

(3) Any person whose period of office as a member of the council has expired, shall be eligible for re-appointment.

President and vice-president of council.

6. (1) The members of the council shall at the first meeting of every newly constituted council, out of their number elect a president and a vice-president of the council and the president and vice-president shall hold office during the term of office of the council.

(2) If the president or the vice-president of the council vacates his office before the expiration of the period for which he was appointed as a member of the council, another member of the council shall, subject to the provisions of subsection (1), be elected as president or vice-president, as the case may be, of the council.

(3) If for any reason the president is not able to act, the vice-president, if able to do so, shall act in his stead.

(4) If the president and vice-president are absent from any meeting of the council or not able to preside, the members present shall elect one of their number to preside at that meeting and the person so elected to preside may during that meeting and until the president or vice-president resumes duty, perform all the duties of the president.

(5) A member of the council appointed in terms of section 3 (1) (f), shall not be elected president or vice-president of the council or preside at any meeting thereof.

General powers of council and powers of the Minister in regard to certain matters in respect of which the council has made recommendations.

7. (1) The council shall have the power—

- (a) to appoint and remunerate a registrar (who shall also act as secretary to the council) and other officials and to determine their duties and responsibilities;
- (b) subject to the provisions of this Act, to determine the procedure at meetings of the council or any committee of the council or an advisory committee and the manner in which minutes of the meetings shall be kept;
- (c) subject to the provisions of section 10 (2), to consider and give its final decisions on recommendations of a committee of the council or an advisory committee;
- (d) to acquire or hire such movable or immovable property as it may consider necessary for the effective performance of its functions;
- (e) to enter into contracts and to decide the manner in which contracts shall be entered into on behalf of the council;
- (f) to collect the funds of the council and, subject to the provisions of subsection (1) (d), to invest and

mee te handel deur dit of 'n gedeelte daarvan op vaste deposito of spaarrekening te plaas by die Nasionale Finansiële Korporasie van Suid-Afrika, 'n handelsbank kragtens die Bankwet, 1965 (Wet No. 23 van 1965), geregistreer, 'n bouvereniging kragtens die Bouverenigingswet, 1965 (Wet No. 24 van 1965), geregistreer of die Hoofposkantoor;

- (g) om die wyse waarop 'n applikant aansoek moet doen om registrasie as 'n ingenieur of 'n ingenieur-in-opleiding voor te skryf, om die gelde wat aan die raad betaal moet word ten opsigte van so 'n registrasie en die jaargelde wat aan die raad betaal moet word deur 'n persoon solank hy as 'n ingenieur of as 'n ingenieur-in-opleiding geregistreer bly, voor te skryf en om dié gedeelte van sodanige jaargeld wat ten opsigte van 'n deel van 'n jaar betaalbaar is en die datum waarop sodanige jaargeld of gedeelte daarvan betaalbaar word, te bepaal;
  - (h) om, behoudens die bepalinge van hierdie Wet, 'n aansoek om registrasie as 'n ingenieur of 'n ingenieur-in-opleiding te oorweeg en daarvoor te besluit;
  - (i) om te besluit oor die vorm van die register en sertifikate wat ingevolge hierdie Wet gehou, bygehou of uitgereik moet word, die hersiening daarvan en die wyse waarop veranderinge daarop aangebring kan word;
  - (j) om by die Minister aan te beveel aan watter vereistes 'n vereniging van ingenieurs moet voldoen om vir die doeleindes van hierdie Wet vir erkenning as 'n professionele ingenieursinstituut te kwalifiseer, om 'n aansoek om sodanige erkenning te oorweeg en 'n aanbeveling daaromtrent aan die Minister voor te lê;
  - (k) om by die Minister aan te beveel wat die minimum gelde moet wees waarop 'n professionele ingenieur vir sy professionele dienste geregtig is;
  - (l) om by die Minister aan te beveel watter soorte werk in verband met projekte, ondernemings of dienste van 'n ingenieursaard, vir professionele ingenieurs voorbehou moet word;
  - (m) om, behoudens die bepalinge van hierdie Wet, die metode te bepaal waarvolgens klagtes van onbehoorlike gedrag waaraan 'n professionele ingenieur of ingenieur-in-opleiding hom na bewering skuldig sou maak het, ondersoek moet word;
  - (n) om die stappe te doen wat hy raadsaam ag vir die beskerming van die publiek in hulle transaksies met professionele ingenieurs, vir die handhawing van die integriteit, die verhoging van die status en die verbetering van die standaard van professionele kwalifikasies van professionele ingenieurs;
  - (o) om navorsing aangaande vraagstukke wat betrekking het op die ingenieursberoep aan te moedig en om aan enige opvoedkundige inrigting, professionele ingenieursinstituut of eksaminerende liggaam advies te gee en hulp te verleen in verband met opvoedkundige fasiliteite vir en die opleiding en onderrig van voornemende ingenieurs;
  - (p) om enige publikasie met betrekking tot die ingenieursberoep en verwante aangeleenthede te finansier, te druk en te versprei en die publikasie daarvan te administreer en om in die algemeen die stappe te doen wat nodig is om dit te publiseer;
  - (q) om die Minister van advies te dien oor alle vraagstukke in verband met die ingenieursberoep en verwante aangeleenthede; en
  - (r) om die ander stappe te doen en die ander handelinge te verrig wat vir die behoorlike uitvoering van sy werksaamhede en pligte kragtens hierdie Wet vereis word.
- (2) Die raad moet, behoudens die bepalinge van hierdie Wet, 'n register van professionele ingenieurs en ingenieurs-in-opleiding

deal with them by placing them or any portion thereof on fixed deposit or in a savings account with the National Finance Corporation of South Africa, any commercial bank registered under the Banks Act, 1965 (Act No. 23 of 1965), any building society registered under the Building Societies Act, 1965 (Act No. 24 of 1965), or the General Post Office;

- (g) to prescribe the manner in which an applicant shall apply for registration as an engineer or an engineer in training, to prescribe the fees which shall be payable to the council in respect of any such registration and the annual fees which shall be payable to the council by any person as long as he remains registered as an engineer or as an engineer in training and to determine what portion of such annual fees shall be payable in respect of any part of a year and the date on which such annual fees or portion thereof shall become due and payable;
- (h) subject to the provisions of this Act, to consider and decide upon any application for registration as an engineer or an engineer in training;
- (i) to decide upon the form of the register and certificates to be kept, maintained or issued under this Act, the reviewing thereof and the manner in which alterations thereto may be effected;
- (j) to recommend to the Minister the requirements with which an association of engineers shall comply in order to qualify for recognition as a professional engineers' institute for the purposes of this Act, to consider any application for such recognition and to submit a recommendation thereon to the Minister;
- (k) to recommend to the Minister the minimum fees which shall be chargeable by a professional engineer for his professional services;
- (l) to recommend to the Minister the kinds of work in connection with projects, undertakings or services of an engineering nature which shall be reserved for professional engineers;
- (m) subject to the provisions of this Act, to determine the method of enquiry into allegations of improper conduct of which any professional engineer or engineer in training is alleged to have been guilty;
- (n) to take any steps which it may consider expedient for the protection of the public in their dealings with professional engineers, for the maintenance of the integrity, the enhancement of the status and the improvement of the standards of professional qualifications of engineers;
- (o) to encourage research into matters relating to the engineering profession and to give advice or render assistance to any educational institution, professional engineers' institute or examining body in regard to educational facilities for and the training and education of prospective engineers;
- (p) to finance, print, circulate and administer the publication of and generally to take any steps necessary to publish any publication relating to the engineering profession and cognate matters;
- (q) to advise the Minister on all matters relating to the engineering profession and cognate matters; and
- (r) to take such other action and do such other things as may be required for the proper performance of its functions and duties under this Act.

(2) Subject to the provisions of this Act, the council shall keep and maintain a register of professional engineers and

hou en byhou en sodanige register moet te alle redelike tye beskikbaar wees vir insae deur enige lid van die publiek teen betaling van die gelde wat die raad voorskryf.

(3) Die Minister kan, na oorweging en goedkeuring van 'n tersaaklike aanbeveling wat deur die raad kragtens subartikel (1) gedoen is—

- (a) (i) die vereistes voorskryf waaraan 'n vereniging van ingenieurs moet voldoen om vir die doeleindes van hierdie Wet vir erkenning as 'n professionele ingenieursinstituut te kwalifiseer;
- (ii) 'n aansoek om sodanige erkenning oorweeg en die aansoek van enige sodanige vereniging wat aan die voorgeskrewe vereistes voldoen, toestaan;
- (b) die minimum gelde voorskryf waarop 'n professionele ingenieur vir sy professionele dienste geregtig is;
- (c) die soorte werk in verband met projekte, ondernemings of dienste van 'n ingenieursaard voorskryf wat vir professionele ingenieurs gereserveer word.

(4) Voordat enige voorsiening kragtens subartikel (3) (c) gemaak word, word 'n kennisgewing waarin die voorgestelde voorsiening uiteengesit word deur die Minister in die *Staatskoerant* gepubliseer, tesame met 'n kennisgewing ten effekte dat dit die voorneme is om sodanige voorsiening kragtens hierdie artikel binne 'n bepaalde tydperk, maar minstens vier weke vanaf die datum van genoemde publikasie, te maak en dat belanghebbende persone uitgenooi word om besware teen of vertoë aangaande die voorgestelde voorsiening voor te lê: Met dien verstande dat, indien die Minister daarna op enige verandering van die soos voormeld gepubliseerde voorsiening besluit, as gevolg van besware of vertoë ten opsigte daarvan voorgelê, dit nie nodig is om sodanige verandering te publiseer voordat die voorsiening uiteindelik ooreenkomstig hierdie artikel gemaak word nie.

(5) Voorsienings wat kragtens subartikel (3) (c) gemaak word, kan voorsiening maak vir die uitsluiting daarvan van werk wat gedoen word onder vermelde omstandighede of vir vermelde doeleindes of deur of vir vermelde persone of klasse persone of binne of buite vermelde gebiede of klasse gebiede.

