



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 2233. 29 November 1974.

No. 2233. 29 November 1974.

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

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

No. 89 of 1974: National Supplies Procurement Amendment Act, 1974.

No. 89 van 1974: Wysigingswet op die Verkryging van Landsvoorrade, 1974.

**WET**

Tot wysiging van die bepalings van die Wet op die Verkryging van Landsvoorrade, 1970, betreffende woordomskrywings; ten einde die aanstelling deur die Minister van kontroleurs, beamptes en inspekteurs, die samestelling deur hom van liggame, en die bevoegdhede, pligte en werksaamhede van sodanige persone, verder te reël; en voorsiening te maak vir die verlening van vrystellings; vir die beskikking oor sekere gelde; en vir bykomstige aangeleenthede.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 11 November 1974.)

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

Wysiging van  
artikel 1 van  
Wet 89 van 1970.

1. Artikel 1 van die Wet op die Verkryging van Landsvoorrade, 1970 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur in die omskrywing van „inspekteur” die uitdrukking „artikel 10” deur die uitdrukking „artikel 10 (1)” te vervang; en
- (b) deur in die omskrywing van „kontroleur” die uitdrukking „artikel 10” deur die uitdrukking „artikel 10 (1)” te vervang.

Vervanging van  
artikel 10 van  
Wet 89 van 1970.

2. Artikel 10 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aanstel-  
ling en  
magtiging  
van beamptes,  
inspekteurs,  
kontroleurs,  
ens., be-  
paling van  
hul be-  
voegdhede,  
ens., en  
bykomstige  
aangeleent-  
hede.

10. (1) Die Minister kan—
- (a) onderworpe aan die wette wat die Staatsdiens reël—
    - (i) ’n kontroleur ten opsigte van die goedere of diens vermeld in ’n kennisgewing uitgereik kragtens artikel 2 (b), en
    - (ii) beamptes en inspekteurs in of buite die Republiek,  
aanstel;
  - (b) op die voorwaardes en teen die vergoeding wat hy in oorleg met die Tesourie bepaal—
    - (i) een of meer liggame saamstel; en
    - (ii) enige ander persoon of klas van persone aanstel of magtig om as kontroleurs of inspekteurs op te tree.
- (2) Behoudens die bepalings van hierdie Wet—
- (a) moet die persone bedoel in subartikel (1) die Minister behulpsaam wees by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede kragtens hierdie Wet; en

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**ACT**

**To amend the provisions of the National Supplies Procurement Act, 1970, relating to definitions; so as to further regulate the appointment by the Minister of controllers, officials and inspectors, the constitution by him of bodies, and the powers, duties and functions of such persons; and so as to provide for the granting of exemptions; for the disposal of certain moneys; and for incidental matters.**

*(Afrikaans text signed by the State President.)  
(Assented to 11 November 1974.)*

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

**1.** Section 1 of the National Supplies Procurement Act, 1970 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of  
section 1 of  
Act 89 of 1970.

- (a) by the substitution in the definition of "controller" for the expression "section 10" of the expression "section 10 (1)"; and
- (b) by the substitution in the definition of "inspector" for the expression "section 10" of the expression "section 10 (1)".

**2.** The following section is hereby substituted for section 10 of the principal Act:

Substitution of  
section 10 of  
Act 89 of 1970.

"Appointment and authorization of officials, inspectors, controllers, etc., determination of their powers, etc., and incidental matters.

**10.** (1) The Minister may—

- (a) subject to the laws governing the public service, appoint—
  - (i) a controller in respect of any goods or service specified in a notice issued under section 2 (b); and
  - (ii) officials and inspectors in or outside the Republic;
- (b) on such conditions and at such remuneration as he may, in consultation with the Treasury, determine—
  - (i) constitute one or more bodies; and
  - (ii) appoint or authorize any other person or class of persons, to act as controllers or inspectors.

