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GOVERNMENT NOTICES

DEPARTMENT OF PLURAL RELATIONS AND DEVELOPMENT

No. R. 989 11 May 1979

FINANCIAL REGULATIONS GOVERNING THE COMMUNITY COUNCIL OF POTCHEFSTROOM

I, Wilhelm Laubscher Vosloo, Deputy Minister of Plural Relations and Development, hereby make on behalf of the Minister of Plural Relations and Development under the powers vested in him by section 11 (1) of the Community Council's Act, 1977 (Act 125 of 1977), the regulations contained in the Schedule hereto.

W. L. VOSLOO, Deputy Minister of Plural Relations and Development.

(File A1/3/2/15/1/P50)

SCHEDULE

DEFINITIONS

1. In these regulations, unless the context otherwise indicates, a term defined in the Act shall bear that meaning and—

"Act" means the Community Council's Act, 1977 (Act 125 of 1977);

"administration board" means the Western Transvaal Administration Board established in terms of section 2 (1) of the Black Affairs Administration Act, 1971 (Act 45 of 1971);

"community council" means the Potchefstroom Community Council established by Government Notice R. 865 of 28 April 1978 and, subject to the provisions of section 5 (1) (k) of the Act, also any committee of such community council appointed in terms of the said section;

"division" means any division of the community council;

"divisional head", "head of a division" or "head of the division" the officer designated by the community council to act in that capacity;

"officer" means a person appointed in terms of the provisions of section 5 (1) (i) of the Act and also a person placed at the disposal of the community council in terms of the provisions of section 6 (1) (b) of the Act;

GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN PLURALE BETREKKINGE EN ONTWIKKELING

No. R. 989 11 Mei 1979

FINANSIËLE REGULASIES BETREFFENDE DIE GEMEENSKAPSRAAD VAN POTCHEFSTROOM

Ek, Wilhelm Laubscher Vosloo, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling, vaardig hierby, namens die Minister van Plurale Betrekkinge en Ontwikkeling, kragtens die bevoegdheid hom verleen by artikel 11 (1) van die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977), die regulasies uit wat in die Bylae hiervan vervat is.

W. L. VOSLOO, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling.

(Lêer A1/3/2/15/1/P50)

BYLAE

WOORDOMSKRYWING

1. In hierdie regulasies, tensy uit die samehang anders blyk, het 'n uitdrukking wat in die Wet omskryf is, daardie betekenis en beteken—

"administrasieraad" die Wes-Transvaalse Administrasieraad ingestel by artikel 2 (1) van die Wet op die Administrasie van Swart Sake, 1971 (Wet 45 van 1971);

"afdeling" enige afdeling van die gemeenskapsraad;

"afdelingshoof", "hoof van 'n afdeling" of "hoof van die afdeling" die beampte deur die gemeenskapsraad aangewys om in daardie hoedanigheid op te tree;

"beampte" 'n persoon aangestel ingevolge die bepalings van artikel 5 (1) (i) van die Wet en ook 'n persoon aan die gemeenskapsraad beskikbaar gestel ingevolge die bepalings van artikel 6 (1) (b) van die Wet;

"die Wet" die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977);

"gemeenskapsraad" die Potchefstroomse Gemeenskapsraad ingestel by Goewermentskennisgewing R. 865 van 28 April 1978 en, behoudens die bepalings van artikel 5 (1) (k) van die Wet, ook enige komitee van sodanige gemeenskapsraad aangestel ingevolge genoemde artikel;

"secretary" means the person appointed under section 5 (1) (i) of the Act as such by the community council or is employed as such by the community council;

"treasurer" means the officer designated by the community council to act in that capacity.

FINANCIAL YEAR

2. (1) The financial year of the community council shall extend from 1 April in a year to 31 March in the following year.

(2) The community council shall cause a full and correct account to be kept of all moneys received or expended by it, and as soon as possible, but in any case within five months of the closing of a financial year, shall submit to the Auditor-General a balance sheet, a revenue and expenditure account and such other financial statements as the Auditor-General may require.

(3) The balance sheet referred to in subregulation (2) shall, before submission to the Auditor-General, be certified as correct by the treasurer and the secretary, be approved by the community Council and thereafter be signed by the chairman of the community council as verification that it contains a true and correct return of the assets and liabilities of the community council.

ESTIMATES

3. The annual estimates of the community council on revenue and expenditure account and capital account shall be drawn up in the form prescribed by the Minister from time to time.

4. (1) Not later than the date fixed by the secretary, the treasurer shall furnish each head of a division with such financial information as he may require for the preparation of draft estimates in respect of the revenue and expenditure and capital accounts of the division concerned for the ensuing financial year and within 30 days of receiving such information each head of a division shall submit to the treasurer such draft estimates in respect of his division.

(2) The treasurer shall submit the draft estimates of all divisions, together with a summary thereof and his recommendations thereon, to the secretary.

(3) The secretary shall submit the draft estimates of all divisions to the community council for consideration, amendment at its discretion and approval in principle.

(4) The community council shall submit the estimates to the Secretary for Plural Relations and Development for approval by the Minister subject to such conditions as he may deem necessary.

EXPENDITURE

5. (1) No expenditure shall be incurred otherwise than in accordance with the estimates of expenditure which have been approved in terms of regulation 4 (4): Provided that expenditure in excess of that approved in such estimates may be incurred only with the prior approval of the Minister.

"sekretaris" die persoon wat kragtens artikel 5 (1) (i) van die Wet as sodanig deur die gemeenskapsraad aangestel of in diens van die gemeenskapsraad is;

"tesourier" die beampte deur die gemeenskapsraad aangewys om in daardie hoedanigheid op te tree.

BOEKJAAR

2. (1) Die boekjaar van die gemeenskapsraad strek van 1 April in 'n jaar tot 31 Maart in die daaropvolgende jaar.

(2) Die gemeenskapsraad moet 'n volledige en juiste rekening laat hou van alle gelde wat deur hom ontvang of uitgegee is, en moet so gou doenlik, maar in elk geval binne vyf maande na die afsluiting van 'n boekjaar, 'n balansstaat, 'n inkomste-en-uitgawerekening en sodanige ander finansiële state as wat die Ouditeur-generaal vereis, aan hom voorlê.

(3) Die balansstaat in subregulasie (2) bedoel, moet, voordat dit aan die Ouditeur-generaal voorgelê word, deur die tesourier en die sekretaris as korrek gesertifiseer word, deur die gemeenskapsraad goedgekeur word en daarna deur die voorsitter van die gemeenskapsraad onderteken word as bewys daarvan dat dit 'n ware en juiste opgawe van die bates en laste van die gemeenskapsraad bevat.

BEGROTING

3. Die jaarlikse begroting van die gemeenskapsraad ten opsigte van die inkomste-en-uitgawerekening en die kapitaalrekening word opgestel in die vorm van tyd tot tyd deur die Minister bepaal.

4. (1) Nie later nie as 'n datum deur die sekretaris bepaal, verstrek die tesourier aan elke hoof van 'n afdeling die finansiële inligting wat hy nodig het vir die opstel van 'n konsepbegroting vir die inkomste-en-uitgawerekening en die kapitaalrekening vir die volgende boekjaar ten opsigte van die betrokke afdeling, en binne 30 dae na die ontvangs van sodanige inligting lê elke hoof van 'n afdeling aan die tesourier sodanige konsepbegroting van sy afdeling voor.

(2) Die tesourier lê die konsepbegroting van alle afdelings, tesame met 'n opsomming daarvan en sy aanbevelings daaroor, aan die sekretaris voor.

(3) Die sekretaris lê die konsepbegroting van alle afdelings aan die gemeenskapsraad voor, wat dit oorweeg, na goeddunke kan wysig en in beginsel goedkeur.

(4) Die gemeenskapsraad lê sy begroting aan die Sekretaris van Plurale Betrekkinge en Ontwikkeling voor vir goedkeuring deur die Minister, behoudens sodanige voorwaardes as wat hy goedvind.

UITGAWE

5. (1) Geen uitgawe mag aangegaan word nie behalwe ooreenkomstig die begroting van uitgawes goedgekeur ingevolge die bepalings van regulasie 4 (4): Met dien verstande dat uitgawes bo dié in sodanige begroting goedgekeur, slegs met die voorafverkreë goedkeuring van die Minister aangegaan mag word.

(2) No saving under any provision for a specific purpose in the estimates on revenue account may, without the prior approval of the Minister, be utilised to meet any excess expenditure in respect of a provision for any other purpose.

COLLECTION AND CONTROL OF REVENUE

6. (1) The treasurer shall, with the approval of the community council, open a bank account with a registered commercial bank.

(2) The treasurer shall be responsible for the collection of all moneys due to the community council and, unless he authorises some other division, in writing, to do so, all moneys shall be collected by his division.

(3) All moneys collected by any other division in terms of subregulation (2) shall be paid over to the treasurer or to an officer authorised in writing by him.

7. All moneys collected in terms of regulation 6 shall be balanced daily or at such regular intervals and in such a manner as the treasurer may determine, and paid into the community council's bank account.

8. Except with the approval of the Minister no asset or any moneys due to the community council shall be written off.

9. (1) All moneys collected shall forthwith be brought into account by the issue of a numbered official receipt or face-value receipt.

(2) No alteration shall be made on a receipt issued in terms of subregulation (1) and, if a receipt is issued erroneously, such receipt shall be cancelled immediately and another receipt issued in its place.

(3) When it becomes necessary to cancel a receipt the word "CANCELLED" shall be endorsed in ink on all copies thereof over the signature of the responsible officer, whereafter such receipt and copies thereof shall be kept in safe custody.

10. (1) If the amount of money in an officer's possession is less than that for which he is accountable to the community council, he shall make an entry recording the deficiency in the register concerned and shall forthwith make up the deficiency, or in the event of the officer, for reasons acceptable to the community council, not being able to make up the deficiency forthwith, the amount of the deficiency shall be recovered in the manner prescribed by the community council: Provided that if the community council, having considered all the circumstances of the case, is of the opinion that the officer should not be held responsible for the deficiency, the community council may apply for the write-off thereof in terms of regulation 8.

(2) The officer responsible for the collection of moneys shall balance his books and registers daily, reconcile them with cash received and furnish a certificate as to the correctness thereof.

(3) The amount of any surplus cash shall forthwith be brought into account as revenue by the issue of an official receipt and shall be recorded in the register concerned by the responsible officer.

(2) Geen besparing onder enige voorsiening vir 'n spesifieke doel in die begroting ten opsigte van die inkomsterekening mag sonder die voorafverkreë goedkeuring van die Minister aangewend word ter bestryding van enige oorskrydingsuitgawes ten opsigte van 'n voorsiening vir enige ander doel nie.

INVORDERING VAN EN BEHEER OOR INKOMSTE

6. (1) Met die goedkeuring van die gemeenskapsraad open die tesourier 'n bankrekening by 'n geregistreerde handelsbank.

(2) Die tesourier is verantwoordelik vir die invordering van alle gelde wat aan die gemeenskapsraad verskuldig is en tensy hy 'n ander afdeling skriftelik daartoe magtig, word alle gelde deur sy afdeling ingevorder.

(3) Alle gelde wat ingevolge subregulasie (2) deur 'n ander afdeling ingevorder word, word by die tesourier of 'n beampte skriftelik deur hom daartoe gemagtig, inbetaal.

7. Alle gelde wat ingevolge regulasie 6 ingevorder word, word daagliks of op die gesette tye en op die wyse wat die tesourier bepaal, gebalanseer en in die gemeenskapsraad se bankrekening gestort.

8. Behalwe met die goedkeuring van die Minister word geen bate, of enige gelde aan die gemeenskapsraad verskuldig, afgeskryf nie.

9. (1) Alle gelde wat ingevorder word, moet onverwyld in rekening gebring word deur die uitreiking van 'n genommerde amptelike kwitansie of sigwaardekwitansie.

(2) Geen verandering mag aangebring word op 'n kwitansie ingevolge subregulasie (1) uitgereik nie en indien 'n kwitansie foutiewelik uitgereik is, word sodanige kwitansie onmiddellik gekanselleer en 'n ander kwitansie in die plek daarvan uitgereik.