(6) Enige voorsiening wat kragtens subartikel (1) (g) gemaak, of gelde wat kragtens subartikel (1) of (2) voorgeskryf word, is onderworpe aan die goedkeuring van die Minister, en enige voorsiening aldus gemaak of gelde aldus voorgeskryf en enige voorsiening wat kragtens subartikel (3) gemaak word, word deur die Minister by kennisgewing in die *Staatskoerant* bekendgemaak.

8. (1) Die fondse van die raad bestaan uit die gelde deur hom ontvang uit hoofde van enige voorsiening kragtens artikel 7 gemaak, en die ander bedrae, insluitende voorskotte in subartikel (4) bedoel, wat van tyd tot tyd kragtens hierdie Wet aan die raad betaalbaar word. Fondse van raad en hou en ouditering van rekenings.

(2) Die raad laat volledig en juis rekening hou van alle gelde wat hy ontvang of uitgee.

(3) Die raad moet elke jaar 'n staat van sy inkomste en uitgawe vir sy jongste voorafgaande boekjaar, en 'n balansstaat aantoonende sy geldelike toestand aan die einde van daardie boekjaar, laat opstel, en moet, nadat sodanige staat en balansstaat geouditeer is deur 'n ouditeur wat die raad aanstel, afskrifte daarvan laat stuur aan elke lid van die raad en 'n afskrif daarvan by sy kantoor ter insae van enige professionele ingenieur laat lê.

(4) (a) Die Minister kan, in oorleg met die Minister van Finansies, uit gelde deur die Parlement bewillig, die bedrae aan die raad voorskiet wat hy nodig ag om die raad in staat te stel om sy werksaamhede te verrig.

(b) So 'n voorskot word toegestaan op die voorwaardes en is terugbetaalbaar op die tye wat die Minister, in oorleg met die Minister van Finansies, bepaal.

9. (1) Die raad lê elke jaar, binne ses maande na afsluiting van sy boekjaar, aan die Minister 'n verslag voor in verband met die raad se werksaamhede gedurende daardie boekjaar, tesame Verslae aan die Minister.

engineers in training and such register shall at all reasonable times be open to inspection by any member of the public upon payment of such fee as the council may prescribe.

(3) The Minister may, after consideration and approval of any relevant recommendation made by the council in terms of subsection (1)—

- (a) (i) prescribe the requirements with which an association of engineers shall comply in order to qualify for recognition as a professional engineers' institute for the purposes of this Act;
- (ii) consider any application for such recognition and grant the application of any such association which complies with the prescribed requirements;
- (b) prescribe the minimum fees which shall be chargeable by a professional engineer for his professional services;
- (c) prescribe the kinds of work in connection with projects, undertakings or services of an engineering nature which shall be reserved for professional engineers.

(4) Before any provision is made by virtue of subsection (3) (c) a notice setting forth the proposed provision shall be published by the Minister in the *Gazette* together with a notice intimating that it is proposed to make such provision under this section within a stated period, but not less than four weeks as from the date of the said publication, and inviting interested persons to submit any objections to or representations concerning the proposed provision: Provided that, if the Minister thereafter determines on any alteration in the provision published as aforesaid, as a result of any objections or representations submitted in respect thereof, it shall not be necessary to publish such alteration before finally making the provision in terms of this section.

(5) Provisions made by virtue of subsection (3) (c) may provide for the exclusion therefrom of work done under specified circumstances or for specified purposes or by or for specified persons or classes of persons or within or outside specified areas or classes of areas.

(6) Any provision made by virtue of subsection (1) (g) or any fees prescribed by virtue of subsection (1) or (2) shall be subject to the approval of the Minister, and any provision so made or fees so prescribed and any provision made by virtue of subsection (3) shall be made known by the Minister by notice in the *Gazette*.

Funds of council and the keeping and auditing of accounts.

8. (1) The funds of the council shall consist of the fees received by it in pursuance of any provision made under section 7, and such other moneys, including advances referred to in subsection (4), as may in terms of this Act from time to time become payable to the council.

(2) The council shall cause full and correct account to be kept of all moneys received or expended by it.

(3) The council shall cause to be prepared in each year a statement of its income and expenditure during its last preceding financial year and a balance sheet showing its financial position at the end of that financial year and shall, after such statement and balance sheet have been audited by an auditor appointed by the council, cause copies thereof to be transmitted to every member of the council, and cause a copy thereof to be open for inspection at its office by any professional engineer.

(4) (a) The Minister may, in consultation with the Minister of Finance, advance to the council out of moneys appropriated by Parliament such amounts as he may deem necessary in order to enable the council to carry out its functions.

(b) Any such advance shall be made on such conditions and shall be repayable at such times as the Minister may, in consultation with the Minister of Finance, determine.

Reports to the Minister.

9. (1) The council shall in each year, within six months after the close of its financial year, submit to the Minister a report in regard to its activities during that financial year, together

met 'n afskrif van die in artikel 8 (3) bedoelde geouditeerde staat van inkomste en uitgawes en balansstaat ten opsigte van daardie boekjaar en 'n lys van professionele ingenieurs wie se name op die laaste dag van daardie boekjaar in die register verskyn.

(2) Die president van die raad moet van tyd tot tyd verslae aan die Minister voorlê oor aangeleenthede in verband met die werksaamhede van die raad wat na die oordeel van die raad onder die aandag van die Minister behoort te kom.

(3) Indien minstens agt raadslede ontevrede is met 'n raadsbesluit oor 'n aangeleentheid wat kragtens hierdie Wet binne die raad se bevoegdhede val, kan hulle die Minister in kennis stel dat hulle dit nie met sodanige besluit eens is nie en hulle redes daarvoor vermeld, en die Minister kan daarna van die raad eis dat hy sy opmerkings in verband met die aangeleentheid verstrek tesame met enige inligting wat die Minister nodig ag.

(4) Die raad moet op versoek van die Minister of die Sekretaris aan die Minister of die Sekretaris advies verstrek oor vraagstukke in verband met die ingenieursberoep of aanverwante aangeleenthede, en moet inligting wat die raad tydens die verrigting van sy pligte bekom omtrent aangeleenthede wat hy van openbare belang ag, aan die Minister meedeel.

(5) Die Minister moet afskrifte van elke verslag wat kragtens subartikel (1) aan hom voorgelê word, tesame met die ahangsels daarby, in die Senaat en in die Volksraad ter Tafel lê binne veertien dae na ontvangs daarvan as die Parlement dan in gewone sessie is, of, as die Parlement nie dan in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

10. (1) (a) Die raad kan komitees instel om hom by die ver- Komitees van rigting van sy werksaamhede en pligte by te staan en raad.  
kan daardie lede van die raad aanstel wat hy goedvind om lede van so 'n komitee te wees.

(b) Een van die lede van 'n komitee word deur die raad aangewys as voorsitter van die komitee.

(2) Die raad kan na goeë dunde van sy bevoegdhede aan 'n komitee wat aldus ingestel is, opdra, maar word nie geag van 'n bevoegdheid wat hy aan 'n komitee opgedra het, onthef te wees nie, en kan 'n besluit van so 'n komitee wysig of herroep: Met dien verstande dat indien die raad aan 'n komitee die bevoegdheid opgedra het om te bepaal of iemand as 'n ingenieur of 'n ingenieur-in-opleiding geregistreer moet word al dan nie, of die bevoegdheid om die registrasie van iemand as 'n ingenieur of as 'n ingenieur-in-opleiding in te trek, of die bevoegdheid om ooreenkomstig die bepalings van artikel 23 'n geval van beweerd onbehoorlike gedrag te ondersoek en ten opsigte daarvan 'n straf op te lê, die raad nie 'n besluit of iets wat uit hoofde van die bevoegdheid aldus opgedra, deur sodanige komitee geneem of gedoen is, kan wysig of herroep nie.

(3) 'n Verwysing in hierdie Wet na die raad of die president van die raad met betrekking tot die uitoefening van 'n bevoegdheid wat die raad aan 'n komitee opgedra het, word uitgelê ook as 'n verwysing na daardie komitee of na die voorsitter van daardie komitee, na gelang van die geval.

(4) Die bepalings van artikel 3 (6) is *mutatis mutandis* ten opsigte van 'n komitee van die raad van toepassing.

11. (1) Die Minister stel die volgende adviserende komitees in, naamlik— Instelling van adviserende komitees.

(a) 'n Adviserende Onderwyskomitee vir Professionele Ingenieurs (hieronder die Adviserende Onderwyskomitee genoem); en

(b) Adviserende Komitees vir Professionele Ingenieurs (hieronder die Professionele Adviserende Komitees genoem) wat elk een van die volgende vertakkinge van die ingenieurswese verteenwoordig, naamlik—

- (i) die landboukundige ingenieurswese;
- (ii) die chemiese ingenieurswese;
- (iii) die siviele ingenieurswese;
- (iv) die elektrotegniese ingenieurswese;
- (v) die meganiese ingenieurswese;
- (vi) die metallurgiese ingenieurswese;

with a copy of the audited statement of income and expenditure and the balance sheet referred to in section 8 (3) in respect of that financial year and a list of professional engineers whose names appear on the register on the last day of that financial year.

(2) The president of the council shall from time to time submit to the Minister reports in regard to matters relating to the activities of the council which in the opinion of the council should be brought to the Minister's notice.

(3) Whenever at least eight members of the council are dissatisfied with a decision taken by the council in regard to any matter within its purview in terms of this Act, they may inform the Minister that they are not in agreement with such decision and give their reasons therefor, and the Minister may thereupon require the council to furnish him with its observations in regard to such matter, together with any information which he may deem necessary.

(4) The council shall at the request of the Minister or the Secretary furnish to the Minister or the Secretary advice on matters in connection with the engineering profession or cognate matters, and shall communicate to the Minister information acquired by it in the course of its duties, on matters regarded by it as being of public import.

(5) The Minister shall lay copies of every report submitted to him in terms of subsection (1), together with the annexures thereto, upon the Table in the Senate and in the House of Assembly within fourteen days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Committees of council.

10. (1) (a) The council may establish committees to assist it in the performance of its functions and duties and may appoint such of its members as it may deem fit to be members of any such committee.

(b) One of the members of a committee shall be designated by the council as chairman of the committee.