(2) Subject to the provisions of this Act—

- (a) the persons referred to in subsection (1) shall assist the Minister in the exercise of his powers and the performance of his functions under this Act; and

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(b) is 'n inspekteur bevoeg om enige misdryf by hierdie Wet geskep, of enige poging of same-swering, of uitlokking van iemand, om so 'n misdryf te pleeg, wat op redelike gronde vermoed word gepleeg te gewees het, te ondersoek.

(3) (a) Die Minister—

(i) bepaal, behoudens die bepalings van hierdie Wet, die bevoegdhede, pligte en werksaamhede van die persone bedoel in subartikel (1); en

(ii) kan, in verband met die ondersoek deur inspekteurs van misdrywe in subartikel (2) (b) bedoel, by kennisgewing in die *Staatskoerant* aan inspekteurs die bevoegdhede wat hy nodig, dienstig of nuttig ag, verleen met betrekking tot—

(aa) die visentering sonder lasbrief van enige persoon, perseel of ander plek, voertuig, vaartuig, lugvaartuig of enige houer van welke aard ook al;

(bb) die beslaglegging op, terughouding van en beskikking oor goedere of sake sonder lasbrief; en

(cc) die arrestasie en aanhouding sonder lasbrief van enige persoon.

(b) (i) Verskillende bevoegdhede, pligte en werksaamhede kan kragtens paragraaf (a) (i) ten opsigte van verskillende persone of klasse persone, in elk van die kategorieë persone vermeld in subartikel (1), bepaal word; en

(ii) verskillende bevoegdhede kan kragtens paragraaf (a) (ii) ten opsigte van verskillende inspekteurs of kategorieë inspekteurs verleen word.

(4) Iemand wat besig is met die uitoefening van enige bevoegdheid, of die uitvoering van enige plig of werksaamheid by hierdie artikel verleen, opgelê of toevertrou, of daarkragtens bepaal of verleen, is onderworpe aan die lasgewings en beheer van die Minister.

(5) 'n Dokument in die deur die Minister bepaalde vorm, waarby gesertifiseer word dat iemand aangestel is, of gemagtig is om op te tree, as 'n inspekteur ingevolge hierdie Wet, en wat deur iemand deur die Minister aangewys, onderteken heet te wees, is *prima facie*-bewys van so 'n aanstelling of magtiging.”.

Invoeging van  
artikel 15A in  
Wet 89 van 1970.

3. Die volgende artikel word hierby in die Hoofwet na artikel 15 ingevoeg:

„Vrystel-  
lings.

15A. Die Minister kan by kennisgewing in die *Staatskoerant* of by skriftelike kennisgewing aan die betrokke persoon of persone—

(a) aan enige persoon of kategorie persone vrystelling verleen in die mate en onderworpe aan die voorwaardes deur die Minister in so 'n kennisgewing uiteengesit, van enige bepaling van hierdie Wet, of van 'n kennisgewing of 'n bevel daarkragtens gepubliseer of gegee, of uitgereik, na gelang van die geval; en

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(b) an inspector shall have authority to investigate any offence created by this Act, or any attempt or conspiracy, or incitement of any person, to commit any such offence, which is on reasonable grounds suspected of having been committed.

(3) (a) The Minister—

(i) shall determine, subject to the provisions of this Act, the powers, duties and functions of the persons referred to in subsection (1); and

(ii) may, in connection with the investigation by inspectors of offences referred to in subsection (2) (b), by notice in the *Gazette* confer upon inspectors such powers as he may deem necessary, expedient or useful in respect of—

(aa) the searching without warrant of any person, premises or other place, vehicle, vessel, aircraft, or any receptacle of whatever nature;

(bb) the seizure, retention and disposal without warrant of any goods or things; and

(cc) the arrest and detention without warrant of any person.

(b) (i) Different powers, duties and functions may be determined under paragraph (a) (i), in respect of different persons or classes of persons, in each of the categories of persons mentioned in subsection (1); and

(ii) different powers may be conferred under paragraph (a) (ii), in respect of different inspectors or categories of inspectors.