(3) Wanneer dit nodig is om 'n kwitansie te kanselleer, moet die woord "GEKANSELLEER" met ink op die oorspronklike en alle kopieë daarvan aangebring word oor die handtekening van die verantwoordelike beampte, waarna sodanige kwitansie en kopieë daarvan in veilige bewaring gehou moet word.

10. (1) As die bedrag geld in 'n beampte se besit minder is as dié wat hy aan die gemeenskapsraad moet verantwoord, maak hy 'n aantekening van die tekort in die betrokke register en vergoed hy die tekort onverwyld, of indien die beampte om redes wat vir die gemeenskapsraad aanvaarbaar is, nie in staat is om die tekort onmiddellik goed te maak nie, word die bedrag van die tekort verhaal op die wyse deur die gemeenskapsraad bepaal: Met dien verstande dat indien die gemeenskapsraad met inagneming van al die omstandighede van die geval van oordeel is dat die beampte nie vir die tekort aanspreeklik gehou behoort te word nie, die gemeenskapsraad aansoek kan doen om die afskryf daarvan ingevolge regulasie 8.

(2) Die beampte belas met die invordering van gelde moet sy boeke en registers daagliks afsluit, dit met die kontant ontvang balanseer en 'n sertifikaat van die korrektheid daarvan verstrek.

(3) Die bedrag van enige surplus in kontant moet onmiddellik deur die betrokke beampte deur die uitreiking van 'n amptelike kwitansie as inkomste in rekening gebring word en 'n aantekening daarvan moet in die betrokke register gemaak word.

INTERNAL EXAMINATION AND CONTROL

11. Subject to the provisions of regulation 75 (1), the community council shall arrange for the introduction and maintenance of effective systems of internal examination and control of the financial affairs of the community council.

TENDERS FOR THE ACQUISITION OF SUPPLIES

12. The acquisition of supplies and services by the community council and the disposal of any stores and other property by the community council shall take place only in accordance with the provisions of these regulations: Provided that the provisions of these regulations shall not apply to the acquisition of stores and other property from, and the sale thereof to a Government department, local authority or board or similar body.

FORMAL TENDERS

13. Before the community council enters into any contract for the execution of any works for or on behalf of the community council or the acquisition or disposal of any stores and other property by the community council for an amount in excess of R2 000, it shall give at least 14 days' notice in an Afrikaans and an English newspaper circulating in the area of the community council, and shall affix on a notice-board at the office of the community council a notice of its intention to enter into such contract, expressing the purpose and full particulars thereof and inviting tenders for that purpose: Provided that the provisions of this regulation shall not apply where the community council, after considering a report of the secretary, is of the opinion—

(a) that owing to the urgency or the particular circumstances of the case the calling for tenders should be dispensed with; or

(b) where the proposed contract is for the acquisition or disposal of stores and other property, that such stores and other property should be acquired or disposed of by public auction.

INFORMAL TENDERS (QUOTATIONS)

14. If it can reasonably be accepted that the cost of works or buildings or any other services or the cost of a supply or other service will not exceed R2 000, the community council may invite informal tenders (quotations) therefor: Provided that at least two written informal tenders (quotations) shall be called for.

15. (1) If it can reasonably be accepted that the cost of works or buildings or services or the cost of a supply or other service will not exceed R500, the head of the division may invite informal tenders (quotations) therefor.

(2) The authority to accept an informal tender (quotation) in terms of subregulation (1) shall be vested in the head of the division, provided it is the lowest tender, and any acceptance must be noted on a comparative schedule of all tenders (quotations) received: Provided that where the only tender received is accepted, the names of the persons invited to tender shall be stated and it shall be certified that the tariffs are fair and reasonable, and a report on each such transaction for an amount exceeding R100 shall be submitted to the community council.

INTERNE NASIENING EN BEHEER

11. Behoudens die bepalings van regulasie 75 (1), reël die gemeenskapsraad vir die instelling en handhawing van doeltreffende stelsels van interne nasiening van en beheer oor die gemeenskapsraad se geldsake.

TENDERS VIR DIE VERKRYGING VAN LEWERANSIES

12. Die verkryging van leweransies en dienste deur die gemeenskapsraad en die vandiehandsetting van enige voorrade en ander eiendom deur die gemeenskapsraad geskied slegs ooreenkomstig die bepalings van hierdie regulasies: Met dien verstande dat die bepalings van hierdie regulasies nie van toepassing is nie op die verkryging van voorrade en ander eiendom van, en die vandiehandsetting daarvan aan 'n staatsdepartement, plaaslike bestuur of raad of soortgelyke liggaam.

FORMELE TENDERS

13. Voordat die gemeenskapsraad enige kontrak aangaan vir die uitvoering van enige werke vir of ten behoewe van die gemeenskapsraad of vir die verkryging of die vandiehandsetting van enige voorrade en ander eiendom deur die gemeenskapsraad vir 'n bedrag van meer as R2 000, gee hy minstens 14 dae kennis in 'n Afrikaanstalige en in 'n Engelstalige nuusblad wat in die gemeenskapsraad se gebied in omloop is, en in 'n kennisgewing op 'n kennisgewingbord by die kantoor van die gemeenskapsraad, van sy voorneme om sodanige kontrak aan te gaan en waarin die doel en volledige besonderhede daarvan vermeld word en waarin tenders vir dié doel gevra word: Met dien verstande dat die bepalings van hierdie regulasie nie van toepassing is nie waar die gemeenskapsraad, na oorweging van 'n verslag van die sekretaris, van oordeel is—

(a) dat vanweë die dringendheid of die besondere omstandighede van die geval, daar afgesien behoort te word van die vra van tenders; of

(b) dat, in die geval van 'n kontrak vir die verkryging of die vandiehandsetting van voorrade en ander eiendom, sodanige voorrade en ander eiendom by publieke veiling verkry of van die hand gesit moet word.

INFORMELE TENDERS (PRYSOPGAWES)

14. As daar redelikerwys verwag word dat die koste van werke of geboue of enige ander dienste of die koste van 'n leweransie of 'n ander diens hoogstens R2 000 sal wees, kan die gemeenskapsraad informele tenders (prysopgawes) daarvoor vra: Met dien verstande dat minstens twee skriftelike informele tenders (prysopgawes) gevra moet word.

15. (1) As daar redelikerwys verwag word dat die koste van werke of geboue of dienste of die koste van 'n leweransie of 'n ander diens hoogstens R500 sal wees, kan die afdelingshoof informele tenders (prysopgawes) daarvoor vra.

(2) Die bevoegdheid om 'n informele tender (prysopgawe) kragtens subregulasie (1) aan te neem, berus by die afdelingshoof mits dit die laagste tender is, en enige aanname moet op 'n vergelykende staat van tenders (prysopgawes) ontvang, aangeteken word: Met dien verstande dat wanneer die enigste tender ontvang, aangeneem word, die name van die persone wat gevra is om te tender, aangedui moet word en daar gesertifiseer moet word dat die tariewe redelik en billik is en dat daar van elke sodanige transaksie ten bedrae van meer as R100 aan die gemeenskapsraad verslag gedoen word.

CALLING FOR TENDERS

16. When it becomes necessary to call for any tender for a supply or service, the head of the division shall furnish the secretary, in writing, with full particulars of such supply or service in such form as the secretary deems necessary for the calling for such tenders.

NOTICE OF TENDER AND PARTICULARS

17. In addition to any other particulars which a notice of tender in terms of these regulations must contain, each notice of tender shall contain the address to which tenders must be sent, the closing date and hour for the receipt thereof and the period of validity of tenders submitted: Provided that the secretary may, after consultation with the chairman of the community council or his deputy, approach a tenderer to obtain his permission for the extension of the period of validity of a tender.

18. As soon as a notice of tender has been published, no amendment or addition to the particulars contained therein shall be effected without the prior approval of the secretary and notice of any such amendment or addition shall be given to all prospective tenderers.

INFORMATION TO BE FURNISHED BY TENDERER

19. (1) In any supply tender the tenderer shall indicate that the article or articles to which the tender relates—

(a) has or have been manufactured locally exclusively or mainly from raw materials produced in the Republic;

(b) has or have been manufactured locally exclusively or mainly from imported raw materials;

(c) has or have been manufactured locally from imported stocks held in the Republic; or

(d) has or have been imported.

(2) Where any article or the raw materials from which it is manufactured have been or have to be imported, the country of origin shall be mentioned.

(3) Every tenderer who is entitled to preference in terms of the provisions of regulation 33 shall indicate on his tender the percentage preference which he claims and shall certify that to the best of his knowledge, belief and experience and after the costs have been fully and carefully investigated by him, that such preference is correct and is in accordance with the actual local content: Provided that the secretary may at any time demand that the claim for preference be supported by a sworn statement or by documentary proof.

SUBMISSION OF TENDERS

20. (1) Each tender shall, subject to the provisions of this regulation, be on the tender form approved by the community council and in a sealed cover on which the tender number and nature of the supply or service and the closing date and hour are endorsed, and shall be lodged with the secretary on or before the closing date and hour.

(2) When any tender is received open or without the tender number or nature of the supply or service or closing date and hour endorsed on the cover, the secretary shall satisfy himself of the contents thereof and, after sealing such tender, shall note on the cover thereof the date of receipt, the condition in which it

VRA VAN TENDERS

16. Wanneer dit nodig word om 'n tender vir 'n leweransie of diens te vra, verskaf die afdelingshoof skriftelik aan die sekretaris volledige besonderhede van sodanige leweransie of diens in die form wat die sekretaris vir die vra van so 'n tender nodig ag.

TENDERKENNISGEWINGS EN BESONDERHEDE

17. Benewens enige ander besonderhede wat 'n tenderkennisgewing ingevolge hierdie regulasies moet bevat, bevat elke tenderkennisgewing ook die adres waarheen tenders gestuur moet word, die sluitingsdatum en -uur vir die ontvangs daarvan en die geldigheidsduur van tenders ingedien: Met dien verstande dat die sekretaris, na raadpleging met die voorsitter van die gemeenskapsraad of sy gemagtigde, 'n tenderaar kan nader om sy toestemming vir die verlenging van die geldigheidsduur van 'n tender.

18. Sodra 'n tenderkennisgewing gepubliseer is, mag geen wysiging aan of byvoeging tot die besonderhede daarin vervat, sonder die voorafverkreë goedkeuring van die sekretaris aangebring word nie en kennis van enige sodanige wysiging of byvoeging moet aan alle voornemende tenderaars gegee word.

INLIGTING WAT DEUR TENDERAAR VERSTREK MOET WORD

19. (1) In enige tender vir 'n leweransie moet die tenderaar aandui of die artikel of artikels waarop die tender betrekking het—

(a) plaaslik vervaardig is uitsluitlik of hoofsaaklik uit grondstowwe wat in die Republiek geproduseer is;

(b) plaaslik vervaardig is uitsluitlik of hoofsaaklik uit grondstowwe wat ingevoer is;

(c) plaaslik vervaardig is uit ingevoerde voorrade in die Republiek gehou; of

(d) ingevoer is.

(2) Waar enige artikel of die grondstowwe waaruit dit vervaardig is, ingevoer is of moet word, moet die land van herkoms gemeld word.

(3) Elke tenderaar wat geregtig is op voorkeur ingevolge die bepalings van regulasie 33 moet in sy tender aandui op watter persentasie voorkeur hy aanspraak maak en sertifiseer dat sodanige voorkeur na sy beste wete, oortuiging en ondervinding, nadat hy die koste volledig en noukeurig ondersoek het, juis is en in ooreenstemming met die werklike plaaslike inhoud is: Met dien verstande dat die sekretaris te eniger tyd kan eis dat die aanspraak op voorkeur deur middel van 'n beëdigde verklaring of deur dokumentêre bewys gestaaf word.

INDIENING VAN TENDERS

20. (1) Elke tender moet, behoudens die bepalings van hierdie regulasie, op die tendervorm wees deur die gemeenskapsraad goedgekeur, in 'n verseëlde omslag waarop die tendernommer en die aard van die leweransie of diens en die sluitingsdatum en -uur aangebring is, en moet by die sekretaris ingedien word voor of op die sluitingsdatum en -uur.