(2) The council may assign to a committee so established such of its powers as it may deem fit, but shall not be deemed to be divested of any power which it may have assigned to a committee, and may amend or repeal any decision of any such committee: Provided that if the council has assigned to a committee the power to determine whether or not any person shall be registered as an engineer or an engineer in training, or the power to cancel the registration of any person as an engineer or as an engineer in training, or the power to enquire into any case of alleged improper conduct and to impose a punishment in respect thereof in accordance with the provisions of section 23, the council shall not amend or repeal any decision arrived at or anything done by such committee under the power so assigned.

(3) Any reference in this Act to the council or to the president of the council, in relation to the exercise of any power which the council has assigned to a committee shall be construed as including a reference to that committee or to the chairman of that committee, as the case may be.

(4) The provisions of section 3 (6) shall apply *mutatis mutandis* in respect of a committee of the council.

Establishment of advisory committees.

11. (1) The Minister shall establish the following advisory committees, namely—

(a) an Education Advisory Committee for Professional Engineers (hereinafter referred to as the Education Advisory Committee); and

(b) Advisory Committees for Professional Engineers (hereinafter referred to as the Professional Advisory Committees) which shall represent each of the following branches of engineering, namely—

- (i) agricultural engineering;
- (ii) chemical engineering;
- (iii) civil engineering;
- (iv) electrical engineering;
- (v) mechanical engineering;
- (vi) metallurgical engineering;



- (vii) die mynboukundige ingenieurswese; en
  - (viii) die ander vertakkinge van die ingenieurswese wat die Minister van tyd tot tyd, na oorlegpleging met die raad, erken.
- (2) Die Minister kan te eniger tyd, na oorlegpleging met die raad, 'n adviserende komitee by kennisgewing in die *Staatskoerant* afskaf.

12. (1) (a) Die Adviserende Onderwyskomitee bestaan uit die volgende lede, wat deur die Minister aangestel moet word, naamlik—

Samestelling van adviserende komitees.

- (i) 'n verteenwoordiger van elke universiteit in die Republiek waaraan 'n fakulteit van ingenieurswese verbonde is, welke verteenwoordiger 'n professor of lektor in die ingenieurswese aan daardie universiteit moet wees en genomineer moet word deur die senaat van daardie universiteit;
  - (ii) twee persone wat genomineer moet word deur die Minister van Nasionale Opvoeding en van wie minstens een verbonde moet wees aan 'n Kollege vir Gevorderde Tegniese Onderwys; en
  - (iii) drie persone wat deur die Minister gekies word uit 'n lys van persone wat genomineer moet word deur die Gesamentlike Raad vir Professionele Ingenieurs.
- (b) Elke Professionele Adviserende Komitee bestaan uit die volgende vyf lede, wat deur die Minister aangestel moet word, naamlik—
- (i) een persoon wat 'n professor of lektor in die betrokke vertakking van die ingenieurswese aan 'n universiteit in die Republiek moet wees en wat deur die Minister gekies word uit 'n lys van persone wat genomineer moet word deur die senate van die universiteite in die Republiek waaraan fakulteite van ingenieurswese verbonde is;
  - (ii) een persoon wat 'n persoon in diens van die Staat moet wees; en
  - (iii) drie persone wat deur die Minister gekies word uit 'n lys van persone wat genomineer moet word deur die toepaslike professionele ingenieursinstituut, of as daar nie so 'n instituut is nie, deur die liggaam wat die Minister, na oorlegpleging met die raad, bepaal: Met dien verstande dat minstens een sodanige persoon 'n professionele ingenieur in privaatpraktyk moet wees.

(2) Vir elke lid van 'n adviserende komitee kragtens subartikel (1) aangestel, moet daar 'n plaasvervangende lid op dieselfde wyse as bedoelde lid aangestel word.

(3) Die bepalings van artikel 3 (2) en (3) is *mutatis mutandis* van toepassing ten opsigte van die aanstelling van 'n in subartikel 1 (a) (i) of (iii) of (b) (i) of (iii) bedoelde lid van 'n adviserende komitee en die bepalings van artikel 3 (5) is *mutatis mutandis* van toepassing ten opsigte van elke persoon wat as lid van 'n adviserende komitee en elke persoon wat as plaasvervanger van so 'n lid aangestel word.

13. (1) Niemand word aangestel—

- (a) as 'n lid van 'n adviserende komitee kragtens artikel 12 (1) of as 'n plaasvervanger van so 'n lid kragtens artikel 12 (2) nie, tensy hy 'n Suid-Afrikaanse burger is;
- (b) as 'n lid van 'n adviserende komitee kragtens artikel 12 (1) (a) (i) of (iii) of (b) (i), (ii) of (iii) of as 'n plaasvervanger van so 'n lid kragtens artikel 12 (2) nie, tensy hy 'n professionele ingenieur is;
- (c) as 'n lid van 'n adviserende komitee kragtens artikel 12 (1) (b) (iii) of as 'n plaasvervanger van so 'n lid kragtens artikel 12 (2) nie, tensy hy 'n lid is van die liggaam deur wie hy genomineer is.

Kwalifikasies van lede van adviserende komitees en omstandighede waaronder hulle hul amp ontruim.

(2) 'n Lid van 'n adviserende komitee ontruim sy amp—

- (a) as hy kragtens artikel 12 (1) (a) (i) of (b) (i) aangestel is en ophou om 'n professor of lektor in die ingenieurswese aan die betrokke universiteit te wees;

- (vii) mining engineering; and
- (viii) such other branches of engineering as the Minister may from time to time recognize after consultation with the council.

(2) The Minister may at any time, after consultation with the council, abolish any advisory committee by notice in the *Gazette*.

Constitution of advisory committees.

12. (1) (a) The Education Advisory Committee shall consist of the following members to be appointed by the Minister, namely—
- (i) a representative of each university in the Republic which has a faculty of engineering, which representative shall be a professor or lecturer in engineering at such university and shall be nominated by the senate of such university;
  - (ii) two persons, who shall be nominated by the Minister of National Education and of whom at least one shall be on the staff of a College for Advanced Technical Education; and
  - (iii) three persons, who shall be selected by the Minister from a list of persons nominated by the Professional Engineers' Joint Council.
- (b) Each Professional Advisory Committee shall consist of the following five members to be appointed by the Minister, namely—
- (i) One person, who shall be a professor or lecturer in the branch of engineering concerned at a university in the Republic, selected by the Minister from a list of persons nominated by the senates of universities in the Republic which have faculties of engineering;
  - (ii) one person who shall be a person in the service of the State; and
  - (iii) three persons who shall be selected by the Minister from a list of persons nominated by the appropriate professional engineers' institute or, if there is no such institute, by such body as the Minister may, after consultation with the council, determine: Provided that at least one such person shall be a professional engineer in private practice.

(2) For every member of an advisory committee appointed in terms of subsection (1), there shall be an alternate member appointed in the same manner as such member.

(3) The provisions of section 3 (2) and (3) shall apply *mutatis mutandis* in respect of the appointment of a member of an advisory committee referred to in subsection (1) (a) (i) or (iii) or (b) (i) or (iii) and the provisions of section 3 (5) shall apply *mutatis mutandis* in respect of every person appointed as a member of an advisory committee and every person appointed as an alternate to such a member.

Qualifications of members of advisory committees and circumstances under which they vacate office.

13. (1) No person shall be appointed—
- (a) as a member of an advisory committee in terms of section 12 (1), or as an alternate to any such member in terms of section 12 (2), unless he is a South African citizen;
  - (b) as a member of an advisory committee in terms of section 12 (1) (a) (i) or (iii) or (b) (i), (ii) or (iii), or as an alternate to any such member in terms of section 12 (2), unless he is a professional engineer;
  - (c) as a member of an advisory committee in terms of section 12 (1) (b) (iii), or as an alternate to any such member in terms of section 12 (2), unless he is a member of the body by which he was nominated.
- (2) A member of an advisory committee shall vacate his office—
- (a) if he was appointed under section 12 (1) (a) (i) or (b) (i) and ceases to be a professor or lecturer in engineering at the university concerned;

- (b) as hy kragtens artikel 12 (1) (b) (ii) aangestel is en ophou om 'n persoon in diens van die Staat te wees;
- (c) as hy kragtens artikel 12 (1) (a) (iii) of (b) (iii) aangestel is en die liggaam deur wie hy genomineer is, versuim om binne ses maande na inwerkingtreding van hierdie Wet aansoek om erkenning te doen kragtens artikel 7 (3), of indien die liggaam wel aansoek gedoen het, erkenning nie verleen word nie;
- (d) as hy kragtens artikel 12 (1) (b) (iii) aangestel is en hy ophou om 'n lid te wees van die liggaam deur wie hy genomineer is; of
- (e) as hy kragtens artikel 12 (1) (a) (i) of (iii) of (b) (i), (ii) of (iii) aangestel is en hy ophou om 'n professionele ingenieur te wees,
- en die bepalinge van artikel 4 (2) (a) tot en met (g) is *mutatis mutandis* ten opsigte van so 'n lid van toepassing.
- (3) Die bepalinge van artikel 3 (6) is *mutatis mutandis* ten opsigte van 'n adviserende komitee van toepassing.
- (4) Subartikel (1) (b) tree in werking ses maande na die inwerkingtreding van hierdie Wet.

14. (1) 'n Lid van 'n adviserende komitee (uitgesonderd 'n kragtens artikel 12 (1) (b) (ii) aangestelde lid, wat sy amp beklee solank dit die Minister behaag) word aangestel vir die tydperk wat die Minister ten tyde van die aanstelling bepaal.

(2) Iemand wie se ampstermyn as lid van 'n adviserende komitee verstryk het, kan weer aangestel word.

Ampsduur van lede van adviserende komitees.

15. (1) Die lede van 'n adviserende komitee kies op die eerste vergadering van die komitee, en daarna wanneer dit nodig word, een uit hul midde as voorsitter van die komitee en 'n aldus gekose persoon beklee sy amp as sodanig totdat die tydperk waarvoor hy aangestel is as lid van die betrokke adviserende komitee verstryk, of totdat hy ophou om 'n lid daarvan te wees, na gelang van watter gebeurtenis eerste voorval.

