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REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

# Government Gazette
# Staatskoerant

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## GOVERNMENT NOTICE

## DEPARTMENT OF FINANCE

**No. R. 957** **4 May 1987**

EXCHANGE CONTROL.—AMENDMENT OF REGULATIONS MADE UNDER SECTION 9 OF THE CURRENCY AND EXCHANGES ACT, 1933 (ACT 9 OF 1933)

The State President has, under the powers vested in him by section 9 of the Currency and Exchanges Act, 1933, made the regulations set out in the Schedule.

### SCHEDULE

***Amendment of regulation 1 of the regulations published by Government Notice R. 1111 of 1 December 1961, as amended by regulation 2 of the regulations published by Government Notice R. 357 of 20 February 1981***

1. Regulation 1 of the regulations published by Government Notice R. 1111 of 1961 (hereinafter referred to as the regulations) is hereby amended—

(a) by the insertion after the definition of "gold" of the following definitions:

" 'goods' includes any immovable goods or security;

'money' includes foreign currency or any bill of exchange or other negotiable instrument;";

(b) by the insertion after the definition of "sterling area" of the following definition:

" 'the Act' means the Currency and Exchanges Act, 1933 (Act 9 of 1933);"; and

(c) by the substitution for the definition of "Treasury" of the following definition:

" 'Treasury', in relation to any matter contemplated in these regulations, means the Minister of Finance or an officer in the Department of Finance who, by virtue of the division of work in that Department, deals with the matter on the authority of the Minister of Finance;".



## GOEWERMENTSKENNISGEWING

## DEPARTEMENT VAN FINANSIES

**No. R. 957** **4 Mei 1987**

DEVIESEBEHEER.—WYSIGING VAN REGULASIES UITGEVAARDIG KRAGTENS ARTIKEL 9 VAN DIE WET OP BETAALMIDDELS EN WISSELKOERSE, 1933 (WET 9 VAN 1933)

Die Staatspresident het kragtens die bevoegdheid hom verleen by artikel 9 van die Wet op Betaalmiddels en Wisselkoerse, 1933, die regulasies vervat in die Bylae uitgevaardig.

### BYLAE

***Wysiging van regulasie 1 van die regulasies afgekondig by Goewermentskennisgewing R. 1111 van 1 Desember 1961, soos gewysig deur regulasie 2 van die regulasies afgekondig by Goewermentskennisgewing R. 357 van 20 Februarie 1981***

1. Regulasie 1 van die regulasies afgekondig by Goewermentskennisgewing R. 1111 van 1961 (hieronder die regulasies genoem) word hierby gewysig—

(a) deur na die omskrywing van "bevoegde amptenaar" die volgende omskrywing in te voeg:

" 'die Wet' die Wet op Betaalmiddels en Wisselkoerse, 1933 (Wet 9 van 1933);";

(b) deur na die omskrywing van "Gekonsolideerde Inkomstefonds" die volgende omskrywing in te voeg:

" 'geld' ook vreemde valuta of 'n wissel of ander verhandelbare dokument;";

(c) deur na die omskrywing van "gemagtigde handelaar" die volgende omskrywing in te voeg:

" 'goed' ook enige onroerende goed of geldwaardige papiere;"; en

(d) deur die omskrywing van "Tesourie" deur die volgende omskrywing te vervang:

" 'Tesourie', met betrekking tot 'n aangeleentheid in hierdie regulasies beoog, die Minister van Finansies of 'n beampte in die Departement van Finansies wat, uit hoofde van die indeling van die werk in daardie Departement, op gesag van die Minister van Finansies met daardie aangeleentheid handel;".

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***Amendment of regulation 8 of the regulations published by Government Notice R. 1111 of 1 December 1961***

2. Regulation 8 of the regulations is hereby amended by the deletion in subregulation (1) of the words "or an authorised dealer" and the words "or authorised dealer".

***Amendment of regulation 9 of the regulations published by Government Notice R. 1111 of 1 December 1961***

3. Regulation 9 of the regulations is hereby amended by the deletion in subregulation (1) of the words "or by an authorised dealer" and the words "or authorised dealer".

***Amendment of regulation 10 of the regulations published by Government Notice R. 1111 of 1 December 1961***

4. Regulation 10 of the regulations is hereby amended by the deletion in subregulation (1) of the words "or by an authorised dealer" and the words "or the authorised dealer".

***Amendment of regulation 13 of the regulations published by Government Notice R. 1111 of 1 December 1961***

5. Regulation 13 of the regulations is hereby amended by the deletion in subregulation (1) of the words "or an authorised dealer".