(2) Wanneer enige tender oop ontvang word of sonder dat die tendernommer of aard van die leweransie of diens of die sluitingsdatum en -uur op die omslag aangebring is, vergewis die sekretaris hom van die inhoud daarvan, en nadat hy sodanige tender verseël het, bring hy die datum van ontvangs, die toestand waarin dit ontvang is en, na gelang van die geval, die

was received and where necessary the tender number, closing date and hour and the nature of the supply or service tendered for.

(3) The secretary shall bring each tender dealt with in accordance with subregulation (2) to the notice of the community council, which may in its discretion regard any such tender.

(4) A telegraphic tender received on or before the closing date and hour shall be allowed provided the name of the tenderer, the tender number and all prices which make up the total tender price are clearly stated therein and such tender is confirmed by a tender on the approved tender form which shall be lodged with the secretary within 24 hours after the closing date and hour.

(5) Subject to the provisions of subregulation (6) a tender received after the closing date and hour shall not be considered and the tenderer shall be notified in writing thereof.

(6) The community council may consider a tender which was received late—

(a) if it is the only tender;

(b) if the community council is satisfied—

(i) that the tender was posted timeously but was delayed in the post;

(ii) that, in the case of a telegraphic tender, it was handed in at the post office on or before the closing date and hour; or

(iii) that the fact that the tender was received late was due to circumstances beyond the control of the tenderer which he could not reasonably foresee.

(7) No tender lodged shall be considered unless the tenderer has indicated that he has fully acquainted himself with the provisions of these regulations in regard to tenders and has undertaken to be fully bound thereby.

OPENING OF TENDERS

21. (1) As soon as possible after the closing date and hour for the receipt of tenders, all tenders shall be opened in public by the secretary or an officer designated by the community council, in the presence of the treasurer or an officer designated by the community council and the head of the division concerned with the tender.

(2) As soon as a tender has been opened—

(a) the secretary or an officer designated by the community council shall read out the name of the tenderer;

(b) there shall be placed upon it the official stamp of the community council and the signatures of the secretary or an officer designated by the community council and of the other persons referred to in subregulation (1) in whose presence it was opened;

(c) the name of the tenderer shall be recorded in a register kept for the purpose; and

(d) the secretary or an officer designated by the community council shall immediately place his initials against every alteration in the tender documents.

(3) When a tender consists of one single item, the amount tendered shall be read out when the tender is opened, but when it consists of more than one item, the secretary or the officer designated by the community council shall in his discretion decide whether the prices of all items or only the total tender price should be read out.

tendernommer, sluitingsdatum en -uur en die aard van die leweransie of diens waarvoor getender word op die omslag aan.

(3) Die sekretaris bring elke tender waarmee ooreenkomstig subregulasie (2) gehandel is, onder die aandag van die gemeenskapsraad, wat sodanige tender na goeddunke kan verontagsaam.

(4) 'n Tender wat per telegram voor of op die sluitingsdatum en -uur ontvang word, word toegelaat indien die naam van die tenderaar, die tendernommer en alle pryse wat die totale tenderprys opmaak, duidelik daarin vermeld word en sodanige tender bevestig word deur 'n tender op die goedgekeurde tendervorm wat binne 24 uur na die sluitingsdatum en -uur by die sekretaris ingedien is.

(5) Behoudens die bepalings van subregulasie (6), word 'n tender wat na die sluitingsdatum en -uur ontvang is, nie oorweeg nie en word die tenderaar skriftelik daarvan in kennis gestel.

(6) Die gemeenskapsraad kan 'n tender wat laat ontvang is, oorweeg—

(a) indien dit die enigste tender is;

(b) indien die gemeenskapsraad oortuig is dat—

(i) die tender betyds gepos maar in die pos vertraag is;

(ii) in die geval van 'n telegrafiese tender, dit voor of op die sluitingsdatum en -uur by die poskantoor ingelewer is; of

(iii) die feit dat die tender laat ontvang is, te wyte is aan omstandighede buite die beheer van die tenderaar, wat hy nie redelikerwys kon voorsien het nie.

(7) Geen tender wat ingedien is, word oorweeg nie, tensy die tenderaar skriftelik aangedui het dat hy hom ten volle op die hoogte gestel het van die bepalings van hierdie regulasies betreffende tenders en onderneem het om hom daardeur te laat bind.

OOPMAAK VAN TENDERS

21. (1) So gou doenlik na die sluitingsdatum en -uur vir die ontvangs van tenders word alle tenders in die openbaar deur die sekretaris of 'n beampte deur die gemeenskapsraad aangewys, oopgemaak in teenwoordigheid van die tesourier of 'n beampte deur die gemeenskapsraad aangewys en die afdelingshoof wat by die tender betrokke is.

(2) Sodra 'n tender oopgemaak is—

(a) lees die sekretaris of 'n beampte deur die gemeenskapsraad aangewys, die naam van die tenderaar uit;

(b) word die amptelike stempel van die gemeenskapsraad en die handtekening van die sekretaris of 'n beampte deur die gemeenskapsraad aangewys en van die ander persone in subregulasie (1) bedoel, daarop geplaas;

(c) word die naam van die tenderaar in 'n register wat vir daardie doel gehou word, aangeteken; en

(d) plaas die sekretaris of 'n beampte deur die gemeenskapsraad aangewys, onverwyld sy voorletters teenoor elke verandering in die tenderdokumente.

(3) Wanneer 'n tender uit een enkele item bestaan, word die tenderprys uitgelees wanneer dit oopgemaak word, maar wanneer dit uit meer as een item bestaan, kan die sekretaris of 'n beampte deur die gemeenskapsraad aangewys, na goeddunke besluit of die pryse van alle items of slegs die totale tenderprys uitgelees moet word.

(4) After being recorded in the register referred to in subregulation 2 (c), the tenders shall be handed over to the head of the division concerned, who shall acknowledge receipt thereof by signing the register.

(5) The head of the division concerned shall forthwith hand to the treasurer, who shall furnish a receipt therefor, any deposit or security received with the tender.

CONSIDERATION OF TENDERS

22. (1) Before a tender is considered the head of division concerned shall investigate and make recommendations to the secretary in regard to such tender.

(2) When making a recommendation in terms of the provisions of subregulation (1), the head of the division concerned, in consultation with the treasurer, shall take into consideration—

(a) the provisions of regulation 33; and

(b) the financial standing of the tenderer and his ability to manufacture and deliver the goods.

(3) After the head of the division has made a recommendation in terms of subregulation (1), the secretary shall present the tender to the community council together with—

(a) a comparative schedule of the tenders in a form approved by the community council;

(b) his motivated recommendations;

(c) in the event of the tender recommended for acceptance being the only one, a statement that the tender price is regarded as fair and reasonable; and

(d) in the event of a tender not being the lowest, his reasons why the acceptance of such tender is deemed to be in the community council's interest.

(4) The financial provisions of a contract which the community council intends to conclude shall be referred to the treasurer for his recommendations thereon before the conclusion of the contract.

(5) The treasurer shall in respect of every contract concluded by the community council keep a record in which the financial rights and obligations of the community council thereunder are set forth, and shall enter in that record every payment made by or to the community council in terms of that contract.

23. (1) No tender shall be considered until full particulars have been supplied to each person who applied therefor to the community council.

(2) An application for particulars referred to in subregulation (1) shall be made within three days after the notice in terms of regulation 13 and the particulars requested shall be furnished within 10 days of such notice.

24. No member or officer of the community council shall disclose to any person other than a member or officer of the community council who in the course of his official duties is concerned with the tender, any information relating to it contained in any report of an officer, consultant or other adviser of the community council.

INSPECTION, SAMPLES AND TESTING

25. (1) The secretary shall arrange for the inspection, sampling and testing of all supplies tendered for and any delivery which does not conform to the approved sample or which deviates from the specifications indicated in the tender or contract shall be rejected.

(4) Nadat die tenders in die register in subregulasie (2) (c) bedoel, aangeteken is, word die tender aan die betrokke afdelingshoof oorhandig, wat die ontvangs daarvan erken deur die register te teken.

(5) Die hoof van die betrokke afdeling oorhandig onverwyld enige deposito of sekuriteit wat saam met 'n tender ontvang is aan die tesourier, wat 'n ontvangserkenning daarvoor moet verstrek.

OORWEGING VAN TENDERS

22. (1) Alvorens 'n tender oorweeg word, moet die hoof van die betrokke afdeling die betrokke tender ondersoek en aanbevelings daaroor by die sekretaris doen.

(2) By die doen van 'n aanbeveling ingevolge die bepalings van subregulasie (1) neem die betrokke afdelingshoof in oorleg met die tesourier in aanmerking—

(a) die bepalings van regulasie 33; en

(b) die finansiële posisie van die tenderaar en sy vermoë om die goedere te vervaardig en te lewer.

(3) Nadat die afdelingshoof 'n aanbeveling ingevolge subregulasie (1) gedoen het, lê die sekretaris die tender aan die gemeenskapsraad voor, tesame met—

(a) 'n vergelykende staat van die tenders in 'n vorm deur die gemeenskapsraad goedgekeur;

(b) sy gemotiveerde aanbeveling;

(c) in die geval waar die tender wat vir aanname aanbeveel word, die enigste tender is, 'n verklaring dat die tenderprys as billik en redelik beskou word; en

(d) in dié geval waar sodanige tender nie die laagste is nie, sy redes waarom die aanname van 'n tender in belang van die gemeenskapsraad geag word.

(4) Die finansiële bepalings van 'n kontrak wat die gemeenskapsraad van voorneme is om aan te gaan, word na die tesourier verwys vir sy aanbevelings daaroor voordat die kontrak aangegaan word.

(5) Die tesourier hou ten opsigte van elke kontrak wat deur die gemeenskapsraad aangegaan word, 'n rekord waarin die finansiële regte en verpligtinge van die gemeenskapsraad daarkragtens uiteengesit word en teken in daardie rekord elke betaling aan wat ingevolge die kontrak deur of aan die gemeenskapsraad gedoen is.

23. (1) Geen tender word oorweeg alvorens volledige besonderhede aan elke persoon wat daarom by die gemeenskapsraad aansoek doen, verstrek is nie.

(2) 'n Aansoek om besonderhede in subregulasie (1) bedoel, moet gedoen word binne drie dae na die kennisgewing ingevolge regulasie 13 en die verlangde besonderhede moet binne 10 dae na sodanige kennisgewing verstrek word.

24. Geen lid of beampte van die gemeenskapsraad mag aan enige ander persoon as 'n lid of beampte van die gemeenskapsraad wat in die loop van sy ampspligte by die tender betrokke is, enige inligting wat op die tender betrekking het en wat in enige verslag van 'n beampte, konsultant of ander raadgewer van die gemeenskapsraad vervat is, openbaar nie.

INSPEKSIE, MONSTERS EN TOETSING

25. (1) Die sekretaris moet reël vir die inspeksie, neem van monsters en toetsing van alle leweransies ten opsigte waarvan daar getender is, en enige leweransie wat nie voldoen aan die goedgekeurde monster nie of wat afwyk van die spesifikasies in die tender aangedui, word afgekeur.

(2) In the event of a rejection in terms of subregulation (1) the supplier shall be liable for all costs and expenses incurred by the community council in connection with the inspection, sampling and testing of supplies.

(3) Samples submitted by tenderers shall be supplied at their own cost and risk: Provided that such samples may in the discretion of the head of the division be returned to the tenderer.

USE OF TRADE NAMES

26. The use of trade names and the mention of patent articles shall be avoided as far as possible in all tender forms but where such use or mention is essential in order to indicate the style, type or quality of a required supply the words "or similar" or the words "or equivalent" shall be added.

JURISDICTION

27. (1) Each tenderer shall choose a place in the Republic as his *domicilium citandi et executandi*, which place shall be specified in his tender.

(2) Each tenderer shall declare in writing in his tender that he assents to the jurisdiction of the Magistrate's Court in regard to any claim or action in connection with such tender or any contract arising from such tender.

(3) Each foreign tenderer shall state in his tender the name of the person whom he has appointed to be his agent in the Republic to enter into any contract arising from such tender.