(2) Indien die voorsitter van 'n adviserende komitee sy amp ontruim voor die verstryking van die tydperk waarvoor hy as 'n lid van die betrokke adviserende komitee aangestel is, word, behoudens die bepalinge van subartikel (1), 'n ander lid van sodanige adviserende komitee in sy plek as voorsitter gekies.

(3) Indien die voorsitter van 'n vergadering van 'n adviserende komitee afwesig is of nie as voorsitter kan optree nie, moet die aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit en die persoon aldus gekies om voor te sit, kan gedurende daardie vergadering en totdat die voorsitter sy ampspligte hervat, al die pligte van die voorsitter verrig.

Voorsitters van adviserende komitees.

16. Niks wat in hierdie Wet vervat is nie, word so uitgelê dat dit 'n lid van 'n adviserende komitee belet om aangestel te word of te dien as—

(a) 'n lid van die raad of as 'n plaasvervanger van so 'n lid; of

(b) 'n lid van 'n komitee van die raad; of

(c) 'n lid van 'n ander adviserende komitee of as 'n plaasvervanger van so 'n lid.

Aanstelling van lede van adviserende komitees in ander hoedanighede.

17. Die funksie van 'n adviserende komitee is om in die algemeen die raad by die verrigting van sy werksaamhede en pligte kragtens hierdie Wet by te staan en om ondersoek in te stel na en advies te verleen of aanbevelings te doen met betrekking tot enige aangeleentheid wat die raad in die verrigting van sy werksaamhede kragtens hierdie Wet, hetsy spesifiek of in die algemeen, na sodanige adviserende komitee verwys en meer bepaald—

Werksaamhede van adviserende komitees.

- (a) in die geval van die Adviserende Onderwyskomitee, met betrekking tot die aangeleenthede in artikel 7 (1) (b), (i), (l), (n), (o), (p), (q), (r) en artikels 18 (2) (b), 18 (6) (c) (ii) en 19 bedoel; en
- (b) in die geval van die Professionele Adviserende Komitees, met betrekking tot die aangeleenthede in artikel 7 (1) (b), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) en (r) bedoel.

- (b) if he was appointed under section 12 (1) (b) (ii) and ceases to be a person in the service of the State;
- (c) if he was appointed under section 12 (1) (a) (iii) or (b) (iii) and the body by which he was nominated fails to apply within six months after the commencement of this Act for recognition under section 7 (3) or having applied is not granted recognition;
- (d) if he was appointed under section 12 (1) (b) (iii) and ceases to be a member of the body by which he was nominated; or
- (e) if he was appointed under section 12 (1) (a) (i) or (iii) or (b) (i), (ii) or (iii) and ceases to be a professional engineer,

and the provisions of section 4 (2) (a) to (g) inclusive shall apply *mutatis mutandis* in respect of any such member.

(3) The provisions of section 3 (6) shall apply *mutatis mutandis* in respect of an advisory committee.

(4) Subsection (1) (b) shall come into operation six months after the commencement of this Act.

Tenure of office of members of advisory committees.

14. (1) A member of an advisory committee (not being a member appointed under section 12 (1) (b) (ii), who shall hold office during the Minister's pleasure) shall be appointed for such period as the Minister may determine at the time of the appointment.

(2) Any person whose period of office as a member of an advisory committee has expired, shall be eligible for re-appointment.

Chairmen of advisory committees.

15. (1) The members of an advisory committee shall at the first meeting of such committee and thereafter as the occasion arises, out of their number elect a chairman of such committee and any person so elected shall hold office as such until the expiration of the period for which he was appointed a member of the advisory committee concerned or until he ceases to be a member thereof, whichever event first occurs.

(2) If the chairman of any advisory committee vacates his office before the expiration of the period for which he was appointed a member of the advisory committee concerned, another member of such advisory committee shall, subject to the provisions of subsection (1), be elected chairman in his place.

(3) If the chairman is absent from any meeting of an advisory committee or is not able to preside, the members present shall elect one of their number to preside at that meeting and the person so elected to preside may during that meeting and until the chairman resumes duty, perform all the duties of the chairman.

Appointment of members of advisory committees in other capacities.

16. Nothing in this Act contained shall be construed as precluding a member of an advisory committee from being appointed or from serving as—

- (a) a member of the council or as an alternate to such a member; or
- (b) a member of a committee of the council; or
- (c) a member of any other advisory committee or as an alternate to such a member.

Functions of advisory committees.

17. It shall be the function of an advisory committee to assist the council generally in the performance of its functions and duties in terms of this Act and to enquire into and advise upon or make recommendations in regard to any matter which the council in the performance of its functions in terms of this Act may refer to such advisory committee either specifically or generally and more particularly—

- (a) in the case of the Education Advisory Committee, in regard to the matters referred to in section 7 (1) (b), (i), (l), (n), (o), (p), (q), (r) and sections 18 (2) (b), 18 (6) (c) (ii) and 19; and
- (b) in the case of the Professional Advisory Committees, in regard to the matters referred to in section 7 (1) (b), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q) and (r).

18. (1) Iemand wat begerig is om as 'n ingenieur of 'n ingenieur-in-opleiding geregistreer te word, moet 'n skriftelike aansoek om sodanige registrasie by die raad indien op 'n wyse deur die raad voorgeskryf en sodanige aansoek moet vergesel gaan van die voorgeskrewe registrasiegeld en die inligting wat die raad verlang.

Registrasie van  
ingenieurs en  
ingenieurs-in-  
opleiding.

(2) Indien die raad na oorweging van so 'n aansoek oortuig is dat die applikant—

- (a) minstens een-en-twintig jaar oud is en gewoonlik in die Republiek woonagtig is; en
- (b) geslaag het in die voorgeskrewe eksamens of in eksamens wat die raad vir die doeleindes van hierdie paragraaf erken; en
- (c) op die datum van inwerkingtreding van hierdie Wet besig was met die verrigting van ingenieurswerk wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is en vir 'n tydperk van minstens drie jaar voor daardie datum aldus besig was; of
- (d) vir 'n tydperk van minstens drie jaar werk verrig het van 'n soort wat kragtens artikel 7 (3) (c) voorgeskryf is of ingenieurswerk wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is,

moet die raad, behoudens die bepalinge van subartikel (7), die applikant as 'n ingenieur registreer en aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uitgereik.

(3) (a) Indien die raad na oorweging van so 'n aansoek oortuig is dat die applikant aan die in subartikel (2) (a) en (b) vermelde vereistes voldoen maar nie aan die in subartikel (2) (c) of (d) vermelde vereistes nie, moet die raad die applikant as 'n ingenieur-in-opleiding registreer en aan hom 'n registrasiesertifikaat te dien effekte in die voorgeskrewe vorm uitreik.

(b) Wanneer 'n persoon wat kragtens paragraaf (a) as 'n ingenieur-in-opleiding geregistreer is aan die in subartikel (2) (d) vermelde vereiste voldoen het, moet die raad, behoudens die bepalinge van subartikel (7), op aansoek in die voorgeskrewe vorm, die registrasie van sodanige persoon kanselleer en hom kragtens subartikel (2) registreer.

(4) Iemand wat—

- (a) (i) minstens vyftig jaar oud is en gewoonlik in die Republiek woonagtig is; en
- (ii) minstens vyf-en-twintig jaar praktiese ondervinding opgedoen het van 'n soort werk wat kragtens artikel 7 (3) (c) voorgeskryf is (waarvan minstens tien jaar opgedoen moes gewees het in volkome beheer van sodanige werk wat na die oordeel van die raad van 'n belangrike aard was) of van ingenieurswerk wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is; en
- (iii) in die eksamens wat die raad bepaal (as daar is), geslaag het; of
- (b) gewoonlik in die Republiek woonagtig is en, op die datum van inwerkingtreding van hierdie Wet, besig was met die verrigting van ingenieurswerk wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is en vir 'n tydperk van minstens drie jaar voor daardie datum aldus besig was,

word gegag aan die in subartikel (2) (b) vermelde vereiste vir registrasie te voldoen het.

(5) Niemand word uit hoofde van die bepalinge van subartikel (4) (b) as 'n ingenieur geregistreer nie, tensy hy binne ses maande na die datum van inwerkingtreding van hierdie Wet, of binne die verdere tydperk wat die raad in 'n besondere geval toelaat, by die raad aansoek gedoen het om aldus geregistreer te word.

(6) (a) Iemand wat nie gewoonlik in die Republiek woonagtig is nie, kan by die raad aansoek doen om tydelik as 'n ingenieur geregistreer te word.

Registration of  
engineers and  
engineers in  
training.

18. (1) Any person who desires to be registered as an engineer or an engineer in training, shall lodge with the council, in the manner prescribed by it, an application in writing for such registration, and such application shall be accompanied by the prescribed registration fee and such information as may be required by the council.

(2) If after consideration of any such application the council is satisfied that the applicant—

- (a) is not less than twenty-one years of age and is ordinarily resident in the Republic; and
- (b) has passed the prescribed examinations or any examinations recognized by the council for the purposes of this paragraph; and
- (c) was at the date of commencement of this Act engaged in the performance of engineering work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard, and had been so engaged during a period of not less than three years prior to that date; or
- (d) has, during a period of not less than three years, performed work of a kind prescribed in terms of section 7 (3) (c) or engineering work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard,

the council shall, subject to the provisions of subsection (7), register the applicant as an engineer and issue to him a certificate of registration in the prescribed form.

(3) (a) If after consideration of any such application the council is satisfied that the applicant complies with the requirements mentioned in subsection (2) (a) and (b) but not with the requirements mentioned in subsection (2) (c) or (d) the council shall register the applicant as an engineer in training and issue to him a certificate of registration to that effect in the prescribed form.

(b) Whenever any person who is registered as an engineer in training in terms of paragraph (a) has complied with the requirement mentioned in subsection (2) (d) the council shall, subject to the provisions of subsection (7), on application in the prescribed form, cancel the registration of such person and register him in terms of subsection (2).