***Amendment of regulation 22 of the regulations published by Government Notice R. 1111 of 1 December 1961, as amended by paragraph (c) of Annexure A to Proclamation R. 157 of 1985***

6. Regulation 22 of the regulations is hereby amended by the substitution for the words "the provisions of any of these regulations, or contravenes or fails to comply with the terms of any notice or order or direction issued or any permission or exemption granted under these regulations," of the words "any provision of these regulations, or contravenes or fails to comply with the terms of any notice, order, permission, exemption or condition made, conferred or imposed thereunder.".

***Insertion of regulations 22A, 22B, 22C, 22D and 22E in the regulations published by Government Notice R. 1111 of 1 December 1961***

7. The following regulations are hereby inserted in the regulations after regulation 22:

*"Attachment of certain money and goods, and blocking of certain accounts*

22A. (1) Subject to the provisions of the proviso to subparagraph (i) of paragraph (b) of section 9 (2) of the Act, the Treasury may in such manner as it may deem fit—

(a) attach—

(i) any money or goods, notwithstanding the person in whose possession it is, in respect of which a contravention of any provision of these regulations has been committed or in respect of which an act or omission has been committed which the Treasury on reasonable grounds suspects to constitute any such contravention, or, in the case of such money or any part thereof which has been deposited in any account, an equal amount of money which is kept in credit in that account, and shall, in the case of money

***Wysiging van regulasie 8 van die regulasies afgekondig by Goewermentskennisgewing R. 1111 van 1 Desember 1961***

2. Regulasie 8 van die regulasies word hierby gewysig deur in subregulasie (1) die woorde "of 'n gemagtigde handelaar" en die woorde "of gemagtigde handelaar" te skrap.

***Wysiging van regulasie 9 van die regulasies afgekondig by Goewermentskennisgewing R. 1111 van 1 Desember 1961***

3. Regulasie 9 van die regulasies word hierby gewysig deur in subregulasie (1) die woorde "of van 'n gemagtigde handelaar" en die woorde "of die gemagtigde handelaar" te skrap.

***Wysiging van regulasie 10 van die regulasies afgekondig by Goewermentskennisgewing R. 1111 van 1 Desember 1961***

4. Regulasie 10 van die regulasies word hierby gewysig deur in subregulasie (1) die woorde "of 'n gemagtigde handelaar" en die woorde "of die gemagtigde handelaar" te skrap.

***Wysiging van regulasie 13 van die regulasies afgekondig by Goewermentskennisgewing R. 1111 van 1 Desember 1961***

5. Regulasie 13 van die regulasies word hierby gewysig deur in subregulasie (1) die woorde "of 'n gemagtigde handelaar" te skrap.

***Wysiging van regulasie 22 van die regulasies afgekondig by Goewermentskennisgewing R. 1111 van 1 Desember 1961, soos gewysig deur paragraaf (c) van Aanhangsel A by Proklamasie R. 157 van 1985***

6. Regulasie 22 van die regulasies word hierby gewysig deur die woorde "bepalings van enigeen van hierdie regulasies oortree of versuim om daaraan te voldoen, of die voorskrifte van 'n kennisgewing of bevel wat kragtens hierdie regulasies uitgevaardig is, of van 'n vergunning of vrystelling wat kragtens hierdie regulasies verleen is, "deur die woorde" een of ander bepaling van hierdie regulasies oortree of versuim om daaraan te voldoen, of die voorskrifte van 'n kennisgewing, bevel, vergunning, vrystelling of voorwaardes daarkragtens uitgevaardig, verleen of gestel," te vervang.

***Invoeging van regulasies 22A, 22B, 22C, 22D en 22E in die regulasies afgekondig by Goewermentskennisgewing R. 1111 van 1 Desember 1961***

7. Die volgende regulasies word hierby in die regulasies na regulasie 22 ingevoeg:

*"Beslaglegging op sekere geld en goed, en blokkering van sekere rekenings*

22A. (1) Behoudens die bepalings van die voorbehoudsbepaling by subparagraaf (i) van paragraaf (b) van artikel 9 (2) van die Wet kan die Tesourie op die wyse wat hy goeddink—

(a) beslag lê op—

(i) enige geld of goed, ongeag die persoon in wie se besit dit is, ten opsigte waarvan 'n oortreding van die een of ander bepaling van hierdie regulasies gepleeg is of ten opsigte waarvan 'n handeling of versuim begaan is wat die Tesourie op redelike gronde vermoed so 'n oortreding uitmaak, of, in die geval van sodanige geld of enige gedeelte daarvan wat in die een of ander rekening gestort is, 'n gelyke bedrag geld wat in daardie rekening in krediet gehou word, en moet, in die geval van geld waarop beslag gelê