CEDING OF CONTRACTS

28. (1) Save with the prior written approval of the community council a tenderer or contractor shall not transfer, cede or assign a contract entered into with the community council.

(2) Where a tenderer or contractor acts contrary to the provisions of subregulation (1), the community council may in its discretion, without prejudice to any other rights it may have, cancel the contract.

TRANSACTIONS WITH OFFICERS AND MEMBERS

29. (1) Save with the approval of the community council, no officer or employee of the community council shall enter into any transaction of purchase, sale, lease or hire with the community council: Provided that the provisions of this subregulation shall not apply with reference to—

(a) a transaction concluded as a result of the acceptance of a tender;

(b) a transaction concluded as a result of a sale at public auction; or

(c) a transaction concluded at tariffs prescribed for the general public.

(2) The provisions of subregulation (1) shall be *mutatis mutandis* applicable to a member of the community council: Provided that the approval of the Minister shall be obtained for the conclusion of any such transaction.

FURNISHING OF SECURITY

30. (1) Security shall be demanded from a contractor only in respect of a contract where—

(a) payment is to be made to the community council;

(2) In die geval van 'n afkeuring ingevolge subregulasie (1) is die leweransier aanspreeklik vir alle koste en uitgawes deur die gemeenskapsraad aangegaan in verband met die inspeksie, neem van monsters en toetsing van leweransies.

(3) Monsters wat deur tenderaars verskaf word, word op hulle eie koste en risiko voorsien: Met dien verstande dat sodanige monsters na goeddunke van die afdelingshoof aan die tenderaar terugbesorg kan word.

GEBRUIK VAN HANDELSNAME

26. Die gebruik van handelsname en die vermelding van patentartikels moet sover moontlik in alle tendervorms vermy word, maar waar sodanige gebruik of vermelding noodsaaklik is om die soort, tipe of gehalte van die benodigde leweransie aan te dui, moet die woorde "of soortgelyke" of die woorde "of gelykstaande" bygevoeg word.

JURISDIKSIE

27. (1) Elke tenderaar moet 'n plek in die Republiek kies as sy *domicilium citandi et executandi*, welke plek hy in sy tender moet spesifiseer.

(2) Elke tenderaar moet in sy tender skriftelik verklaar dat hy toestem tot die jurisdiksie van die landdrofshof in enige eis of aksie wat in verband staan met sodanige tender of enige kontrak wat uit sodanige tender voortspruit.

(3) Elke buitelandse tenderaar moet in sy tender die naam vermeld van die persoon wat hy as sy agent in die Republiek aangestel het om enige kontrak wat uit sodanige tender voortspruit, aan te gaan.

SEDERING VAN KONTRAKTE

28. (1) Behalwe met die voorafverkreë skriftelike goedkeuring van die gemeenskapsraad, mag geen tenderaar of kontrakteur 'n kontrak wat hy met die gemeenskapsraad aangegaan het, oordra, afstaan of sedeer nie.

(2) Waar 'n tenderaar of kontrakteur in stryd met die bepalings van subregulasie (1) optree, kan die gemeenskapsraad na goeddunke, sonder benadeling van enige regte waaroor hy beskik, die kontrak opsê.

TRANSAKSIES MET BEAMPTES EN LEDE

29. (1) Behalwe met goedkeuring deur die gemeenskapsraad, mag geen beampte of werknemer van die gemeenskapsraad enige transaksie van koop, verkoop, verhuur of huur met die gemeenskapsraad aangaan nie: Met dien verstande dat die bepalings van hierdie subregulasie nie van toepassing is nie met betrekking tot—

(a) 'n transaksie aangegaan as gevolg van die aanname van 'n tender;

(b) 'n transaksie aangegaan as gevolg van 'n verkoping by openbare veiling; of

(c) 'n transaksie aangegaan teen tariewe voorgeskryf vir die algemene publiek.

(2) Die bepalings van subregulasie (1) is *mutatis mutandis* van toepassing met betrekking tot 'n lid van die gemeenskapsraad: Met dien verstande dat die goedkeuring van die Minister verkry moet word vir die aangaan van enige sodanige transaksie.

SEKERHEIDSTELLING

30. (1) Sekerheid word van 'n kontrakteur vereis slegs ten opsigte van 'n kontrak waar—

(a) betaling aan die gemeenskapsraad gedoen moet word;

(b) the community council's property is to be handed over to a contractor; or

(c) the community council, prior to the invitation of tenders for supplies and services, so decides:

Provided that the secretary may dispense with such security in the case of a supply or service the value of which is R500 or less, after he has satisfied himself that the interests of the community council have been adequately safeguarded.

(2) Unless the community council in a special case decides otherwise, the security required in terms of subregulation (1) shall be determined as follows:

(a) In the case of subregulation (1) (a), the estimated amount to be paid to the community council;

(b) in the case of subregulation (1) (b), the value of the community council's property to be handed over to the contractor; and

(c) in the case of subregulation (1) (c), 10 per cent of value of the contract.

(3) The required security shall consist of—

(a) a guarantee by a bank, insurance company or guarantee corporation;

(b) a cash deposit; or

(c) such other security as the community council may approve.

WITHDRAWAL OF TENDER AND FAILURE TO EXECUTE A CONTRACT

31. (1) Should a tenderer vary or withdraw his tender after the closing date and hour, but prior to his being notified of the acceptance thereof, or should a tenderer after having been notified that his tender has been accepted—

(a) give notice of his inability to execute the contract in terms of his tender; or

(b) fail to sign a contract or furnish the security required in terms of regulation 30 within the period fixed in the tender conditions or any extended period fixed by the community council; or

(c) fail to execute the contract;

he shall pay all additional expenses which the community council will have to incur in calling for fresh tenders and pay the difference between his tender and a less favourable tender accepted in terms of the provisions of subregulation (2) and any consequential loss which may arise as a result of his non-fulfilment of his contract obligations: Provided that the community council may exempt a tenderer from the provisions of this subregulation if it is of the opinion that the circumstances justify such exemption.

(2) When, in the circumstances mentioned in subregulation (1), it is not deemed expedient to invite fresh tenders, the secretary may, at the request of the head of the division, recommend some other tender for acceptance from those already received.

(3) When a contract has been awarded to a tenderer owing to preference claimed by and accorded to him in terms of regulation 33 and it is later proved to the satisfaction of the head of the division that the preference claimed was too high, all costs, losses or damage which the community council may incur or sustain as a result of the awarding of the contract to such tenderer shall be recovered from him.

(b) gemeenskapsraadseiendom aan 'n kontrakteur oorhandig moet word; of

(c) die gemeenskapsraad voor die vra van tenders vir leweransies en dienste aldus besluit:

Met dien verstande dat die sekretaris van sekerheid kan afsien in die geval van 'n leweransie of diens waarvan die waarde R500 of minder is, nadat hy hom vergewis het dat die belange van die gemeenskapsraad voldoende beskerming geniet.

(2) Tensy die gemeenskapsraad in 'n besondere geval anders besluit, word die sekerheid wat ingevolge subregulasie (1) vereis word, soos volg bepaal:

(a) In die geval van subregulasie (1) (a), die beraamde bedrag wat aan die gemeenskapsraad betaal moet word;

(b) in die geval van subregulasie (1) (b), die waarde van die gemeenskapsraadseiendom wat aan die kontrakteur oorhandig moet word; en

(c) in die geval van subregulasie (1) (c), 10 persent van die waarde van die kontrak.

(3) Die vereiste sekerheid bestaan uit—

(a) 'n garansie deur 'n bank, versekeringsmaatskappy of garansiekorporasie;

(b) 'n kontantdeposito; of

(c) sodanige ander sekerheid as wat die gemeenskapsraad goedkeur.

TERUGTREKKING VAN TENDER EN VERSUIM OM KONTRAK UIT TE VOER

31. (1) As 'n tenderaar sy tender wysig of terugtrek na die sluitingsdatum en -uur maar voordat hy van die aanname daarvan in kennis gestel is, of as 'n tenderaar nadat hy in kennis gestel is dat sy tender aangeneem is—

(a) kennis gee van sy onvermoë om die kontrak ooreenkomstig sy tender uit te voer; of

(b) versuim om binne die tydperk in die tendervoorwaardes of enige verlengde tydperk deur die gemeenskapsraad bepaal, 'n kontrak te teken of die sekerheid ingevolge regulasie 30 vereis, te stel; of

(c) versuim om uitvoering aan die kontrak te gee;

moet hy alle addisionele uitgawes betaal wat die gemeenskapsraad moet aangaan vir die vra van nuwe tenders en die verskil betaal tussen sy tender en 'n minder gunstige tender wat ingevolge die bepalings van subregulasie (2) aangeneem word asook enige verlies wat voortvloei uit die nie-nakoming van sy kontrakverpligting: Met dien verstande dat die gemeenskapsraad 'n tenderaar kan vrystel van die bepalings van hierdie subregulasie indien hy van oordeel is dat die omstandighede dit regverdig.

(2) Wanneer dit in die omstandighede in subregulasie (1) genoem, nie dienstig geag word om nuwe tenders te vra nie, kan die sekretaris op versoek van die afdelingshoof 'n tender uit dié wat reeds ontvang is, vir aanname aanbeveel.

(3) Wanneer 'n kontrak toegeken is aan 'n tenderaar as gevolg van voorkeur wat deur hom geëis en toegestaan is ingevolge regulasie 33, en daar later tot tevredenheid van die afdelingshoof bewys word dat die voorkeur geëis te hoog was, kan alle koste, verliese of skade wat die gemeenskapsraad het of ly as gevolg van die toekenning van die kontrak aan sodanige tenderaar, op hom verhaal word.

ACCEPTANCE OF TENDERS

32. (1) The community council shall not be bound to accept the lowest or only tender and to furnish any reason for the acceptance or rejection of a tender and may accept the whole or part of a tender or, in the event of a number of items being tendered for, accept such tender in respect of any item or part of an item: Provided that if the lowest tender which conforms to the relevant tender specifications is not accepted by the community council, a report with full details and reasons shall be submitted to the Secretary for Plural Relations and Development.

(2) The community council may leave any tender out of account—

(a) which is incomplete;

(b) on which unauthorised alterations have been effected;

(c) which does not conform to the provisions contained in the advertisements; or

(d) which does not conform to the provisions of these regulations in regard to tenders.

(3) Save where the Minister determines otherwise, a decision of the community council in connection with the acceptance or rejection of a tender shall be final.

COMPARISON OF TENDERS AND PREFERENCES

33. (1) When tenders for goods manufactured in the Republic are compared with tenders for imported goods, any preference to be accorded in terms of subregulation (5) shall be deducted from the original tender price of the former, whilst freight, insurance, import duty, landing charges and railage shall be added to the tender price of the latter, if not already allowed for in the tender.

(2) Where tenders for imported goods are compared—

(a) the customs dues shall be added to the tender price, with due regard to any customs preferences, as well as any difference in the freight tariffs where the goods are shipped from different ports; and

(b) a preference of 1 per cent on the original tender price shall be accorded to goods delivered from stocks already held in the Republic.

(3) Where tenders for goods manufactured in the Republic are compared—

(a) a preference of 2½ per cent on the original tender price shall be accorded to goods bearing the mark of the South African Bureau of Standards over and above any preference accorded in terms of the provisions of subregulation (5); and

(b) railage to the place of delivery shall be added to the tender price in the event of the tender being on a "free on rail" basis.

(4) In any case where transport costs have to be calculated for the purpose of price comparisons, such calculations shall be based on the tariffs normally paid by the public.

(5) In comparing tenders for supplies manufactured, produced or assembled partly or wholly in the Republic, preference on the following percentage basis shall be accorded to the original tender price over and above any preference already accorded:

(a) 1 per cent—if the local content in proportion to the tender price is not in excess of 5 per cent;

AANNEEM VAN TENDERS

32. (1) Die gemeenskapsraad is nie verplig om die laagste of enigste tender aan te neem en om redes te verstrek vir die aanname of afkeuring van 'n tender nie en hy kan die hele tender of 'n gedeelte daarvan of, ingeval daar vir 'n aantal items getender word, sodanige tender ten opsigte van enige item of 'n gedeelte van 'n item aanneem: Met dien verstande dat indien die laagste tender wat aan die betrokke tenderspesifikasies voldoen, nie deur die gemeenskapsraad aangeneem word nie, 'n verslag met volle besonderhede en redes aan die Sekretaris van Plurale Betrekkinge en Ontwikkeling voorgelê moet word.