(4) Any person who—

- (a) (i) is not less than fifty years of age and is ordinarily resident in the Republic; and
- (ii) has had not less than twenty-five years practical experience in work of a kind prescribed in terms of section 7 (3) (c) (of which not less than ten years has been gained while in complete control of such work which in the opinion of the council was of an important nature) or in engineering work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard; and
- (iii) has passed such examinations (if any) as the council may determine; or

(b) is ordinarily resident in the Republic and, at the date of commencement of this Act, was engaged in the performance of engineering work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard and had been so engaged during a period of not less than three years prior to that date,

shall be deemed to have complied with the requirement for registration mentioned in subsection (2) (b).

(5) No person shall be registered as an engineer by virtue of the provisions of subsection (4) (b), unless he applied to the council to be so registered within six months after the date of commencement of this Act, or within such further period as the council may in any particular case allow.

(6) (a) Any person not ordinarily resident in the Republic may apply to the council for temporary registration as an engineer.

- (b) Die aansoek moet in die voorgeskrewe vorm wees en moet vergesel gaan van die voorgeskrewe registrasiegeld en die inligting wat die raad verlang.
- (c) Indien die raad na oorweging van so 'n aansoek oortuig is dat die applikant—
- (i) minstens een-en-twintig jaar oud is; en
  - (ii) geslaag het in die voorgeskrewe eksamens of in eksamens wat die raad vir die doeleindes van hierdie paragraaf erken; en
  - (iii) minstens drie jaar praktiese ondervinding opgedoen het van ingenieurswerk wat na die oordeel van die raad van voldoende verskeidenheid en bevredigende aard en standaard is,
- kan die raad, behoudens die bepalings van subartikel (7), die applikant as 'n ingenieur registreer en aan hom 'n tydelike registrasiesertifikaat in die voorgeskrewe vorm uitreik.
- (d) 'n Tydelike registrasiesertifikaat is geldig vir die tydperk, twaalf maande nie te bowe gaande nie, wat die raad in elke geval bepaal, maar die betrokke persoon kan te eniger tyd weer kragtens hierdie artikel aansoek doen om tydelike registrasie as 'n ingenieur.
- (7) Die raad registreer nie 'n persoon as 'n ingenieur of as 'n ingenieur-in-opleiding ingevolge hierdie artikel nie—
- (a) as hy te eniger tyd weens onbehoorlike gedrag van 'n vertrouensamp onthef is; of
  - (b) as hy te eniger tyd veroordeel is weens afpersing, omkoperij, diefstal, bedrog, vervalsing of die uitgifte van 'n vervalste dokument of meened, en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n boete of tot 'n boete van meer as tweehonderd rand gevonnissen is; of
  - (c) as 'n bevoegde hof verklaar het dat hy in sy geestesvermoë gekrenk is; of
  - (d) as hy ingevolge 'n straf wat kragtens hierdie Wet opgelê is, onbevoeg vir registrasie verklaar is,
- en kan weier om iemand wat 'n ongerehabiliteerde insolvente persoon is of wat met sy skuldeisers 'n ooreenkoms aangegaan het of wat hom skuldig gemaak het aan gedrag as gevolg waarvan hy na die oordeel van die raad nie 'n geskikte persoon is om geregistreer te word nie, aldus te registreer.
- (8) Die raad kan die registrasie as 'n ingenieur of as 'n ingenieur-in-opleiding kanselleer van 'n persoon wat na sy registrasie aan 'n in subartikel (7) (a), (b), (c) of (d) vermelde disqualifikasie onderhewig word of wie se boedel gesekwestreer word of wat 'n ooreenkoms met sy skuldeisers aangaan of wat hom binne 'n tydperk van drie jaar voor sy aansoek om registrasie skuldig gemaak het aan gedrag as gevolg waarvan hy na die oordeel van die raad nie 'n geskikte persoon is om geregistreer te wees nie of wat per abuis geregistreer is of geregistreer is op grond van inligting wat daarna bewys word vals te wees.
- (9) Die registrasie van 'n persoon as 'n ingenieur of as 'n ingenieur-in-opleiding, na gelang van die geval, verval as sodanige persoon—
- (a) terwyl hy nie iemand is wat kragtens subartikel (6) geregistreer is nie, ophou om gewoonlik in die Republiek woonagtig te wees; of
  - (b) versuim om 'n jaargeld of gedeelte daarvan wat kragtens artikel 7 (1) (g) voorgeskryf is en deur hom betaalbaar is, te betaal binne ses maande nadat sodanige geld of gedeelte daarvan betaalbaar word of binne die verdere tydperk wat die raad in 'n besondere geval toelaat; of
  - (c) in die geval van iemand wat kragtens subartikel (6) geregistreer is, die Republiek permanent verlaat voor verstryking van die tydperk van geldigheid van die tydelike registrasiesertifikaat wat die raad aan hom uitgereik het.
- (10) Die raad moet, op skriftelike versoek van 'n professionele ingenieur of van 'n ingenieur-in-opleiding, sy naam uit die register skrap, maar die skrapping het geen uitwerking op enige aanspreeklikheid waaraan sodanige ingenieur voor die datum van sodanige versoek onderhewig geword het nie.

(b) The application shall be in the prescribed form and shall be accompanied by the prescribed registration fee and such information as may be required by the council.

(c) If after consideration of any such application the council is satisfied that the applicant—

- (i) is not less than twenty-one years of age; and
- (ii) has passed the prescribed examinations or any examinations recognized by the council for the purposes of this paragraph; and
- (iii) has had not less than three years practical experience in engineering work which in the opinion of the council is of sufficient variety and of a satisfactory nature and standard,

the council may, subject to the provisions of subsection (7), register the applicant as an engineer and issue to him a certificate of temporary registration in the prescribed form.

(d) A certificate of temporary registration shall be valid for such period, not exceeding twelve months, as the council may in each case determine, but the person concerned may at any time again apply in terms of this section for temporary registration as an engineer.

(7) The council shall not register any person as an engineer or as an engineer in training under this section—

(a) if he has at any time been removed from an office of trust on account of improper conduct; or

(b) if he has at any time been convicted of extortion, bribery, theft, fraud, forgery or uttering a forged document or perjury and sentenced in respect thereof to imprisonment without the option of a fine or to a fine exceeding two hundred rand; or

(c) if he has been declared by a competent court to be of unsound mind; or

(d) if he is disqualified from registration in terms of a punishment imposed under this Act,

and may refuse so to register any person who is an unrehabilitated insolvent or who has entered into an arrangement with his creditors or who has been guilty of conduct by reason whereof he is in the opinion of the council not a fit person to be registered.

(8) The council may cancel the registration as an engineer or as an engineer in training of any person who subsequent to his registration becomes subject to any of the disqualifications mentioned in subsection (7) (a), (b), (c) or (d) or whose estate is sequestrated or who enters into an arrangement with his creditors or who was within a period of three years prior to his application for registration guilty of conduct by reason whereof he is in the opinion of the council not a fit person to be registered or whose registration was made in error or on information subsequently proved to be false.

(9) The registration of any person as an engineer or as an engineer in training, as the case may be, shall lapse if such person—

(a) not being a person registered in terms of subsection (6), ceases to be ordinarily resident in the Republic; or

(b) fails to pay any annual fee or portion thereof prescribed under section 7 (1) (g) and payable by him within six months after such fee or portion thereof becomes due or within such further period as the council may in any particular case allow; or

(c) in the case of a person registered under subsection (6), permanently leaves the Republic before expiration of the period of validity of the certificate of temporary registration issued to him by the council.

(10) The council shall at the written request of any professional engineer or of any engineer in training remove his name from the register, but the removal shall not affect any liability incurred by such engineer prior to the date of such request.



(11) Behoudens die bepalings van subartikel (7), moet die raad op aansoek by hom 'n persoon wat voorheen kragtens subartikel (2) as 'n ingenieur of kragtens subartikel (3) as 'n ingenieur-in-opleiding geregistreer was, as 'n ingenieur of as 'n ingenieur-in-opleiding, na gelang van die geval, registreer indien hy die voorgeskrewe registrasiegeld en enige agterstallige jaargeld of gedeelte daarvan kragtens artikel 7 (1) (g) voorgeskryf, betaal het en die voorgeskrewe woonkwalifikasies besit.

(12) Iemand wat as 'n ingenieur of 'n ingenieur-in-opleiding geregistreer is, kan homself as 'n professionele ingenieur of as 'n ingenieur-in-opleiding, na gelang van die geval, beskryf, en iemand wat as 'n ingenieur geregistreer is, is, indien hy die jaargeld of gedeelte daarvan kragtens artikel 7 (1) (g) voorgeskryf, betaal het, geregtig—

- (a) om homself as 'n professionele ingenieur te beskryf en om sy beroep in enige deel van die Republiek te beoefen; en
- (b) om sy beroep aan te dui of bekend te maak deur vir alle doeleindes van die betiteling (Pr.Eng.) agter sy naam gebruik te maak.

19. Die voorgeskrewe eksamens wat deur artikel 18 (2) (b) of (6) (c) (ii) beoog word, is die eksamens wat deur die Minister by regulasie voorgeskryf word.

Voorgeskrewe eksamens beoog deur artikel 18 (2) (b) of (6) (c) (ii) moet by regulasie voorgeskryf word.

20. (1) Iemand wie se registrasie as 'n ingenieur of as 'n ingenieur-in-opleiding, na gelang van die geval, kragtens artikel 18 (8) gekanselleer is of kragtens artikel 18 (9) verval het of wie se naam kragtens artikel 18(10) uit die register geskrap is, moet sy registrasiesertifikaat aan die registrateur terugbesorg binne dertig dae vanaf die datum waarop hy deur die registrateur, by skriftelike kennisgewing deur die pos gestuur, gelas is om dit te doen.

Omstandighede waaronder sertifikate van registrasie aan die registrateur terugbesorg moet word.

(2) Iemand wat versuim om te voldoen aan 'n lasgewing kragtens subartikel (1), is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

21. (1) Behoudens enige vrystelling verleen ingevolge hierdie Wet of die regulasies, is iemand wat nie as 'n ingenieur geregistreer is nie en wat—

Verbod op praktyk as professionele ingenieurs deur ongeregisteerde persone.