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attached, deposit such money in an account opened by the Treasury with an authorised dealer for such purpose, and may, in the case of goods attached, leave such goods, subject to an order issued or made under paragraph (c), in the possession of the person in whose possession such goods have been found or shall otherwise keep or cause it to be kept in custody in such manner and at such place as it may deem fit;

(ii) any money or goods, notwithstanding the person in whose possession it is—

(aa) which the Treasury on reasonable grounds suspects to be involved in a contravention of any provision of these regulations or in a failure to comply with any such provision, or which the Treasury on reasonable grounds suspects to be involved in any act or omission which the Treasury so suspects to constitute a contravention of any such provision or a failure to comply with any such provision;

(bb) which have been obtained by any person or are due to him, whether by virtue of any personal right or otherwise, and which would not have been obtained by him or would not have been due to him if any such contravention or failure or any such act or omission had not been committed;

(cc) by which any person has been benefited or enriched as a result of any such contravention or failure or any such act or ommission,

or, in the case of such money or any part thereof which has been deposited in any account, an equal amount of money which is held in credit in that account, and shall, in the case of money attached, deposit such money in an account referred to in subparagraph (i), and may, in the case of goods attached, leave such goods, subject to an order issued or made under paragraph (c), in the possession of the person in whose possession such goods have been found or shall otherwise keep or cause it to be kept in custody in such manner and at such place as it may deem fit;

(iii) any money or goods, notwithstanding the person in whose possession it may be, into which money or goods referred to in subparagraph (i) or (ii) have been transformed, including any personal right obtained with money or goods referred to in subparagraph (i) or (ii), or, in the case of such money or any part thereof which has been deposited into any account, an equal amount of money which is held in credit in that account and shall, in the case of money attached, deposit such money in an account referred to in subparagraph (i), and may, in the case of goods attached, leave such goods, subject to an order issued or made under paragraph (c), in the possession of the person concerned in whose possession such goods have been found or shall otherwise keep or cause it to be kept in custody in such manner and at such place as it may deem fit;

(iv) any money which is held in a blocked account referred to in regulation 4 and which the Treasury on reasonable grounds suspects to be money—

(aa) in respect of which a contravention or act or omission referred to in subparagraph (i) has been committed;

is, sodanige geld in 'n rekening wat deur die Tesourie vir die doel by 'n gemagtigde handelaar geopen is, stort, en kan, in die geval van goed waarop beslag gelê is, sodanige goed, behoudens 'n bevel uitgereik of gegee kragtens paragraaf (c), in die besit laat van die persoon in wie se besit die goed gevind is of moet dit andersins in bewaring hou of laat hou op die wyse en die plek wat hy goeddink;

(ii) enige geld of goed, ongeag die persoon in wie se besit dit is—

(aa) wat die Tesourie op redelike gronde vermoed betrokke is by 'n oortreding van die een of ander bepaling van hierdie regulasies of by 'n versuim om aan so 'n bepaling te voldoen, of wat die Tesourie op redelike gronde vermoed betrokke is by 'n handeling of versuim wat die Tesourie aldus vermoed 'n oortreding van so 'n bepaling of 'n versuim om aan so 'n bepaling te voldoen, uitmaak;

(bb) wat deur enige persoon verkry is of hom toekom, hetsy uit hoofde van die een of ander vorderingsreg of andersins, en wat nie deur hom verkry sou gewees het nie of hom nie sou toegekom het nie indien so 'n oortreding of versuim of so 'n handeling of versuim nie begaan was nie;

(cc) waarmee enige persoon as gevolg van so 'n oortreding of versuim of so 'n handeling of versuim bevoordeel of verryk is,

of, in die geval van sodanige geld of enige gedeelte daarvan wat in die een of ander rekening gestort is, 'n gelyke bedrag geld wat in daardie rekening in krediet gehou word, en moet, in die geval van geld waarop beslag gelê is, sodanige geld in 'n rekening in subparagraaf (i) bedoel, stort, en kan, in die geval van goed waarop beslag gelê is, sodanige goed, behoudens 'n bevel uitgereik of gegee kragtens paragraaf (c), in die besit laat van die persoon in wie se besit die goed gevind is of moet dit andersins in bewaring hou of laat hou op die wyse en die plek wat hy goeddink;