(2) Die gemeenskapsraad kan enige tender buite rekening laat—

(a) wat onvolledig is;

(b) waarop ongemagtigde veranderings aangebring is;

(c) wat nie aan die bepalings wat in die advertensie vervat is, voldoen nie; of

(d) wat nie voldoen aan die bepalings van hierdie regulasies met betrekking tot tenders nie.

(3) Tensy die Minister anders gelas, is 'n besluit van die gemeenskapsraad in verband met die aanname of afwysiging van 'n tender finaal.

VERGELYKING VAN TENDERS EN VOORKEUR

33. (1) Wanneer tenders vir goedere wat in die Republiek vervaardig is, vergelyk word met tenders vir ingevoerde goedere, word enige voorkeur wat ingevolge subregulasie (5) toegestaan word, van die oorspronklike tenderprys vir eersgenoemde afgetrek, terwyl skeepsvrag, versekerings, invoerreg, landingskoste en spoorvrag by die tenderprys vir laasgenoemde bygereken word indien daar nie reeds in die tender daarvoor voorsiening gemaak is nie.

(2) Waar tenders vir ingevoerde goedere vergelyk word, word—

(a) die doeaneregte by die tenderprys bygereken, met inagneming van enige doeanevoorkeure, asook enige verskil in die skeepsvragtariewe waar die goedere van verskillende hawens verskeep word; en

(b) 'n voorkeur van 1 persent op die oorspronklike tenderprys toegestaan op goedere wat gelewer word uit voorrade wat reeds in die Republiek gehou word.

(3) Waar tenders vir goedere wat in die Republiek vervaardig is, vergelyk word, word—

(a) 'n voorkeur van 2½ persent op die oorspronklike tenderprys toegestaan op goedere wat die merk van die Suid-Afrikaanse Buro vir Standaarde dra, bo en behalwe enige voorkeur wat kragtens die bepalings van subregulasie (5) toegestaan word; en

(b) spoorvrag na die afleweringspunt by die tenderprys bygereken in die geval waar daar op 'n "vrye op spoor"-grondslag getender is.

(4) In enige geval waar vervoerkoste vir die doel van prysvergelykings bereken moet word, word sodanige berekenings gebaseer op die tariewe wat gewoonlik deur die publiek betaal word.

(5) By die vergelyking van tenders vir leweransies wat gedeeltelik of in geheel in die Republiek vervaardig, geproduseer of gemonteer is, word voorkeur op die volgende persentasie grondslag toegestaan op die oorspronklike tenderprys, bo en behalwe enige ander voorkeur wat reeds toegestaan is:

(a) 1 persent—indien die plaaslike inhoud in verhouding tot die tenderprys nie 5 persent oorskry nie;

(b) 2 per cent—if the local content in proportion to the tender price is more than 5 per cent but not in excess of 10 per cent;

(c) 3 per cent—if the local content in proportion to the tender price is more than 10 per cent but not in excess of 20 per cent;

(d) 4 per cent—if the local content in proportion to the tender price is more than 20 per cent but not in excess of 30 per cent;

(e) 5 per cent—if the local content in proportion to the tender price is more than 30 per cent but not in excess of 40 per cent;

(f) 6 per cent—if the local content in proportion to the tender price is more than 40 per cent but not in excess of 50 per cent;

(g) 7 per cent—if the local content in proportion to the tender price is more than 50 per cent but not in excess of 60 per cent;

(h) 8 per cent—if the local content in proportion to the tender price is more than 60 per cent but not in excess of 70 per cent;

(i) 9 per cent—if the local content in proportion to the tender price is more than 70 per cent but not in excess of 80 per cent;

(j) 10 per cent—if the local content constitutes more than 80 per cent of the tender price:

Provided that the community council may exclude from the provisions of this subregulation any supply it may from time to time determine.

(6) The community council may, over and above a preference accorded in terms of subregulation (5), accord an additional preference, provided such additional preference together with the existing import duties on the supply concerned does not exceed 15 per cent.

(7) In the event of an equality of tender prices after the provisions of subregulations (1) to (6), inclusive, have been applied, preference for the acceptance of a tender shall be accorded in the following sequence:

(a) A tender for supplies wholly or mainly produced in the Republic;

(b) a tender for supplies manufactured in the Republic from raw or non-fabricated material wholly or mainly imported;

(c) a tender for supplies assembled in the Republic from components wholly or mainly imported;

(d) a tender for supplies from imported stocks held in the Republic;

(e) a tender from an accredited agent for import goods who is in a position to give or render expert advice or service;

(f) a tender from a foreign firm with preference to such a firm as has a branch or agency and stocks in the Republic.

(8) If, after application of the provisions of this subregulation, there is still an equality of tender prices, preference shall be accorded in the following sequence:

(a) A tender for goods produced in the province in which the area of the community council is situate;

(b) a tender from a co-operative society;

(c) a tender where the point of dispatch of the supply is nearest to the point of delivery;

(d) in any other case, the tender to be determined by lot.

(b) 2 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 5 persent is maar nie 10 persent oorskry nie;

(c) 3 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 10 persent is maar nie 20 persent oorskry nie;

(d) 4 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 20 persent is maar nie 30 persent oorskry nie;

(e) 5 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 30 persent is maar nie 40 persent oorskry nie;

(f) 6 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 40 persent is maar nie 50 persent oorskry nie;

(g) 7 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 50 persent is maar nie 60 persent oorskry nie;

(h) 8 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 60 persent is maar nie 70 persent oorskry nie;

(i) 9 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 70 persent is maar nie 80 persent oorskry nie;

(j) 10 persent—indien die plaaslike inhoud meer as 80 persent van die tenderprys uitmaak:

Met dien verstande dat die gemeenskapsraad enige leweransie deur hom van tyd tot tyd bepaal, van die bepalings van hierdie subregulasie kan uitsluit.

(6) Die gemeenskapsraad kan bo en behalwe 'n voorkeur wat kragtens subregulasie (5) toegestaan is, 'n addisionele voorkeur toestaan, mits sodanige addisionele voorkeur tesame met die bestaande invoerregte op die betrokke leweransie nie 15 persent oorskry nie.

(7) In die geval van gelykheid van tenderpryse nadat die bepalings van subregulasies (1) tot en met (6) toegepas is, word voorkeur vir die aanname van 'n tender in die volgende volgorde toegestaan:

(a) 'n Tender vir leweransies wat geheel en al of hoofsaaklik in die Republiek geproduseer is;

(b) 'n tender vir leweransies wat in die Republiek vervaardig is van grondstowwe of nie-vervaardigde materiaal wat geheel en al of hoofsaaklik ingevoer is;

(c) 'n tender vir leweransies wat in die Republiek gemonteer is uit bestanddele wat geheel en al of hoofsaaklik ingevoer is;

(d) 'n tender vir leweransies uit ingevoerde voorrade wat in die Republiek gehou word;

(e) 'n tender van 'n gevolmagtigde agent vir invoergoedere wat in staat is om deskundige advies of dienste te gee of te lewer;

(f) 'n tender van 'n buitelandse firma, met voorkeur aan so 'n firma wat 'n tak of agentskap en voorrade in die Republiek het.

(8) Indien daar, na die toepassing van die bepalings van hierdie subregulasie, nog 'n gelykheid van tenderpryse is, word voorkeur in die volgende volgorde toegestaan:

(a) 'n Tender vir goedere geproduseer in die provinsie waarin die gebied van die gemeenskapsraad geleë is;

(b) 'n tender van 'n koöperatiewe vereniging;

(c) 'n tender waarvan die versendingspunt van die leweransie die naaste is aan die afleweringspunt;

(d) in enige ander geval, die tender deur loting bepaal.

SANCTIONS

34. (1) When—

(a) the community council is satisfied that any person, firm or company—

(i) is executing a contract with the community council unsatisfactorily;

(ii) has offered promised or given a bribe or other remuneration to any officer or employee of the community council in connection with the obtaining or execution of a contract;

(iii) has acted in a fraudulent manner or in bad faith or in any other unsatisfactory manner in obtaining or executing a contract with any Government department, provincial administration, a public body, company or person, or that he or it has managed his or its affairs in such a way that he or it has in consequence been found guilty of an offence;

(iv) has approached an officer or employee of the community council before or after tenders have been called for, for the purpose of influencing the award of the contract in his or its favour; or

(v) after being notified that his tender has been accepted, is unable to or fails to execute the contract;

(b) any person, firm or company—

(i) withdraws or varies his or its tender after the closing date and hour;

(ii) after being notified that his or its tender is accepted fails to sign the contract or to furnish the security required; or

(iii) has claimed a higher preference than that which he or it is entitled to in terms of regulation 33;

the community council may, in addition to any claim which it may have in terms of regulation 31 and in addition to any other legal recourse, cancel a contract between the community council and such person, firm or company and no tender from such person, firm or company shall be considered for a period determined by the community council.

(2) When the community council is satisfied that any person, firm or company is or was a shareholder or that any person is or was a director of a firm or company which in terms of subregulation (1), is one from which no tender shall be considered for a specified period, the community council may resolve that no tender from such person, firm or company shall be considered for a period determined by the community Council.

(3) A restriction imposed in terms of subregulations (1) and (2) on a person, firm or company may in the discretion of the community council also be applied to any other undertaking with which such person, firm or company is or was actively associated.

(4) In the application of subregulations (1), (2) and (3) the expression "person, firm or company" shall include an employee or agent of such person, firm or company.

(5) The community council may rescind or vary any resolution in terms of subregulations (1), (2) and (3).

(6) A resolution of the community council in terms of subregulations (1), (2) and (3) and any rescission or variation of such resolution shall be communicated by the secretary.

SANKSIES

34. (1) Wanneer—

(a) die gemeenskapsraad daarvan oortuig is dat enige persoon, firma of maatskappy—

(i) 'n kontrak met die gemeenskapsraad onbevredigend uitvoer;

(ii) aan 'n beampte of werknemer van die gemeenskapsraad omkoopgeld of ander vergoeding aanbied, beloof of gee in verband met die verkryging of uitvoering van 'n kontrak;

(iii) op 'n bedrieglike wyse of te kwader trou of op 'n ander onbehoorlike wyse opgetree het by die verkryging of uitvoering van 'n kontrak met enige staatsdepartement, provinsiale administrasie, openbare liggaam, maatskappy of persoon, of dat hy sy sake so gedryf het dat hy as gevolg daarvan aan 'n misdryf skuldig bevind is;

(iv) voor of nadat tenders gevra is, 'n beampte of werknemer van die gemeenskapsraad genader het met die doel om die toekenning van die betrokke kontrak in sy guns te beïnvloed; of

(v) nadat hy in kennis gestel is dat sy tender aangeneem is, nie in staat is nie of versuim om die kontrak uit te voer;

(b) 'n persoon, firma of maatskappy—

(i) sy tender na die sluitingsdatum en -uur terugtrek of wysig;

(ii) nadat hy in kennis gestel is dat sy tender aangeneem is, versuim om 'n kontrak te teken of die vereiste sekerheid te stel; of

(iii) 'n hoër voorkeur geëis het as dié waarop hy ingevolge regulasie 33 geregtig is;

kan die gemeenskapsraad, benewens enige eis wat hy ingevolge regulasie 31 het en enige ander regsmiddel waaroor hy beskik, 'n kontrak tussen die gemeenskapsraad en sodanige persoon, firma of maatskappy opsê en geen tender van sodanige persoon, firma of maatskappy word vir 'n tydperk deur die gemeenskapsraad bepaal, oorweeg nie.

(2) Wanneer die gemeenskapsraad daarvan oortuig is dat enige persoon, firma of maatskappy 'n aandeelhouer is of was of enige persoon 'n direkteur is of was van 'n firma of maatskappy waarvan geen tender ingevolge subregulasie (1) vir 'n bepaalde tydperk oorweeg mag word nie, kan die gemeenskapsraad 'n besluit neem dat geen tender van sodanige persoon, firma of maatskappy vir 'n tydperk deur die gemeenskapsraad bepaal, oorweeg word nie.