- (a) vir vergoeding enige soort werk doen wat kragtens artikel 7 (3) (c) vir professionele ingenieurs gereserveer is; of
- (b) homself voordoen of hom op enige wyse hoegenaamd uitgee of toelaat dat hy uitgegee word vir 'n professionele ingenieur, of die naam van professionele ingenieur of enige naam, titel, beskrywing of simbool gebruik wat aandui of daarop bereken is om die indruk by persone te verwek dat hy as 'n ingenieur geregistreer is,

aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand.

(2) Onderworpe daaraan dat die Minister se voorafgaande goedkeuring verkry word, word die bepalings van hierdie artikel nie so uitgelê dat dit—

- (a) 'n Staatsminister, Administrateur of beampte belas met die uitvoering van 'n wet belet om iemand wat nie kragtens hierdie Wet as 'n ingenieur geregistreer is nie, as ingenieur ten opsigte van of vir werk wat vir die doeleindes van daardie wet onderneem moet word, aan te stel, of sy aanstelling as sodanig te magtig of goed te keur nie, indien na die oordeel van sodanige Minister, Administrateur of beampte 'n aldus geregisteerde persoon nie geredelik beskikbaar is nie of indien, met die oog op die aard of omvang van die betrokke werk of ander omstandighede in bedoelde wet beoog, die aanstelling van 'n aldus geregisteerde persoon nie geregtig is nie; of
- (b) iemand wat aldus aangestel is of wie se aanstelling aldus gemagtig of goedgekeur is, belet om enige werk te doen ten opsigte waarvan of waarvoor hy aldus

(11) Subject to the provisions of subsection (7), the council shall on application to it register as an engineer or as an engineer in training any person who was previously registered as an engineer under subsection (2) or as an engineer in training in terms of subsection (3), as the case may be, if he has paid the prescribed registration fee and any arrear annual fee or portion thereof prescribed under section 7 (1) (g) and possesses the prescribed residential qualifications.

(12) A person who is registered as an engineer or as an engineer in training may describe himself as a professional engineer or as an engineer in training, as the case may be, and a person who is registered as an engineer shall, if he has paid the annual fee or portion thereof prescribed under section 7 (1) (g), be entitled—

- (a) to describe himself as a professional engineer and to carry on his profession in any part of the Republic; and
- (b) to indicate his profession or make it known by using for all purposes the title (Pr.Eng.) after his name.

Prescribed examinations contemplated by section 18 (2) (b) or (6) (c) (ii) to be prescribed by regulation.

19. The prescribed examinations contemplated by section 18 (2) (b) or (6) (c) (ii) shall be the examinations prescribed by the Minister by regulation.

Circumstances under which certificates of registration shall be returned to registrar.

20. (1) Any person whose registration as an engineer or as an engineer in training, as the case may be, has been cancelled in terms of section 18 (8) or has lapsed in terms of section 18 (9) or whose name has been removed from the register in terms of section 18(10), shall return to the registrar his certificate of registration within thirty days from the date upon which he is directed by the registrar by notice in writing transmitted by post to do so.

(2) Any person who fails to comply with any direction given under subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

Prohibition on practice as professional engineer by un-registered person.

21. (1) Subject to any exemption granted in terms of this Act or the regulations, any person not registered as an engineer who—

- (a) for gain performs any kind of work reserved for professional engineers in terms of section 7 (3) (c); or
- (b) pretends to be or by any means whatsoever holds himself out or allows himself to be held out as a professional engineer, or uses the name professional engineer or any name, title, description or symbol indicating or calculated to lead persons to infer that he is registered as an engineer,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand.

(2) Subject to the Minister's prior approval being obtained, the provisions of this section shall not be construed as prohibiting—

- (a) any Minister of State, Administrator or officer charged with the administration of any law from appointing or authorizing or approving the appointment of any person not registered as an engineer in terms of this Act as engineer in respect of or for work required to be undertaken for the purposes of that law, where in the opinion of such Minister, Administrator or officer a person so registered is not readily available or where by reason of the nature or extent of the work involved, or any other circumstance contemplated by such law, the appointment of a person so registered is not warranted; or
- (b) any person who has been so appointed or whose appointment has been so authorized or approved from doing any work in respect of or for which he has

aangestel is of ten opsigte waarvan of waarvoor sy aanstelling aldus gemagtig of goedgekeur is nie.

(3) Subartikel 1 (a) tree in werking, behalwe vir sover dit betrekking het op iemand wat 'n private praktyk uitoefen, op 'n datum wat die Minister na oorlegpleging met die raad by kennisgewing in die *Staatskoerant* bepaal en wat nie vroeër as vyf jaar na die datum van inwerkingtrede van hierdie Wet mag wees nie.

(4) Subartikel 1 (a), vir sover dit betrekking het op iemand wat 'n private praktyk uitoefen, en subartikel 1 (b) tree in werking op die datum ses maande na 'n datum wat die Minister na oorlegpleging met die raad by kennisgewing in die *Staatskoerant* bepaal: Met dien verstande dat waar die Minister dit goedvind hy sodanige tydperk òf in die algemeen by kennisgewing in die *Staatskoerant*, òf ten opsigte van 'n spesifieke persoon deur 'n sertifikaat uitgereik in opdrag van die Minister onder die hand van die registrateur, vir die verdere tydperk en op die voorwaardes wat die Minister op aanbeveling van die raad dienstig ag, kan verleng.

22. (1) Iemand wat as 'n ingenieur geregistreer is, is skuldig aan onbehoorlike gedrag as hy— Onbehoorlike gedrag.

- (a) behalwe met die toestemming van die raad, of behalwe ingevolge enige vrystelling verleen kragtens hierdie Wet of die regulasies, wetens werk van 'n soort wat vir professionele ingenieurs gereserveer is kragtens artikel 7 (3) (c) aan 'n persoon opdra wat nie as 'n ingenieur geregistreer is nie; of
- (b) werk van 'n soort wat vir professionele ingenieurs gereserveer is kragtens artikel 7 (3) (c) verrig in verband met 'n aangeleentheid wat die onderwerp van 'n geskil of regsgeding uitmaak, op voorwaarde dat betaling vir sodanige werk sal geskied slegs indien sodanige geskil of geding gunstig verloop vir die persoon vir wie die werk gedoen word; of
- (c) besoldiging vir gelewerde dienste ontvang van iemand anders as sy kliënt of werkgewer; of
- (d) werk van 'n soort wat vir professionele ingenieurs gereserveer is kragtens artikel 7 (3) (c) verrig gedurende 'n tydperk waartydens hy geskors is; of
- (e) 'n kriminele misdryf begaan in die loop van die uitoefening van sy beroep; of
- (f) 'n reël voorgeskryf kragtens artikel 26 (1) (e) oortree of versuim om daaraan te voldoen.

(2) Die vryspreking of die skuldigbevinding van 'n professionele ingenieur of 'n ingenieur-in-opleiding deur 'n geregshof op 'n kriminele aanklag, belet nie dat stappe ingevolge hierdie Wet op 'n aanklag van onbehoorlike gedrag teen hom ingestel word nie ondanks die feit dat die feite uiteengesit in die aanklag van onbehoorlike gedrag, as dit bewys sou word, die misdryf sou uitmaak wat uiteengesit is in die kriminele aanklag waarop hy aldus vrygespreek of skuldig bevind is of 'n ander misdryf waaraan hy by sy verhoor op bedoelde kriminele aanklag skuldig bevind kon gewees het.

(3) As die onbehoorlike gedrag waarvan die professionele ingenieur of ingenieur-in-opleiding aangekla word, neerkom op 'n misdryf waaraan hy deur 'n geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van sy verhoor en skuldigbevinding deur daardie hof, nadat sodanige ingenieur of ingenieur-in-opleiding geïdentifiseer is as die persoon wat in die notule genoem word, voldoende bewys dat hy sodanige misdryf begaan het, tensy die skuldigbevinding deur 'n hoër hof ter syde gestel is: Met dien verstande dat die aangeklaagde professionele ingenieur of ingenieur-in-opleiding die reg het om getuienis aan te voer dat hy in werklikheid verkeerdelik skuldig bevind is.

23. (1) Die raad is bevoeg om ondersoek in te stel na gevalle van onbehoorlike gedrag waaraan iemand wat as 'n ingenieur of as 'n ingenieur-in-opleiding geregistreer is, hom na bewering skuldig gemaak het terwyl hy aldus geregistreer was en om ten opsigte daarvan enige straf op te lê wat ingevolge artikel 26 (1) (g) Disiplinêre magte van raad.

been so appointed or in respect of or for which his appointment has been so authorized or approved.

(3) Subsection (1) (a) shall, except in so far as it relates to a person engaged in private practice, come into operation upon a date to be fixed by the Minister, after consultation with the council, by notice in the *Gazette* and which shall not be earlier than a date five years after the date of commencement of this Act.

(4) Subsection (1) (a), in so far as it relates to a person engaged in private practice, and subsection (1) (b) shall come into operation upon a date six months after a date to be fixed by the Minister, after consultation with the council, by notice in the *Gazette*: Provided that the Minister may, if he deems fit, extend such period generally by notice in the *Gazette* or, in respect of a specific person by certificate issued by direction of the Minister under the hand of the registrar, for such further period and upon such terms as the Minister may on the recommendation of the council deem expedient.

Improper conduct. 22. (1) Any person registered as an engineer shall be guilty of improper conduct if he—

- (a) except with the consent of the council or except in terms of any exemption granted in terms of this Act or the regulations knowingly entrusts to any person not registered as an engineer work of a kind reserved for professional engineers in terms of section 7 (3) (c); or
- (b) performs work of a kind reserved for professional engineers in terms of section 7 (3) (c) in connection with any matter which is the subject of dispute or litigation, on condition that payment for such work shall be made only if such dispute or litigation ends favourably for the party for whom such work is performed; or
- (c) accepts remuneration for services rendered from any person other than his client or employer; or
- (d) performs work of a kind reserved for professional engineers in terms of section 7 (3) (c) during any period in respect of which he has been suspended; or
- (e) commits a criminal offence in the course of carrying on his profession; or
- (f) contravenes or fails to comply with any rule prescribed in terms of section 26 (1) (e).