(iii) enige geld of goed, ongeag die persoon in wie se besit dit is, waarin enige geld of goed in subparagraaf (i) of (ii) bedoel, omgesit is, met inbegrip van die een of ander vorderingsreg wat verkry is met geld of goed in genoemde subparagraaf (i) of (ii) bedoel, of, in die geval van sodanige geld of enige gedeelte daarvan wat in die een of ander rekening gestort is, 'n gelyke bedrag wat in krediet in daardie rekening gehou word, en moet, in die geval van geld waarop beslag gelê is, sodanige geld in 'n rekening in subparagraaf (i) bedoel, stort, en kan, in die geval van goed waarop beslag gelê is, sodanige goed, behoudens 'n bevel uitgereik of gegee kragtens paragraaf (c), in die besit laat van die betrokke persoon in wie se besit die goed gevind is of moet dit andersins in bewaring hou of laat hou op die wyse en die plek wat hy goeddink;

(iv) enige geld wat in 'n geblokkeerde rekening in regulasie 4 bedoel, gehou word en wat die Tesourie op redelike gronde vermoed geld is—

(aa) ten opsigte waarvan 'n oortreding of handeling of versuim in subparagraaf (i) bedoel, begaan is;

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(bb) which has been involved in a contravention or failure or act or omission referred to in subparagraph (ii) (aa);

(cc) which has been obtained by any person or is due to him as referred to in subparagraph (ii) (bb);

(dd) by which any person has been benefited or enriched as referred to in subparagraph (ii) (cc);

(b) if the Treasury on reasonable grounds suspects that money referred to in paragraph (a) has been deposited in any account and if it has not been attached under the said paragraph (a), issue or make an order in such manner as it may deem fit in or by which any person is prohibited to withdraw or cause to be withdrawn, without the permission of the Treasury and in accordance with such conditions (if any) as may be imposed by the Treasury, any money in that account or not more than an amount determined by the Treasury, or to appropriate in any manner any credit or balance in that account, notwithstanding who may be the holder thereof;

(c) in the case of goods referred to in paragraph (a) which have been left in the possession of the person concerned, issue or make an order in such manner as it may deem fit in or by which any person is prohibited to deal, without the permission of the Treasury and in accordance with such conditions (if any) as may be imposed by the Treasury, in any manner determined by the Treasury with the goods attached or any part thereof.

(2) When any immovable goods are attached under paragraph (a) of subregulation (1) or when an order is issued or made in respect of immovable property under paragraph (c) of that subregulation—

(a) the Treasury shall notify the registrar of the deeds registry where such goods are registered in writing of such attachment or order and furnish to that registrar such particulars in connection with such goods as that registrar may require;

(b) such registrar shall free of charge note particulars of such attachment or order against the title deed of such immovable property.

(3) The Treasury shall—

(a) return any money or goods attached under paragraph (a) of subregulation (1), including any money or goods accrued therefrom, to the person in whose possession it has been found or the person entitled thereto, on a date not later than 12 months as from the date on which such money or goods have been attached;

(b) cancel any order issued or made under paragraph (b) or (c) of subregulation (1), on such a date,

unless such money or goods or money or goods to which such order relates are forfeited under regulation 22B before that date.

*Forfeiture and disposal of money or goods attached or in respect of which orders have been issued or made*

22B. (1) Subject to the provisions of subregulation (3), the Treasury may issue an order in writing in which it forfeits to the State any money or goods referred to in paragraph (a), (b) or (c) of regulation 22A (1), including any money or goods accrued therefrom, and shall—

(a) in the case of money, deposit such money into the State Revenue Fund; and

(bb) wat by 'n oortreding of versuim of handeling of versuim in subparagraaf (ii) (aa) bedoel, betrokke is;

(cc) wat deur enige persoon verkry is of hom toekom soos in subparagraaf (ii) (bb) bedoel;

(dd) waarmee enige persoon bevoordeel of verryk is soos in subparagraaf (ii) (cc) bedoel;

(b) indien die Tesourie op redelike gronde vermoed dat geld in paragraaf (a) bedoel in die een of ander rekening gestort is en indien kragtens genoemde paragraaf (a) nie daarop beslag gelê is nie, 'n bevel op die wyse wat hy goeddink, uitreik of gee waarin of waarby hy enige persoon belet om, sonder die vergunning van die Tesourie en ooreenkomstig die voorwaardes (indien daar is) deur die Tesourie gestel, enige geld in daardie rekening of nie meer nie as 'n bedrag deur die Tesourie bepaal, te onttrek of te laat onttrek uit sodanige rekening, of enige krediet of balans in daardie rekening op enige wyse aan te wend of te laat aanwend nie, ongeag wie die houer daarvan is;