(3) 'n Beperking ingevolge subregulasies (1) en (2) opgelê op 'n persoon, firma of maatskappy kan na goeddunke van die gemeenskapsraad ook van toepassing gemaak word op enige ander onderneming waaraan sodanige persoon, firma of maatskappy aktief verbonde is of was.

(4) By die toepassing van subregulasies (1), (2) en (3) beteken die uitdrukking "persoon, firma of maatskappy" ook 'n werknemer of agent van sodanige persoon, firma of maatskappy.

(5) Die gemeenskapsraad kan enige besluit ingevolge subregulasies (1), (2) en (3) herroep of wysig.

(6) 'n Besluit van die gemeenskapsraad ingevolge subregulasies (1), (2) en (3) en enige herroeping of wysiging van sodanige besluit word deur die sekretaris bekendgemaak.

AMENDMENT OF TENDER DOCUMENTS

35. (1) When it is deemed desirable by the community council to amend, after or replace samples, specifications, copies or conditions in connection with tenders after the closing date and hour and before notice of acceptance is given, new tenders shall be called for.

(2) When it is deemed advisable by the community council to alter the conditions of a tender after the tender has been accepted, such alterations shall be effected by the community council in consultation with the tenderer.

NOTIFICATION TO TENDERERS AND FURNISHING INFORMATION

36. (1) The secretary shall forthwith advise each successful tenderer that his tender has been accepted and, where necessary, arrange for the speedy drawing up and signing of the necessary contract documents.

(2) The secretary shall notify each unsuccessful tenderer that his tender has not been accepted and where tenders have been allowed to lapse, the tenderers concerned shall also be notified accordingly in writing.

(3) Notice to a successful tenderer in terms of subregulation (1) may be given by letter or telegram or by placing an order, and the posting of such letter or order or the handing in of such telegram at a post office or telegraph office shall be deemed to be a notification to the tenderer.

(4) The secretary shall cause a copy of the comparative schedule referred to in regulation 22 (3) (a) to be open for inspection by the public for a period of 30 days after the acceptance of a tender.

STORES AND MATERIAL

37. A stores register which reflects full particulars of purchases and issues and also any returns in terms of regulation 47 (1) and which will permit of balancing at any time, shall be maintained by the treasurer.

38. (1) Except where the secretary is of the opinion that special reasons exist for so doing, stores shall not be carried by any division in excess of its normal requirements.

(2) Whenever the secretary is of the opinion that the purchase of any material would be contrary to the provisions of subregulation (1), he shall inform the head of the division concerned of the fact and if the head of the division does not agree with the secretary's opinion, the secretary shall submit a written report to the community council setting out fully the facts of the dispute.

39. (1) Save where goods or material are or is purchased and paid for from an imprest account in terms of regulation 56, all goods and materials shall be purchased and issued by the treasurer or a person authorised by him and no goods or material shall be so purchased or issued except against a requisition signed by the head of the division by which the goods or material are or is required.

(2) For all goods and material received or issued a receipt or issue voucher, as the case may be, shall be issued.

40. (1) All stores belonging to the community council shall be kept in a place determined by the treasurer: Provided that such stores as the secretary

WYSIGING VAN TENDERDOKUMENTE

35. (1) Wanneer dit deur die gemeenskapsraad wenslik geag word om monsters, spesifikasies, afdrukke of voorwaardes in verband met tenders te wysig, te verander of te vervang na die sluitingsdatum en -uur en voordat daar kennis van aanname gegee is, moet nuwe tenders gevra word.

(2) Wanneer dit deur die gemeenskapsraad wenslik geag word om die voorwaardes van 'n tender te wysig nadat die tender aangeneem is, moet sodanige wysigings deur die gemeenskapsraad in oorleg met die betrokke tenderaar aangebring word.

KENNISGEWING AAN TENDERAARS EN VERSTREKKING VAN INLIGTING

36. (1) Die sekretaris stel elke suksesvolle tenderaar onverwyld in kennis dat sy tender aangeneem is en tref, waar nodig, reëlings vir die spoedige opstel en ondertekening van die nodige kontrakdokumente.

(2) Die sekretaris stuur aan elke nie-suksesvolle tenderaar 'n kennisgewing dat sy tender nie aangeneem is nie en stel in die geval waar tenders toegelaat word om te verval, die betrokke tenderaar skriftelik daarvan in kennis.

(3) Kennisgewing aan 'n suksesvolle tenderaar ingevolge subregulasie (1) geskied per brief, telegram of deur die plasing van 'n bestelling, en die pos van sodanige brief of bestelling of die indiening van sodanige telegram by 'n poskantoor of telegraafkantoor word geag 'n kennisgewing aan die tenderaar te wees.

(4) Die sekretaris moet 'n afskrif van die vergelykende staat in regulasie 22 (3) (a) bedoel, vir 'n tydperk van 30 dae na die aanname van 'n tender ter insae van die publiek laat lê.

VOORRAAD EN MATERIAAL

37. 'n Voorraderegister wat volledige besonderhede van aankope en uitreikings asook enige terugsendings ingevolge regulasie 47 (1) aangee en wat te eniger tyd gebalanseer kan word, word deur die tesourier bygehou.

38. (1) Behalwe waar die sekretaris die mening toegedaan is dat spesiale redes daarvoor bestaan, mag geen afdeling meer voorrade en materiaal aanhou as wat sy normale behoeftes verg nie.

(2) Wanneer die sekretaris van mening is dat die aankoop van enige voorrade en materiaal in stryd sou wees met die bepalings van subregulasie (1), stel hy die hoof van die betrokke afdeling van daardie feit in kennis, en indien die afdelingshoof nie met die mening van die sekretaris saamstem nie, lê die sekretaris 'n skriftelike verslag aan die gemeenskapsraad voor tesame met volledige besonderhede van die feite in geskil.

39. (1) Behalwe waar goedere of materiaal aangekoop word en daarvoor betaal word uit die kasvoorskotrekening ingevolge regulasie 56, word alle goedere en materiaal deur die tesourier of 'n persoon deur hom gemagtig, aangekoop en uitgereik en geen goedere of materiaal mag aldus aangekoop of uitgereik word nie behalwe ingevolge 'n rekwisisie onderteken deur die afdelingshoof wat die goedere of materiaal benodig.

(2) Vir alle goedere en materiaal ontvang of uitgereik, word 'n ontvangs- of uitreikingsbewys, na gelang van die geval, uitgereik.

40. (1) Alle voorrade wat aan die gemeenskapsraad behoort, word op 'n plek deur die tesourier bepaal, gehou: Met dien verstande dat van sodanige voorrade

may approve may, subject to conditions to be determined by him, be kept by the head of a division in a place under his control.

(2) The treasurer shall, at least once in every financial year, carry out a stocktaking covering all property of the community council.

(3) Where stock and equipment can be marked, it shall be marked clearly with a mark approved by the community council, to indicate the community council's ownership.

41. The treasurer shall submit to the secretary a written report stating the quantity and value of any surplus or shortage of goods and material revealed by stocktaking, together with the reasons therefor, and he may in respect of any surplus or shortage of stock referred to in the proviso to regulation 40 (1) require the head of the division concerned to furnish him with such reasons in writing.

42. (1) All printed matter, receipt, licence, cheque, face-value or other forms having a potential value shall be purchased and issued by the treasurer only.

(2) The treasurer shall keep a register of all purchases and issues made in terms of subregulation (1).

(3) Receipt, licence, cheque, face-value or other forms having a potential value shall be duly numbered and used in numeric sequence and the originals, duplicated and/or counterfoils of cancelled forms and the duplicates and/or counterfoils of used forms shall be preserved for inspection by the Auditor-General.

(4) The treasurer shall make the necessary arrangements with the suppliers of the forms referred to in subregulation (3) to ensure that they, in all cases where such forms are supplied to the community council, furnish the Auditor-General, in writing, with the following particulars:

(a) Type of form, for instance cheque books, receipt books, etc.;

(b) number of books and/or forms;

(c) serial numbers allotted;

(d) date on which the forms are dispatched to the community council; and

(e) the denomination of forms where face-value receipts or other documents are printed and where the actual value of the form or document is printed thereon.

43. No requisition shall be executed unless particulars, as determined by the treasurer, of the vote to be debited are indicated thereon.

44. No requisition in respect of a uniform or other clothing shall be executed unless it states, in the case of an issue to a specific person, the name and official designation of the person for whom such uniform or clothing is required and that it complies with the requirements of the community council.

45. If by order of the treasurer delivery of goods or material is made by the supplier at a place other than a store, the person authorised by the head of the division concerned to do so shall take delivery thereof and sign the delivery note which shall be sent to the treasurer by the head of the division.

46. No goods, material or plant shall be regarded as redundant or obsolete unless the community council grants authority to do so, and in such case the community council shall, subject to the provisions of regulation 8, give directions as to the disposal thereof.

as wat die sekretaris goedkeur, behoudens die voorwaardes wat hy bepaal, deur 'n afdelingshoof op 'n plek onder sy beheer gehou kan word.

(2) Die tesourier maak minstens een maal elke boekjaar 'n opname van alle voorrade van die gemeenskapsraad.

(3) Waar voorrade en uitrusting gemerk kan word, moet dit duidelik gemerk word met 'n merk deur die gemeenskapsraad goedgekeur om die eiendomsreg van die gemeenskapsraad aan te dui.

41. Die tesourier dien 'n skriftelike verslag waarin die hoeveelheid en waarde aangegee word van enige surplus of tekort van goedere en materiaal wat deur 'n voorraadopname aan die lig gebring is, tesame met die redes daarvoor, by die sekretaris in en hy kan ten opsigte van enige surplus of tekort van die voorrade bedoel in die voorbehoudsbepaling van regulasie 40 (1), van die betrokke afdelingshoof vereis dat hy skriftelik sodanige redes aan hom verstrek.

42. (1) Alle drukwerk, kwitansie-, lisensie-, tjek-, sigwaarde- of ander vorms met 'n potensiële waarde word slegs deur die tesourier aangekoop en uitgereik.

(2) Die tesourier hou 'n register van alle aankope en uitreikings wat ingevolge subregulasie (1) gedoen word.

(3) Kwitansie-, lisensie-, tjek-, sigwaarde- of ander vorms met 'n potensiële waarde moet behoorlik genommer en in numerieke volgorde gebruik word en die oorspronklikes, duplikate en/of teenblaaie van gekanselleerde vorms en die duplikate en/of teenblaaie van gebruikte vorms moet vir inspeksie deur die Ouditeur-generaal gehou word.

(4) Die tesourier moet die nodige reëlings met die leweransiers van die vorms gemeld in subregulasie (3) tref om te verseker dat hulle in alle gevalle waar sodanige vorms deur hulle aan die gemeenskapsraad gelewer word, die volgende besonderhede skriftelik aan die Ouditeur-generaal verstrek:

(a) Tipe vorm, byvoorbeeld tjekboeke, kwitansieboeke, ens.;

(b) getal boeke en/of vorms;

(c) reeksnommers toegeken;

(d) datum waarop die vorms aan die gemeenskapsraad versend is; en

(e) die denominasie van vorms in gevalle waar sigwaardekwitansies of ander stukke gedruk is en waar die werklike waarde op die vorm of stuk gedruk is.

43. Geen rekwisisie word uitgevoer nie, tensy besonderhede wat die tesourier bepaal, van die begrotingspos wat gedebiteer moet word, daarop aangedui is.

44. Geen rekwisisie vir 'n uniform of ander kleding word uitgevoer nie, tensy daarin, in die geval van 'n uitreiking aan 'n spesifieke persoon, vermeld word die naam en ampsbenaming van die persoon vir wie sodanige uniform of kleding aangevra word, en daarop aangedui is dat dit aan die gemeenskapsraad se vereistes voldoen.

45. Indien goedere of materiaal in opdrag van die tesourier deur die leweransier by 'n ander plek as by die magasyn van die gemeenskapsraad afgelewer word, neem die persoon wat deur die hoof van die betrokke afdeling daartoe gemagtig is, dit in ontvangs en onderteken die aflewerings brief, wat deur die hoof van die afdeling aan die tesourier gestuur word.