(2) The acquittal or the conviction of a professional engineer or an engineer in training by a court of law upon a criminal charge shall not be a bar to proceedings against him under this Act on a charge of improper conduct, notwithstanding the fact that the facts set forth in the charge of improper conduct would, if proved, constitute the offence set forth in the criminal charge on which he was so acquitted or convicted or another offence on which he might have been convicted at his trial on the said criminal charge.

(3) If the improper conduct with which the professional engineer or engineer in training is charged amounts to an offence of which he has been convicted by a court of law, a certified copy of the record of his trial and conviction by that court shall, upon the identification of such engineer or engineer in training as the person referred to in the record, be sufficient proof of the commission by him of such offence, unless the conviction has been set aside by a superior court: Provided that it shall be competent for the professional engineer or engineer in training charged to adduce evidence that he was in fact wrongly convicted.

Disciplinary powers of council.

23. (1) The council shall have the power to enquire into cases of improper conduct of which a person who is registered as an engineer or as an engineer in training is alleged to have been guilty while so registered and to impose in respect thereof any punishment prescribed under section 26 (1) (g): Provided that in

voorgeskrif is: Met dien verstande dat in die geval van beweerde onbehoorlike gedrag wat die onderwerp van straf- of sivil-regtelike verrigtinge in 'n geregshof uitmaak of ten opsigte waarvan die raad rede het om te glo dat dit waarskynlik so 'n onderwerp sal uitmaak, die raad die ondersoek kan uitstel totdat sodanige verrigtinge afgehandel is: Met dien verstande voorts dat die bepalings van hierdie artikel nie geag word afbreuk te doen aan die reg van 'n professionele ingenieurs-instituut om ingevolge die konstitusie en reëls van daardie instituut tug- of ander maatreëls op enigeen van sy lede toe te pas nie.

(2) Wanneer 'n straf wat kragtens subartikel (1) opgelê is, uit 'n boete bestaan of 'n boete insluit, kan die bedrag daarvan deur die raad op die betrokke persoon verhaal en in die fondse van die raad gestort word.

24. (1) Die raad kan, vir die doeleindes van 'n ondersoek kragtens artikel 23— Ondersoek deur raad.

- (a) enige persoon wat na sy oordeel in staat is om inligting van wesenlike belang te verstrek omtrent die onderwerp wat ondersoek word, of wat vermoed word 'n boek, dokument of saak wat betrekking het op die onderwerp wat ondersoek word in sy besit of bewaring of onder sy beheer te hê, dagvaar om op 'n tyd en plek in die dagvaarding vermeld voor die raad te verskyn om ondervra te word of om daardie boek, dokument of saak oor te lê, en kan 'n boek, dokument of saak wat aldus oorgelê is vir ondersoek behou;
- (b) enige by die ondersoek aanwesige persoon wat kragtens paragraaf (a) gedagvaar is of kon gewees het, oproep en by monde van die president van die raad aan hom 'n eed oplê of van hom 'n bevestiging aanneem, en hom ondervra en hom aansê om enige boek, dokument of saak in sy besit of bewaring of onder sy beheer oor te lê;
- (c) enige persoon aanstel om die raad by bedoelde ondersoek te adviseer oor aangeleenthede betreffende die regte, prosedure of bewyslewering.

(2) 'n Dagvaarding van iemand om voor die raad te verskyn of om 'n boek, dokument of saak oor te lê, moet in die vorm wees wat die raad voorskryf, moet deur die president van die raad of 'n deur die raad daartoe gemagtigde persoon onderteken word, en word op dieselfde wyse bestel as 'n dagvaarding in 'n strafgeding deur 'n landdroshof uitgereik.

(3) Indien iemand wat behoorlik kragtens hierdie artikel gedagvaar is, sonder genoegsame rede in gebreke bly om op die in die dagvaarding bepaalde tyd en plek te verskyn, of om aanwesig te bly totdat die president van die raad hom van verdere bywoning onthef, of indien iemand wat ooreenkomstig subartikel (1) (b) opgeroep is, weier om as getuie beëdig te word of om te bevestig, of sonder genoegsame rede versuim om volledig en bevredigend na sy beste kennis en geloof te antwoord op alle vrae wettiglik aan hom gestel oor die onderwerp wat ondersoek word, of om 'n boek, dokument of saak in sy besit of bewaring of onder sy beheer oor te lê wat hy aangesê is om oor te lê, is hy aan 'n misdryf skuldig: Met dien verstande dat in verband met die ondervraging van so 'n persoon of die oorlegging van so 'n boek, dokument of saak, die regsbepalings met betrekking tot privilegie, soos van toepassing op 'n getuie wat gedagvaar is om voor 'n geregshof getuie af te lê, of 'n boek, dokument of saak oor te lê, van toepassing is.

(4) 'n Getuie wat, nadat hy behoorlik beëdig is of 'n bevestiging gemaak het, 'n valse antwoord gee op 'n vraag wat wettiglik aan hom gestel is of 'n valse verklaring doen oor enige saak, wetende dat daardie antwoord of verklaring vals is, is aan 'n misdryf skuldig.

(5) Iemand wat die president of 'n lid of beampte van die raad opsetlik hinder by die uitoefening van 'n bevoegdheid deur of ingevolge hierdie artikel aan hom verleen, is aan 'n misdryf skuldig.

the case of alleged improper conduct which forms or which the council has reason to believe is likely to form the subject of criminal or civil proceedings in a court of law, the council may postpone the enquiry until such proceedings have been determined: Provided further that nothing in this section contained shall be deemed to affect the right of any professional engineers' institute from taking disciplinary or other action against any of its members in accordance with its constitution and rules.

(2) Whenever any punishment imposed under subsection (1) consists of, or includes, any fine the amount thereof shall be recoverable by the council from the person concerned and be paid into the funds of the council.

Enquiry by  
council.

24. (1) For the purpose of any enquiry under section 23, the council may—

- (a) summon any person who in its opinion may be able to give material information concerning the subject of the enquiry or who is believed to have in his possession or custody or under his control any book, document or thing which has any bearing on the subject of the enquiry, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document or thing, and retain for examination any book, document or thing so produced;
- (b) call and by its president administer an oath to, or accept an affirmation from, any person present at the enquiry who was or could have been summoned in terms of paragraph (a) and interrogate him and require him to produce any book, document or thing in his possession or custody or under his control;
- (c) appoint any person to advise the council at such enquiry on matters pertaining to law, procedure or evidence.

(2) A summons for the attendance before the council of any person or for the production of any book, document or thing shall be in the form prescribed by the council, shall be signed by the president of the council or a person authorized thereto by it, and shall be served in the same manner as a subpoena in a criminal case issued by a magistrate's court.

(3) If any person who has been duly summoned under this section fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until excused from further attendance by the president of the council, or if any person called in terms of subsection (1) (b) refuses to be sworn or to affirm as a witness or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him concerning the subject of the enquiry or to produce any book, document or thing in his possession or custody or under his control which he has been required to produce, he shall be guilty of an offence: Provided that in connection with the interrogation of any such person or the production of any such book, document or thing, the law relating to privilege, as applicable to a witness subpoenaed to give evidence or to produce any book, document or thing before a court of law, shall apply.

(4) Any witness who, having been duly sworn or having made an affirmation, gives a false answer to any question lawfully put to him or makes a false statement on any matter, knowing such answer or statement to be false, shall be guilty of an offence.

(5) Any person who wilfully hinders the president or any member or officer of the council in the exercise of any power conferred upon him by or under this section, shall be guilty of an offence.

(6) Daar moet aan iemand wie se gedrag deur die raad ondersoek word, kennis gegee word van die aard van die klag wat teen hom ingebring is, en so iemand is geregtig om persoonlik te verskyn of deur iemand anders wat skriftelik en behoorlik namens hom daartoe gemagtig is, verteenwoordig te word, en om getuienis oor te lê, getuies namens homself op te roep en te ondervra en ander getuies onder kruisverhoor te neem.

(7) Iemand wat weens 'n misdryf ingevolge hierdie artikel veroordeel word, is strafbaar met 'n boete van hoogstens honderd rand.

25. (1) Wanneer dit uit beëdigde inligting vir die raad blyk dat 'n persoon wat as 'n ingenieur geregistreer is, in sy geestesvermoë in so 'n mate gekrenk geraak het dat dit in stryd met die openbare welsyn sou wees om hom toe te laat om aan te hou praktiseer, kan die raad na goeë dunde ten opsigte van sodanige persoon 'n ondersoek instel *mutatis mutandis* ooreenkomstig die bepalings van artikel 24.

Skorsing in hul profesie van professionele ingenieurs wat in hul geestesvermoë gekrenk geraak het.

(2) Indien die raad bevind dat sodanige persoon aldus in sy geestesvermoë gekrenk geraak het, kan die raad vir 'n vasgestelde tydperk die skorsing van sodanige persoon in sy beroep as professionele ingenieur beveel.

(3) Die raad kan die geldingstydperk van 'n bevel kragtens hierdie artikel uitgereik, vir 'n deur die raad bepaalde tydperk verleng, of so 'n bevel intrek.

26. (1) Die Minister kan, na oorlegpleging met die raad, regulasies uitvaardig wat nie met hierdie Wet onbestaanbaar is nie—

Regulasies.

- (a) aangaande aangeleenthede wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word;
- (b) aangaande die byeenroeping van en die prosedure en kworum by vergaderings van die raad of van 'n komitee van die raad of van 'n adviserende komitee;
- (c) aangaande die besoldiging en toelaes betaalbaar uit die fondse van die raad aan lede van die raad of van 'n komitee van die raad of van 'n adviserende komitee;
- (d) aangaande die hou, bewaring en publikasie van 'n register van professionele ingenieurs en ingenieurs-in-opleiding;
- (e) wat reëls voorskryf waaraan professionele ingenieurs moet voldoen by die beoefening van hul beroep;
- (f) wat gedrag (buite en behalwe gedrag in artikel 22 bedoel) voorskryf wat onbehoorlike gedrag vir 'n professionele ingenieur of 'n ingenieur-in-opleiding, na gelang van die geval, uitmaak;
- (g) wat die metode waarvolgens beweerde onbehoorlike gedrag ondersoek moet word en die strawwe, met inbegrip van boetes, skraping van die register, tydelike of permanente onbevoegdverklaring vir registrasie of skorsing van praktyk vir die tydperk wat die raad vasstel, wat ten opsigte daarvan opgelê mag word, voorskryf;
- (h) aangaande die eksamens wat vir die doeleindes van artikels 18 (2) (b), 18 (6) (c) (ii) en 19 erken of voorgeskryf word;
- (i) aangaande, in die algemeen, alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die doelstellings van hierdie Wet te bereik.