(c) in die geval van goed in paragraaf (a) bedoel wat in die besit van die betrokke persoon gelaat is, 'n bevel op die wyse wat hy goeddink, uitreik of gee waarin of waarby hy enige persoon belet om, sonder die vergunning van die Tesourie en ooreenkomstig die voorwaardes (indien daar is) wat die Tesourie mag stel, met die goed waarop beslag gelê is of enige deel daarvan op die wyse deur die Tesourie bepaal, te handel.

(2) Wanneer op onroerende goed kragtens paragraaf (a) van subregulasie (1) beslag gelê is of wanneer 'n bevel ten opsigte van onroerende goed kragtens paragraaf (c) van daardie subregulasie uitgereik of gegee word—

(a) moet die Tesourie die registrateur van die akteskantoor waar daardie goed geregistreer is skriftelik van die beslaglegging of bevel in kennis stel en van alle besonderhede voorsien in verband met daardie onroerende goed wat daardie registrateur verlang;

(b) moet daardie registrateur besonderhede van die beslaglegging of bevel teen die titelakte van daardie onroerende goed kosteloos aanteken.

(3) Die Tesourie moet—

(a) enige geld of goed waarop kragtens paragraaf (a) van subregulasie (1) beslag gelê is, met inbegrip van geld of goed wat daaruit aangewas het, op 'n datum nie later nie as 12 maande vanaf die datum waarop die geld of goed beslag gelê is aan die persoon in wie se besit dit gevind is of die persoon wat daarop geregtig is, terugbesorg;

(b) enige bevel wat kragtens paragraaf (b) of (c) van subregulasie (1) uitgereik of gegee is op so 'n datum intrek,

tensy daardie geld of goed of die geld of goed waarop die bevel betrekking het voor daardie datum kragtens regulasie 22B verbeurd verklaar word.

*Verbeurdverklaring van, en beskikking oor, geld of goed waarop beslag gelê is of ten opsigte waarvan bevele uitgereik of gegee is*

22B. (1) Behoudens die bepalings van subregulasie (3) kan die Tesourie 'n skriftelike bevel uitreik waarin hy enige geld of goed in paragraaf (a), (b) of (c) van regulasie 22A (1) bedoel, met inbegrip van geld of goed wat daaruit aangewas het, aan die Staat verbeurd verklaar, en moet—

(a) in die geval van geld, sodanige geld in die Staatsinkomstefonds stort; en

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(b) in the case of goods, realize such goods in such manner as it may deem fit as if it is the owner or holder thereof, and may transfer such goods to the purchaser and give a valid title thereto and, in the case of immovable goods, without submitting to the registrar of deeds the title deeds thereof, provided it is certified by the Treasury that the Treasury has been unable to obtain those title deeds.

(2) The Treasury may, if it is on reasonable grounds satisfied that money or goods attached under paragraph (a) of regulation 22A(1) or in respect of which an order has been issued or made under paragraph (b) or (c) of that regulation are not money or goods as referred to in those paragraphs, return such money or goods, including money or goods accrued therefrom, to the person in whose possession such money or goods have been found or to any person otherwise entitled thereto, or cancel the relevant order.

(3) The Treasury shall not forfeit to the State any money or goods referred to in paragraph (a), (b) or (c) of regulation 22A (1), unless it—

(a) has published a notice in the *Gazette* in which—

(i) notice is given of any decision to forfeit to the State money or goods specified in such notice;

(ii) particulars are furnished of the manner in which such forfeited money or goods will be disposed of; and

(iii) the date (which may be the date of the notice) on which the money or goods are forfeited is indicated; and

(b) has simultaneously with the publication of the notice aforesaid sent a like notice by registered post to the person who in the opinion of the Treasury is affected by that decision or, if his address is not known, to his last known address,

and the Treasury shall not dispose of any goods forfeited to the State under subregulation (1), unless a period of 90 days as from the date of publication of such notice in the *Gazette* has expired or, if any proceedings has been instituted in a court of law in connection with any such decision, final judgement has been given in such proceedings.