46. Geen goedere, materiaal of uitrusting mag as oortollig of uitgedien beskou word nie tensy die gemeenskapsraad magtiging daartoe verleen het, in welke geval die gemeenskapsraad, behoudens die bepalings van regulasie 8, opdrag moet gee in verband met die beskikking daaroor.

47. (1) After completion of the work or the fulfilment of the purpose for which goods or material were or was issued, all remaining unused goods and material shall be returned to the store or to such other place as the treasurer may direct.

(2) A division returning unused goods or material in terms of subregulation (1) shall send to the treasurer an advice note which specifies fully the goods or material so returned.

48. No order for the purchase of goods, material or the rendering of a service shall be placed on behalf of the community council unless—

(a) such order is submitted on an order form approved by the community council; and

(b) such order form has been signed by the treasurer.

49. The head of a division shall be responsible for the safe custody of goods, material and other stores issued to his division and shall, if requested to do so by the treasurer, furnish full details of any goods, material and other stores held by his division.

50. (1) When a change of officers primarily responsible for stores, equipment, livestock or animals takes place, a handing-over certificate, in the form set out in Schedule A, shall be duly completed and a copy thereof filed for reference.

(2) Should exceptional circumstances render impracticable a complete check of stores, equipment, livestock or animals on taking over, the secretary may grant prior authority for the use of such modified handing-over certificate as is, in his opinion, adequate to the needs of the case and a copy of such certificate shall be filed for reference.

(3) If for any reason the officer from whom the stores, equipment, livestock or animals should be taken over is not available to complete the handing-over certificate, an independent officer shall be appointed to assist the officer taking over with the checking of the stores, equipment, livestock or animals and the certification of any discrepancies.

(4) In the absence of a handing-over certificate referred to in subregulation (1) or authorised modified form referred to in subregulations (2), the officer taking over shall be liable for shortages, unless it can be proved that they existed prior to his taking over.

51. (1) Whenever any stores and other property of the community council have to be disposed of the treasurer shall be furnished by the head of the division with a list of such stores and other property and with the reasons for their disposal.

(2) The stores and other property referred to in subregulation (1) shall be disposed of in accordance with the provisions of regulations 12 to 36, inclusive.

(3) No stores or other property of the community council which have been disposed of shall be handed over to the purchaser before the full purchase price has been paid or guaranteed.

PAYMENTS

52. Every payment, except a petty cash disbursement, shall be made by means of a cheque drawn on the banking account of the community council and each

47. (1) Na die voltooiing van die werk of die bereiking van die doel waarvoor goedere en materiaal uitgereik is, word enige ongebruikte goedere en materiaal terugbesorg aan die magasyn of aan sodanige ander plek as wat die tesourier gelas.

(2) 'n Afdeling wat ingevolge subregulasie (1) ongebruikte goedere en materiaal terugbesorg, stuur aan die tesourier 'n adviesbrief waarin die goedere en materiaal wat aldus terugbesorg word, volledig gespesifiseer word.

48. Geen bestelling vir die aankoop, van goedere of materiaal of vir die lewering van 'n diens mag namens die gemeenskapsraad geplaas word nie, tensy—

(a) sodanige bestelling op 'n bestelvorm deur die gemeenskapsraad goedgekeur, ingedien is; en

(b) sodanige bestelvorm deur die tesourier onderteken is.

49. Die hoof van 'n afdeling is verantwoordelik vir die veilige bewaring van goedere, materiaal en ander voorrade wat aan sy afdeling uitgereik is en verstrek, indien die tesourier dit versoek, volledige besonderhede van enige goedere, materiaal en ander voorrade wat sy afdeling in besit het.

50. (1) Wanneer 'n verwisseling plaasvind van beamptes wat in die eerste plek vir voorrade, uitrusting, lewende hawe of diere verantwoordelik is, moet 'n oorhandigingsertifikaat in die vorm in Bylae A uiteengesit, behoorlik ingevul word en 'n kopie daarvan vir naslaandoeleindes bewaar word.

(2) Indien buitengewone omstandighede 'n volledige opname van voorrade, uitrusting, lewende hawe of diere by oorname onuitvoerbaar maak, kan die sekretaris vooraf magtiging verleen vir die gebruik van sodanige gewysigde oorhandigingsertifikaat as wat volgens sy oordeel voldoende is vir die vereistes van die geval, en 'n kopie van so 'n sertifikaat moet vir naslaandoeleindes bewaar word.

(3) As die beampte van wie die voorrade, uitrusting, lewende hawe of diere oorgeneem moet word, om die een of ander rede nie beskikbaar is om die oorhandigingsertifikaat in te vul nie, moet 'n onpartydige beampte benoem word om die beampte wat oorneem, by te staan met die nagaan van die voorrade, uitrusting, lewende hawe of diere en die sertifisering van enige verskille.

(4) By ontstentenis van 'n oorhandigingsertifikaat bedoel in subregulasie (1) of 'n goedgekeurde gewysigde vorm bedoel in subregulasie (2), is die beampte wat oorneem, vir enige tekort aanspreeklik, tensy daar bewys word dat sodanige tekort bestaan het voordat hy oorgeneem het.

51. (1) Wanneer enige voorrade en ander eiendom van die gemeenskapsraad van die hand gesit moet word, moet die tesourier deur die afdelingshoof voorsien word van 'n lys van sodanige voorrade en ander eiendom en van die redes waarom dit van die hand gesit moet word.

(2) Die voorrade en ander eiendom in subregulasie (1) bedoel, word ooreenkomstig die bepalings van regulasies 12 tot en met 36 van die hand gesit.

(3) Geen voorrade of ander eiendom van die gemeenskapsraad wat van die hand gesit is, word aan die koper oorhandig voordat die volle koopprys betaal of gewaarborg is nie.

BETALINGS

52. Elke betaling, uitgesonderd 'n kleinkasbetaling, geskied deur middel van tjek getrek op die bankrekening van die gemeenskapsraad, en elke sodanige tjek

such cheque shall be signed by two officers authorised to do so by the community council.

53. (1) The head of a division shall certify in respect of each account to be paid for stores, goods and material supplied or services rendered to or work performed for his division, that the account is in order, that the stores, goods and material or services, as the case may be, were in fact supplied or rendered or that the work was in fact done, that the price charged is reasonable or according to contract and that it constitutes a charge against a vote approved by the community council.

(2) Every account referred to in subregulation (1) shall be sent to the treasurer with supporting vouchers and he or an officer authorised by him to do so shall approve such vouchers before settlement of the account.

54. Progress payments in respect of a contract shall be limited to the value of the work done and the material supplied, as certified in terms of regulation 53 (1), less the amount of previous payments made and the amount of any retention money withheld in terms of the contract.

55. The treasurer shall not in respect of any contract make any payment in excess of the total amount authorised by the community council unless approved by the community council after receipt and consideration of a written report by the secretary stating the reasons why the excess expenditure should be incurred.

56. An imprest account for petty cash disbursements shall be opened only with the written approval of the community council and the amount that may be kept in such account, the nature and extent of the payments that may be made therefrom and the supporting vouchers to be completed in respect of such payments shall be determined by the community council.

57. The treasurer shall submit monthly to the secretary a report in respect of the preceding month, setting out the cash and bank balances as at the beginning of that month, the total amounts received and payments made during that month and the cash and bank balances as at the end of that month reconciled with the bank statements.

58. Not later than 31 October of each financial year, the treasurer shall submit a report to the secretary in respect of those cases in which, in his opinion, the discrepancy between the actual and the estimated revenue or between the actual and the estimated expenditure for at least the first five months of that financial year is of such a serious nature as to require it to be brought to the notice of the community council.

CAPITAL EXPENDITURE

59. No capital expenditure except that referred to in regulation 15 (1), however financed and notwithstanding the fact that provision has been made therefor in the annual estimates, shall be incurred without the express approval of the community council.

60. The head of a division shall, in respect of a recommendation made by him for the execution of works or any other undertaking entailing capital expenditure, submit with such recommendation a report to the secretary setting out the following information:

(a) The total estimated cost with a complete analysis thereof and any expenditure which will arise as a result of the works or undertaking;

word deur twee beamptes wat deur die gemeenskapsraad daartoe gemagtig is, onderteken.

53. (1) Die hoof van 'n afdeling sertifiseer ten opsigte van elke rekening wat betaal moet word vir voorrade, goedere en materiaal wat verskaf is of dienste wat gelewer is aan of werk wat verrig is vir sy afdeling, dat die rekening in orde is, dat die voorrade, goedere en materiaal of dienste, na gelang van die geval, inderdaad verskaf of gelewer is of dat die werk inderdaad gedoen is, dat die prys wat gevra word redelik of ooreenkomstig die betrokke kontrak is en dat dit 'n las vorm teen 'n begrotingspos deur die gemeenskapsraad goedgekeur.

(2) Elke rekening in subregulasie (1) bedoel, word tesame met stawende bewysstukke aan die tesourier gestuur en hy, of 'n beampte wat deur hom daartoe gemagtig is, keur sodanige bewysstukke voor die vereffening van die rekening goed.

54. Vorderingsbetalings ten opsigte van 'n kontrak word beperk tot die waarde van die werk wat verrig is en die materiaal wat verskaf is, soos gesertifiseer ingevolge regulasie 53 (1), min die bedrag van vorige betalings en enige retensiegelde wat ingevolge die kontrak agtergehou word.

55. Die tesourier mag nie ten opsigte van enige kontrak enige betaling doen wat die totale bedrag deur die gemeenskapsraad gemagtig, oorskry nie, tensy deur die gemeenskapsraad goedgekeur na ontvangs en oorweging van 'n skriftelike verslag deur die sekretaris met vermelding van die redes vir die aangaan van die oorskrydingsuitgawes.

56. 'n Kasvoorskotrekening vir kleinkasbetalings word geopen slegs met die goedkeuring van die gemeenskapsraad, en die bedrag wat in sodanige rekening gehou mag word, die aard en omvang van die betalings wat daaruit gemaak mag word en die stawende bewysstukke wat vir sodanige betalings voltooi moet word, word deur die gemeenskapsraad bepaal.

57. Die tesourier dien maandeliks by die sekretaris 'n verslag in ten opsigte van die voorafgaande maand waarin die kontant- en banksaldo soos aan die begin van daardie maand, die totale bedrae gedurende daardie maand ontvang en betalings gedoen en die kontant- en banksaldo aan die einde van daardie maand, soos met die bankstate gerekonsilieer, uiteengesit word.

58. Nie later nie as 31 Oktober van elke boekjaar dien die tesourier by die sekretaris 'n verslag in ten opsigte van daardie gevalle waar die verskil tussen die werklike en die beraamde inkomste of tussen die werklike en die beraamde uitgawe vir minstens die eerste vyf maande van daardie boekjaar, na sy mening, van so 'n aard is dat dit onder die gemeenskapsraad se aandag gebring moet word.

KAPITAALUITGAWE

59. Geen kapitaaluitgawe, behalwe dié in regulasie 15 (1) genoem, hoe dit ook al gefinansier is en ondanks die feit dat voorsiening daarvoor op die jaarlikse begroting gemaak is, word sonder die uitdruklike goedkeuring van die gemeenskapsraad aangegaan nie.

60. Die hoof van 'n afdeling dien ten opsigte van 'n aanbeveling deur hom gedoen vir die uitvoering van werke of 'n ander onderneming wat kapitaaluitgawe meebring, tesame met sodanige aanbeveling 'n verslag by die sekretaris in waarin uiteengesit word—

(a) die totale beraamde koste met 'n volledige ontleding daarvan en enige uitgawe wat as gevolg van die werke of onderneming sal ontstaan;

(b) the estimated capital amount to be expended annually in respect of the works or undertaking;

(c) the estimated annual revenue to be derived and the estimated annual expenditure of any kind, including expenditure on staff, to be incurred when the works or undertaking is taken into use;

(d) the estimated life of the works or undertaking to be created; and

(e) any other information required by the secretary.

61. No expenditure which is to be met by means of a loan shall be incurred until all approvals required by law have been obtained and all other statutory requirements have been complied with.