(4) Any person engaged in exercising any power, or performing any duty or function conferred, imposed or entrusted by this section, or determined or conferred thereunder, shall be subject to the directions and control of the Minister.

(5) A document in the form determined by the Minister, certifying that any person has been appointed, or authorized to act, as an inspector under this Act, and purporting to have been signed by a person designated by the Minister, shall be *prima facie* proof of such appointment or authorization.”.

3. The following section is hereby inserted in the principal Act after section 15:

Insertion of  
section 15A in  
Act 89 of 1970.

“Exemptions.

**15A.** The Minister may by notice in the *Gazette* or by notice in writing to the person or persons concerned—

(a) grant any person or category of persons exemption to the extent and subject to the conditions specified by the Minister in such notice, from any provision of this Act, or of a notice published or given, or an order issued, thereunder, as the case may be; and

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- (b) sonder om enige rede daarvoor aan te gee, en sonder dat die betrokke persoon of persone enige reg het om met betrekking daartoe aangehoor te word, enige sodanige vrystelling wysig in die mate en onderworpe aan die voorwaardes deur die Minister in die betrokke kennisgewing uiteengesit, of intrek.”.

Invoeging van  
artikel 17A in  
Wet 89 van 1970.

4. Die volgende artikel word hierby in die Hoofwet na artikel 17 ingevoeg:

„Beskikking oor sekere gelde. 17A. Die Minister, handelende in oorleg met die Minister van Finansies, kan op die wyse wat hy geskik ag—

- (a) van tyd tot tyd gelas dat gelde wat by wyse van boetes of verbeurde borg in verband met 'n in die lasgewing vermelde misdryf of kategorie misdrywe ingevolge hierdie Wet, ingevorder is, betaal moet word aan 'n persoon, plaaslike bestuur, afdelingsraad, administrasie of regering wat in die lasgewing aangewys word, of wat ooreenkomstig die vereistes, omstandighede of besonderhede daarin uiteengesit, bepaal word;
- (b) 'n betaling van sodanige gelde, wat voor die inwerkingtreding van hierdie artikel gedoen is aan 'n persoon, administrasie of regering wat nie op sodanige betaling geregtig was nie, geldig verklaar behoudens enige reëling of lasgewing kragtens paragraaf (c); en
- (c) die reëlings of lasgewings wat hy nodig of diensdig ag vir die verdere beskikking oor gelde wat betaal is soos in paragraaf (b) bedoel, met 'n persoon, administrasie of regering aan wie daardie gelde aldus betaal is, tref, of aan hom uittrek; en
- (d) 'n lasgewing kragtens paragraaf (a) uitgereik, te eniger tyd wysig of intrek.”.

Kort titel en  
inwerkingtreding.

5. (1) Hierdie Wet heet die Wysigingswet op die Verkryging van Landsvoorrade, 1974, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

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- (b) without assigning any reason therefor, and without the person or persons concerned having any right to be heard in respect thereof, modify to the extent and subject to the conditions specified by the Minister in such notice, or withdraw, any such exemption.”.

4. The following section is hereby inserted in the principal Act after section 17: Insertion of section 17A in Act 89 of 1970.

“Disposal of certain moneys.

17A. The Minister, acting in consultation with the Minister of Finance, may in such manner as he may deem fit—

- (a) direct from time to time that moneys recovered by way of fines or estreated bail, in connection with an offence or category of offences under this Act mentioned in the direction, shall be paid to a person, local authority, divisional council, administration or government designated in the direction, or determined in accordance with the requirements, circumstances or particulars stated therein;
- (b) validate subject to any arrangement or direction under paragraph (c), any payment made prior to the commencement of this section, of such moneys to any person, administration or government who was not entitled to such payment; and
- (c) make such arrangements with or issue such directions, as he may deem necessary or expedient for the further disposal of moneys paid as contemplated in paragraph (b), to any person, administration or government to whom such moneys were so paid; and
- (d) at any time amend or revoke any direction issued under paragraph (a).”.

5. (1) This Act shall be called the National Supplies Procurement Amendment Act, 1974, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