*Recovery of certain amounts by Treasury*

22C. (1) When the Treasury has, under regulation 22B, forfeited to the State money or goods referred to in paragraph (a), (b) or (c) of regulation 22A (1) and such money and the proceeds of the realization of such goods, if any, are less than an amount equal to an amount—

(a) in respect of which a contravention or failure or act or omission referred to in subparagraph (i) of regulation 22A (1) (a) has been committed;

(b) which was involved in a contravention or failure or act or omission referred to in subparagraph (ii) (aa) of that regulation;

(c) which has been obtained by any person or is due to him as referred to in subparagraph (ii) (bb) of that regulation;

(d) by which any person has been benefited or enriched as referred to in subparagraph (ii) (cc) of that regulation,

or when no money or goods have been forfeited for the State under the said regulation 22B, the Treasury may recover an amount equal to the difference between the last-mentioned amount and the first-mentioned amount of money and proceeds or an amount equal to the last-mentioned amount, as the case may be—

(b) in die geval van goed, daardie goed te gelde maak op die wyse wat hy goeddink asof hy die eienaar of houer daarvan is, en kan daardie goed aan die koper oordra en aan hom 'n regsgeldige titel daarop gee en, in die geval van onroerende goed, sonder om die titelbewys daarvan aan die registrateur van aktes voor te lê, mits deur die Tesourie gesertifiseer word dat die Tesourie daardie titelbewys nie kan vind nie.

(2) Die Tesourie kan, indien hy op redelike gronde oortuig is dat geld of goed waarop kragtens paragraaf (a) van regulasie 22A (1) op beslag gelê is of ten opsigte waarvan 'n bevel kragtens paragraaf (b) of (c) van daardie regulasie uitgereik of gegee is, nie geld of goed is soos in daardie paragrawe bedoel nie, bedoelde geld of goed, met inbegrip van geld of goed wat daaruit aangewas het, aan die persoon in wie se besit die geld of goed gevind is of aan 'n persoon wat andersins daarop geregtig is, terugbesorg, of die betrokke bevel intrek.

(3) Die Tesourie verklaar nie geld of goed in paragraaf (a), (b) of (c) van regulasie 22A (1) bedoel aan die Staat verbeurd nie, tensy hy—

(a) 'n kennisgewing in die *Staatskoerant* gepubliseer het waarin—

(i) kennis gegee word van 'n besluit om geld of goed in die kennisgewing vermeld aan die Staat verbeurd te verklaar;

(ii) besonderhede gegee word van die wyse waarop oor daardie verbeurdverklaarde geld of goed beskik sal word; en

(iii) die datum (wat die datum van die kennisgewing kan wees) aangedui word waarop die geld of goed verbeurd verklaar word; en

(b) gelyktydig met die publikasie van voorgaande kennisgewing 'n dergelike kennisgewing per geregistreerde pos gestuur het aan die persoon wat na die oordeel van die Tesourie deur daardie besluit geraak word of, indien sy adres nie bekend is nie, aan sy laaste bekende adres,

en die Tesourie beskik nie oor goed wat kragtens subregulasie (1) aan die Staat verbeurd verklaar is nie, tensy 'n tydperk van 90 dae vanaf die datum van publikasie van bedoelde kennisgewing in die *Staatskoerant* verstryk het of, indien 'n geding in 'n geregshof in verband met so 'n besluit aanhangig gemaak is, daar in daardie geding finaal uitspraak gegee is.

*Verhaal van sekere bedrae deur Tesourie*

22C. (1) Wanneer die Tesourie geld of goed in paragraaf (a), (b) of (c) van regulasie 22A (1) bedoel kragtens regulasie 22B aan die Staat verbeurd verklaar het en daardie geld en die opbrengs van die tegeldemaking van die goed, indien daar is, minder is as 'n bedrag gelyk aan 'n bedrag—

(a) ten opsigte waarvan 'n oortreding of versuim of handeling of versuim in subparagraaf (i) van regulasie 22A (1) (a) bedoel, begaan is;

(b) wat by 'n oortreding of versuim of handeling of versuim in subparagraaf (ii) (aa) van daardie regulasie bedoel, betrokke was;

(c) wat deur enige persoon verkry is of hom toekom soos in subparagraaf (ii) (bb) van daardie regulasie bedoel;

(d) waarmee enige persoon bevoordeel of verryk is soos in subparagraaf (ii) (cc) van daardie regulasie bedoel,

of wanneer geen geld of goed kragtens genoemde regulasie 22B verbeurd verklaar is nie, kan die Tesourie 'n bedrag gelyk aan die verskil tussen laasgenoemde bedrag en eersgenoemde bedrag geld en opbrengs of 'n bedrag gelyk aan laasgenoemde bedrag, na gelang van die geval—

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(i) from the person who committed the contravention or failure or act or omission in question;

(ii) from the person who the Treasury on reasonable grounds suspects to have committed the contravention or failure or act or omission in question;

(iii) from the person benefited or enriched as a result of the contravention or failure or act or omission in question;

(iv) if more persons have committed the contravention or failure or act or omission in question or if the Treasury on reasonable grounds suspects that more persons have committed any such contravention or failure or act or omission or if more persons have been benefited or enriched as a result of the contravention or failure or act or omission in question, seperately and jointly from those persons,

by attaching in such manner as it may deem fit any other money, including money in a blocked account referred to in regulation 4, or other goods of the person or persons concerned.