(2) Elke regulasie is van krag en regsgeldig tensy en totdat, gedurende die sessie waarin dit in albei Huise van die Parlement ter Tafel gelê is soos bepaal by artikel 17 van die Interpretasiewet, 1957 (Wet No. 33 van 1957), albei Huise die regulasie by besluit afgekeur het, in welke geval die regulasie verval met ingang van 'n datum wat in die besluit vermeld word, maar die verval van die regulasies raak nie die geldigheid van enigiets wat ingevolge sodanige regulasie voor die datum in die besluit vermeld, gedoen is nie en niks wat in hierdie subartikel vervat is, raak die bevoegdheid van die Minister om 'n nuwe regulasie aangaande die inhoud van daardie regulasie uit te vaardig nie.

(6) A person whose conduct is being enquired into by the council shall be informed of the nature of the complaint made against him and shall be entitled to appear by himself or to be represented by some other person duly authorized in writing on his behalf, and to produce evidence, call and examine witnesses on his behalf and cross-examine other witnesses.

(7) Any person convicted of an offence under this section shall be liable to a fine not exceeding one hundred rand.

Suspension from practising of professional engineers who have become of unsound mind.

25. (1) Whenever it appears to the council from information on oath that any person registered as an engineer has become of unsound mind to such an extent that it would be contrary to the public welfare to allow him to continue in practice, the council may, if it deems fit, hold an enquiry *mutatis mutandis* in accordance with the provisions of section 24 in respect of such person.

(2) If the council finds that such person has so become of unsound mind, it may order the suspension of such person for a specified period from practising as a professional engineer.

(3) The council may extend for any period determined by it the period of operation of, or withdraw, any order made under this section.

Regulations.

26. (1) The Minister may, after consultation with the council, make regulations, not inconsistent with this Act—

- (a) as to any matters which by this Act are required or permitted to be prescribed by regulation;
- (b) as to the calling of and procedure and quorum at meetings of the council or of a committee of the council or of an advisory committee;
- (c) as to the remuneration and allowances payable from the funds of the council to members of the council or of a committee of the council or of an advisory committee;
- (d) as to the keeping, custody and publication of a register of professional engineers and engineers in training;
- (e) prescribing rules with which professional engineers shall comply in carrying on their profession;
- (f) prescribing conduct (apart from conduct referred to in section 22) on the part of a professional engineer or an engineer in training, as the case may be, which shall constitute improper conduct;
- (g) prescribing the method of enquiry into allegations of improper conduct and the punishments, including fines, removal from the register, temporary or permanent disqualification from registration or suspension from practice for such period as the council may determine, which may be imposed in respect thereof;
- (h) as to the examinations recognized or prescribed for the purposes of sections 18 (2) (b), 18 (6) (c) (ii) and 19;
- (i) as to, generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Every regulation shall be of force and effect unless and until, during the session in which it has been laid upon the Tables of both Houses of Parliament as provided by section 17 of the Interpretation Act, 1957 (Act No. 33 of 1957), both Houses have by resolution disapproved of the regulation, in which event the regulation shall lapse as from a date to be specified in the resolution, but the lapsing of the regulation shall not affect the validity of anything done under such regulation before the date specified in the resolution, and nothing contained in this subsection shall affect the power of the Minister to make a new regulation as to the subject matter of that regulation.



27. (1) Die register dien as *prima facie*-bewys van alle aangeleenthede wat volgens hierdie Wet daarin aangeteken moet of mag word. Prosedure en bewyslewing.
- (2) 'n Sertifikaat wat deur die registrateur onderteken heet te wees ten effekte dat 'n inskrywing wel in die register gemaak is of nie gemaak is nie of dat enigiets anders wat volgens hierdie Wet gedoen mag word, wel gedoen is of nie gedoen is nie, is *prima facie*-bewys van die aangeleenthede in daardie sertifikaat vermeld.
- (3) 'n Afskrif van 'n inskrywing in die register of van 'n dokument deur die registrateur bewaar of 'n uittreksel uit die register of uit so 'n dokument wat deur die registrateur gesertifiseer heet te wees, word sonder verdere bewys of voorlegging van die oorspronklike in alle howe as getuienis toegelaat.
28. Waar enigiets wat ooreenkomstig die bepalings van hierdie Wet op of voor 'n vermelde dag of op 'n vermelde tyd of gedurende 'n vermelde tydperk gedoen of uitgevoer moet word, nie aldus gedoen of uitgevoer is nie, kan die Minister, indien hy oortuig is dat die versuim te wyte was aan 'n fout of vergissing, en dat dit in die belang van die ingenieursberoep is om dit te doen, magtiging daarvoor verleen dat so iets gedoen of uitgevoer kan word op of voor 'n ander dag of op 'n ander tyd of gedurende 'n ander tydperk wat hy aandui, en enigiets aldus gedoen of uitgevoer is van volle krag en word geag wettiglik gedoen of uitgevoer te gewees het ooreenkomstig die bepalings van hierdie Wet. Regstelling van foute.
29. Geen regsgeding, hetsy straf- of sivilregtelik, kan teen die raad of 'n lid of beampte daarvan ten opsigte van 'n handeling of plig ooreenkomstig die bepalings van artikel 23, 24 of 25 verrig, ingestel word nie. Privilege van raad.
30. (1) Die Minister kan skriftelik onder sy handtekening aan die Sekretaris of 'n ander senior beampte van die departement enige van of al die bevoegdhede wat hierdie Wet aan hom verleen, behalwe die bevoegdheid om regulasies uit te vaardig en die bevoegdhede by artikel 7 (3) en (4) aan hom verleen, delegeer. Delegering van bevoegdhede.
- (2) Iemand aan wie 'n bevoegdheid kragtens subartikel (1) gedelegeer is, oefen daardie bevoegdheid uit onderworpe aan die voorskrifte van die Minister.
- (3) Die Minister kan te eniger tyd so 'n delegering skriftelik intrek, en geen delegering van 'n bevoegdheid belet die uitoefening van daardie bevoegdheid deur die Minister self nie.
31. (1) Die Minister kan, na oorlegpleging met die raad, by kennisgewing in die *Staatskoerant*, en onderworpe aan die voorwaardes wat hy bepaal, 'n in die kennisgewing vermelde persoon of klas persone of in die algemeen of onder die omstandighede wat in die kennisgewing vermeld word en of vir 'n onbepaalde tydperk of vir die tydperk wat aldus vermeld word, van die toepassing van enige van of al die bepalings van hierdie Wet vrystel. Vrystelling van persone van toepassing van bepalings van Wet.
- (2) Die Minister kan te eniger tyd by kennisgewing in die *Staatskoerant* 'n kragtens hierdie artikel uitgevaardigde kennisgewing wysig of intrek.
32. Hierdie Wet en enige wysiging daarvan is ook op die gebied Suidwes-Afrika van toepassing. Toepassing op Suidwes-Afrika.
33. Hierdie Wet heet die Wet op Professionele Ingenieurs, 1968, en tree in werking, behoudens die bepalings van artikels 4 (3), 13 (4) en 21 (3) en (4), op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

**Procedure and evidence.**

27. (1) The register shall be *prima facie* evidence of all matters directed or authorized by this Act to be noted therein.

(2) A certificate purporting to be signed by the registrar to the effect that an entry has or has not been made in the register or that any other thing authorized by this Act to be done, has or has not been done, shall be *prima facie* evidence of the matters specified in that certificate.

(3) A copy of an entry in the register or of a document in the custody of the registrar, or an extract from the register or from any such document, purporting to be certified by the registrar, shall be admitted in evidence in all courts without further proof or production of the original.

**Rectification of errors.**

28. Whenever anything which according to the provisions of this Act is required to be done or performed on or before a specified day or at a specified time or during a specified period, has not been so done or performed, the Minister may, if he is satisfied that such failure was due to error or oversight, and that it is in the interests of the engineering profession to do so, authorize such thing to be done or performed on or before some other day or at some other time or during some other period, as he may direct, and anything so done or performed shall be of full force and effect and shall be deemed to have been lawfully done or performed in accordance with the provisions of this Act.

**Privileges of council.**

29. No legal proceedings, whether civil or criminal, shall lie against the council or any member or official thereof in respect of any act or duty performed in accordance with the provisions of section 23, 24 or 25.

**Delegation of powers.**

30. (1) The Minister may by writing under his hand delegate to the Secretary or any other senior officer of the department all or any of the powers conferred upon him by this Act other than the power to make regulations and the powers conferred upon him by section 7 (3) and (4).

(2) Any person to whom any power has been delegated under subsection (1) shall exercise that power subject to the directions of the Minister.

(3) The Minister may at any time revoke in writing any such delegation, and the delegation of any power shall not prevent the exercise of that power by the Minister himself.

**Exemption of persons from operation of provisions of Act.**

31. (1) The Minister may, after consultation with the council, by notice in the *Gazette*, and subject to such conditions as he may determine, exempt any person or class of persons specified in the notice, either generally or under such circumstances as may be specified in the notice and either indefinitely or for such period as may be so specified, from the operation of any or all of the provisions of this Act.

(2) The Minister may at any time by notice in the *Gazette* amend or repeal any notice issued in terms of this section.

**Application to South-West Africa.**

32. This Act and any amendment thereof shall apply also to the territory of South-West Africa.

**Short title and commencement.**

33. This Act shall be called the Professional Engineers' Act, 1968, and shall, subject to the provisions of sections 4 (3), 13 (4) and 21 (3) and (4), come into operation upon a date to be fixed by the State President by proclamation in the *Gazette*.