(2) The Treasury may, if it on reasonable grounds suspects that it will be necessary in due course to recover under subregulation (1) any amount from the person or persons concerned, at any time on or after the date on which money or goods referred to in paragraph (a) of regulation 22A (1) have or could have been attached, issue or make an order in such manner as it may deem fit in or by which any person is prohibited—

(a) to withdraw or cause to be withdrawn any money held in any account or not more than an amount of it determined in its discretion by the Treasury, with due regard to the amount which in the opinion of the Treasury will in due course be recovered, or to appropriate in any manner any credit or balance in that account;

(b) to deal in any manner as may be determined by the Treasury with any goods as may be determined by the Treasury of the person or persons concerned,

without the permission of the Treasury and in accordance with such conditions (if any) as may be imposed by the Treasury.

(3) The provisions of—

(a) subregulations (1) and (3) of regulation 22B shall apply *mutatis mutandis* to any money or goods referred to in subregulations (1) and (2) of this regulation as if such money or goods were money or goods referred to in regulation 22A;

(b) subregulation (3) of regulation 22A shall apply *mutatis mutandis* to an order issued or made under subregulation (2) of this regulation.

*Review of, or institution of actions in connection with, attachment and forfeiture of certain money or goods, and of certain orders*

22D. Any person who feels himself aggrieved by the attachment of any money or goods under paragraph (a) of regulation 22A (1) or regulation 22C (1) or the issue or making of an order under the provisions of paragraph (b) or (c) of regulation 22A (1) or subregulation (2) of regulation 22C or any condition imposed thereunder may—

(a) in the case of an attachment under paragraph (a) of regulation 22A (1) or of regulation 22C (1) or the issue or making of an order under paragraph (b) or (c) of the said regulation 22A (1) or regulation 22C (2), at any time before the date of publication of the notice referred to in regulation 22B (3), bring an application in a competent court for the review of any such attachment or order or in which other appropriate relief is asked;

(i) van die persoon wat die betrokke oortreding of versuim of handeling of versuim begaan het;

(ii) van die persoon wat die Tesourie op redelike gronde vermoed die betrokke oortreding of versuim of handling of versuim begaan het;

(iii) van die persoon wat as gevolg van die betrokke oortreding of versuim of handeling of versuim bevoordeel of verryk is;

(iv) indien meerdere persone die betrokke oortreding of versuim of handeling of versuim begaan het of indien die Tesourie op redelike gronde vermoed dat meerdere persone so 'n oortreding of versuim of handeling of versuim begaan het of indien meerdere persone as gevolg van die betrokke oortreding of versuim of handeling of versuim bevoordeel of verryk is, gesamentlik en afsonderlik van daardie persone,

verhaal deur op enige ander geld, met inbegrip van geld in 'n geblokkeerde rekening in regulasie 4 bedoel, of ander goed van die betrokke persoon of persone beslag te lê op die wyse wat hy goeddink.

(2) Die Tesourie kan, indien hy op redelike gronde vermoed dat dit nodig sal word om te gelegener tyd die een of ander bedrag van die betrokke persoon of persone kragtens subregulasie (1) te verhaal, te eniger tyd op of na die datum waarop op geld of goed in paragraaf (a) van regulasie 22A (1) bedoel, beslag gelê is of op beslag gelê kon word, 'n bevel op die wyse wat hy goeddink, uitreik of gee waarin of waarby hy enige persoon belet om sonder die vergunning van die Tesourie en ooreenkomstig die voorwaardes (indien daar is) wat die Tesourie mag stel—

(a) enige geld wat in die een of ander rekening gehou word of nie meer daarvan nie as 'n bedrag wat deur die Tesourie na goeddunke bepaal word, met inagneming van die bedrag wat na die oordeel van die Tesourie te gelegener tyd verhaal sal word, te onttrek of te laat onttrek, of enige krediet of balans in daardie rekening op enige wyse aan te wend of te laat aanwend;

(b) met enige goed van die betrokke persoon of persone deur die Tesourie bepaal op die wyse wat die Tesourie bepaal, te handel.

(3) Die bepalings van—

(a) subregulasies (1) en (3) van regulasie 22B is *mutatis mutandis* van toepassing op enige geld of goed in subregulasies (1) en (2) van hierdie regulasie bedoel asof daardie geld of goed geld of goed is soos in regulasie 22A bedoel;

(b) subregulasie (3) van regulasie 22A is *mutatis mutandis* van toepassing op 'n bevel wat kragtens subregulasie (2) van hierdie regulasie uitgereik of gegee is.

*Hersiening van, of instelling van aksies in verband met, beslaglegging op, en verbeurdverklaring van, sekere geld of goed, of van sekere bevele*

22D. 'n Persoon wat hom veronreg voel deur die beslaglegging op enige geld of goed kragtens paragraaf (a) van regulasie 22A (1) of regulasie 22C (1) of die uitreiking of gee van 'n bevel kragtens die bepalings van paragraaf (b) of (c) van regulasie 22A (1) of subregulasie (2) van regulasie 22C of 'n voorwaarde daarkragtens gestel, kan—

(a) in die geval van 'n beslaglegging kragtens paragraaf (a) van regulasie 22A (1) of van regulasie 22C (1) of die uitreiking of gee van 'n bevel kragtens paragraaf (b) of (c) van genoemde regulasie 22A (1) of regulasie 22C (2), te eniger tyd voor die datum van publikasie van die kennisgewing in regulasie 22B (3) bedoel, 'n aansoek in 'n bevoegde hof bring vir die hersiening van so 'n beslaglegging of skriftelike bevel of waarin ander gepaste regshulp gevra word;

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(b) in the case of a decision under regulation 22B (1) or 22B (1), read with regulation 22C (3), to forfeit to the State such money or goods, at any time but not later than 90 days after the date of publication of the said notice institute an action in a competent court for the setting aside of any such decision,

and any such court may set aside any such attachment or order or decision, as the case may be, on the grounds set out in the provisions of paragraph (d) (i) or (iii) of section 9 (2) of the Act.

*Delegation of powers*

22E. (1) The Minister of Finance may delegate to any person any power or function conferred upon the Treasury by any provision of these regulations or assign to any such person a duty imposed thereunder to the Treasury.

(2) The Treasury shall not be divested of any power or function or duty delegated to any person under subregulation (1) and may at any time withdraw or amend any decision taken by any such person in the exercise or performance of the power or function or duty in question.".

***Commencement of these regulations***

8. These regulations shall be deemed to have come into operation on 1 December 1961.

(b) in die geval van 'n besluit kragtens regulasie 22B (1) of 22B (1), saamgelees met regulasie 22C (3), om sodanige geld of goed aan die Staat verbeurd te verklaar, te eniger tyd maar nie later nie as 90 dae na die datum van publikasie van bedoelde kennisgewing by 'n bevoegde hof 'n aksie vir die tersydestelling van so 'n besluit instel,

en so 'n hof kan so 'n beslaglegging of bevel of besluit, na gelang van die geval, op die gronde uiteengesit in die bepalings van paragraaf (d) (i) of (iii) van artikel 9 (2) van die Wet ter syde stel.

*Delegasie van bevoegdhede*

22E. (1) Die Minister van Finansies kan enige bevoegdheid of funksie wat by die een of ander bepaling van hierdie regulasies aan die Tesourie verleen word aan enige persoon delegeer of 'n plig daarkragtens aan die Tesourie opgelê aan so 'n persoon opdra.

(2) Die Tesourie word nie ontdoen van enige bevoegdheid of funksie of plig wat kragtens subregulasie (1) aan 'n persoon gedelegeer of opgedra is nie en kan te eniger tyd enige besluit deur so 'n persoon by die uitoefening of verrigting van die betrokke bevoegdheid of funksie of plig intrek of wysig.".

***Inwerkingtreding van hierdie regulasies***

8. Hierdie regulasies word geag op 1 Desember 1961 in werking te getree het.

Please, acquaint yourself thoroughly with the "Conditions for Publication" of legal notices in the *Government Gazette,* as well as the new tariffs in connection therewith

Maak uself asseblief deeglik vertroud met die "Voorwaardes vir Publikasie" van wetlike kennisgewings in die *Staatskoerant,* asook met die nuwe tariewe wat daarmee in verband staan

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