COSTING AND WORK PERFORMED BY DIVISIONS

62. (1) No works the cost of which is expected to exceed R500, which cost shall include the maintenance and repair of such works, and such other work as may be determined by the community council, shall be carried out by a division unless the treasurer has, on application by the head of the division concerned, issued a works order therefor.

(2) The treasurer may refuse the issue of a works order if the application therefor is not supported by such information relating to material, labour, transport and other costs as he may deem necessary.

(3) An application for the issue of a works order shall be submitted in a form determined by the treasurer and the vote to which the relevant expenditure is to be charged shall be stated therein.

63. Cost accounts in respect of all work or works referred to in regulation 62 shall be kept by the treasurer in the form approved by the secretary.

64. (1) No work shall be carried out for and no goods belonging to the community council shall be supplied to any person unless the community council is satisfied that the execution of such work is to the community council's advantage and has granted approval therefor.

(2) Work referred to in subregulation (1) shall not be begun and no goods belonging to the community council shall be supplied until they have been paid for or an agreement in writing has been entered into and such security as the secretary may consider adequate for the payment therefor has been given to the community council.

COMPLETING OF PROJECTS

65. On completion of work for which a works order has been issued, the head of the division concerned shall forthwith notify the treasurer thereof and if the difference between the actual and the estimated cost of that work exceeds 10 per cent, he shall forthwith submit to the treasurer his reasons therefor in writing.

66. The head of the division concerned shall as soon as practicable after work under a capital vote has been completed advise the treasurer accordingly and in the case where the excess expenditure or the saving exceeds 10 per cent he shall submit a written report setting forth the reasons for the excess expenditure or saving to the treasurer who shall submit it together with his report to the secretary for consideration by the community council.

(b) die beraamde kapitaalbedrag wat jaarliks ten opsigte van die werke of onderneming bestee moet word;

(c) die beraamde jaarlikse inkomste wat verkry sal word en die beraamde jaarlikse uitgawe van enige aard, insluitende uitgawes aan personeel, wat aangegaan sal moet word wanneer die werke of onderneming in gebruik geneem word;

(d) die beraamde lewensduur van die werke of onderneming wat geskep sal word; en

(e) enige ander inligting wat die sekretaris vereis.

61. Geen uitgawe wat deur middel van 'n lening bestry word, mag aangegaan word nie voordat enige goedkeuring by wet vereis, verkry is en aan alle statutêre vereistes voldoen is.

KOSTEBEREKENING EN WERK DEUR AFDELINGS

62. (1) Geen werke waarvan die koste na verwagting R500 sal oorskry, welke koste die onderhoud en herstel van sodanige werke insluit, en sodanige ander werk as wat die gemeenskapsraad bepaal, word deur 'n afdeling uitgevoer nie sonder 'n werkorder uitgereik deur die tesourier op aansoek van die betrokke afdelingshoof.

(2) Die tesourier kan die uitreiking van 'n werkorder weier indien die aansoek om die uitreiking daarvan nie gestaaf word nie deur die inligting met betrekking tot materiaal, arbeid, vervoer en ander koste wat hy bepaal.

(3) 'n Aansoek om die uitreiking van 'n werkorder word gedoen in die vorm deur die tesourier bepaal en die begrotingspos waarteen die betrokke uitgawe in rekening gebring moet word, moet in die aansoek vermeld word.

63. Kosterekenings ten opsigte van alle werk of werke in regulasie 62 bedoel, word deur die tesourier gehou in die vorm deur die sekretaris goedgekeur.

64. (1) Geen werk word uitgevoer vir en geen goedere wat aan die gemeenskapsraad behoort, word gelewer aan enige persoon nie, tensy die gemeenskapsraad daarvan oortuig is dat die uitvoering van sodanige werk tot die gemeenskapsraad se voordeel strek en die gemeenskapsraad sy goedkeuring daartoe verleen het.

(2) Werk in subregulasie (1) bedoel, neem nie 'n aanvang nie en geen goedere wat aan die gemeenskapsraad behoort, word gelewer nie voordat daarvoor betaal is of 'n skriftelike ooreenkoms aangegaan is en sekuriteit wat die sekretaris voldoende ag, vir betaling daarvoor aan die gemeenskapsraad gegee is.

VOLTOOIING VAN PROJEKTE

65. Wanneer werk voltooi is ten opsigte waarvan 'n werkorder uitgereik is, stel die hoof van die betrokke afdeling onverwyld die tesourier daarvan in kennis en as die verskil tussen die werklike en die beraamde koste van die werk 10 persent oorskry, lê hy onverwyld skriftelik sy redes daarvoor aan die tesourier voor.

66. Die hoof van die betrokke afdeling stel so gou doenlik nadat werk onder 'n kapitaalbegrotingspos voltooi is, die tesourier daarvan in kennis en in die geval waar die oorskrydingsuitgawe of besparing meer as 10 persent is, verstrek hy skriftelik die redes vir die oorskrydingsuitgawe of besparing aan die tesourier, wat dit tesame met 'n verslag aan die sekretaris voorlê vir oorweging deur die gemeenskapsraad.

ASSETS

67. (1) The treasurer shall keep a register in which shall be recorded details of all assets of the community council save those referred to in regulation 68 (1).

(2) When an asset under the control of a head of a division has been destroyed or damaged or the value thereof has been materially affected, such head shall forthwith in writing furnish the secretary with the reasons for the destruction or damage or the variation in value of the asset.

(3) As frequently as the secretary may require the head of a division shall submit a written report to the secretary containing such particulars concerning assets under such head's control as the secretary may require.

68. (1) Each division shall keep inventories, in the form approved by the secretary, of all equipment, tools, furniture, livestock, animals and other property of the community council, particulars of which the Board has not required to be recorded in the register referred to in regulation 67 (2).

(2) At such date during every financial year as the secretary may decide, every head of a division shall compare the assets under his control with the inventories referred to in subregulation (1) and shall report in writing to the treasurer the result of his finding.

(3) The treasurer shall submit the report referred to in subregulation (1), together with his report, to the secretary who shall submit such reports together with his report to the community council.

INSURANCE

69. The head of division shall, when requested to do so by the treasurer, furnish the treasurer with a list of assets under his control to be insured and shall forthwith notify the treasurer of any change in such assets which may influence the risks requiring to be insured.

70. The treasurer shall, annually or whenever he considers it necessary, submit to the secretary for approval by the community council a list containing assets and interests of the community council which, in his opinion, should be insured and the amount for which such assets and interests should be insured.

71. The head of a division shall forthwith notify the treasurer of any claim against or by the community council or against the community council's insurer, or of any event which may lead to such claim and the treasurer shall forthwith notify the community council's insurer thereof.

72. The treasurer shall keep a register in which particulars of all insurance policies held by the community council shall be entered and shall keep such insurance policies in safe custody and shall be responsible for the payment by the community council of all premiums in respect of such insurance policies.

INVESTMENTS

73. The community council shall determine the manner in which the treasurer shall invest its funds and the manner in which securities are to be obtained and disposed of: Provided that, save where the Minister determines otherwise, the community council shall invest its funds only with a registered financial institution.

BATES

67. (1) Die tesourier hou 'n register waarin besonderhede van alle bates van die gemeenskapsraad, uitgesonderd dié in regulasie 68 (1) vermeld, aangeteken word.

(2) Wanneer 'n bate onder die beheer van 'n hoof van 'n afdeling vernietig of beskadig is of die waarde daarvan wesenlik verander het, verstrek sodanige hoof onverwyld skriftelik aan die sekretaris die redes vir die vernietiging of beskadiging of die verandering van die waarde van die bate.

(3) So dikwels as wat die sekretaris dit verlang, lê die hoof van 'n afdeling 'n skriftelike verslag aan die sekretaris voor waarin die besonderhede deur hom vereis in verband met die bates onder sodanige hoof se beheer, verstrek word.

68. (1) Elke afdeling hou inventarisse, in die vorm deur die sekretaris goedgekeur, van alle uitrusting, gereedskap, meubels, lewende hawe, diere en ander eiendom van die gemeenskapsraad, ten opsigte waarvan die gemeenskapsraad nie vereis het dat besonderhede in die register in 67 (1) genoem, aangeteken word nie.

(2) Op die datum gedurende elke boekjaar deur die sekretaris bepaal, vergelyk die hoof van elke afdeling die bates onder sy beheer met die inventarisse in subregulasie (1) bedoel en doen hy skriftelik aan die tesourier verslag van sy bevinding.

(3) Die tesourier moet die verslag in subregulasie (1) bedoel, tesame met sy verslag indien by die sekretaris, wat sodanige verslae tesame met sy verslag aan die gemeenskapsraad voorlê.

VERSEKERING

69. Die hoof van 'n afdeling moet, wanneer daartoe versoek deur die tesourier, 'n lys van bates onder sy beheer wat verseker moet word, aan die tesourier verstrek en moet die tesourier onverwyld in kennis stel van enige verandering in of aan bates wat die risiko waarteen verseker behoort te word, kan beïnvloed.

70. Die tesourier lê jaarliks of wanneer hy dit nodig ag, vir goedkeuring deur die gemeenskapsraad 'n lys aan die sekretaris voor waarin uiteengesit word die bates en belange van die gemeenskapsraad wat na sy mening verseker behoort te word en die bedrag waarvoor sodanige bates en belange verseker behoort te word.

71. Die hoof van 'n afdeling verwittig die tesourier onverwyld van enige eis teen of deur die gemeenskapsraad of teen die gemeenskapsraad se versekeraar of van enige gebeure wat aanleiding tot so 'n eis mag gee en die tesourier stel die gemeenskapsraad se versekeraar onverwyld daarvan in kennis.

72. Die tesourier hou 'n register waarin besonderhede van alle versekeringspolisse van die gemeenskapsraad aangeteken word, hou sodanige versekeringspolisse in veilige bewaring en is verantwoordelik vir die betaling deur die gemeenskapsraad van alle premies ten opsigte van sodanige versekeringspolisse.

BELEGGINGS

73. Die gemeenskapsraad bepaal die wyse waarop die tesourier sy fondse moet belê en die wyse waarop sekuriteite verkry en daaroor beskik moet word: Met dien verstande dat, tensy die Minister anders gelas, die gemeenskapsraad sy fondse slegs by 'n geregistreerde finansiële instelling mag belê.

INTERNAL AUDIT AND ACCOUNTING

74. (1) The treasurer and a member of an internal audit staff shall have access to all books, accounts and other records relating to the financial matters of a division and may at any time demand production of such books, accounts or other records.

(2) A head of a division or any office shall at the request of the treasurer or a member of an internal audit staff furnish the information relating to the financial matters of a division required from time to time by the treasurer or a member of an internal audit staff.

(3) The head of an internal audit staff shall, in respect of every investigation carried out by his staff, furnish a written report containing the findings of such investigation and/or recommendations arising from such investigation to the secretary who shall submit it, together with his comments, to the community council for consideration. Copies of such reports shall be supplied to the Auditor-General.

75. (1) Any system in terms of regulation 11 for the collection of revenue, the keeping of books, accounts and other records relating to the financial matters of the community council (including costing) shall be established in consultation with the Auditor-General.

(2) No erasures shall be made in the books, accounts and other records of the community council and when an alteration becomes necessary the incorrect entry shall be ruled out and the correct entry inserted above and such alteration shall be initialled by the officer making it. Provided that under systems of mechanised accounting the necessary adjustments appropriate to the system shall be made but if errors are corrected manually the correction shall be verified immediately and be signed by the checking officer or supervisor of the officer concerned.

(3) No entry, note or other writing of any nature shall be made or effected in green in the books, accounts and other records of the community council.

CUSTODY OF DOCUMENTS

76. The secretary or other officer authorised by him to do so shall keep a register of all title deeds of, and lease and other agreements concluded by, the community council, in which shall be noted the nature, term of validity and any other information in connection therewith that the secretary considers necessary and such title deeds and lease and other agreements shall be kept in safe custody by the secretary or other officer authorised by him to do so.

PAYMENT OF SALARIES, WAGES AND ALLOWANCES

77. (1) The treasurer shall keep a record in which all relevant particulars relating to salary, wages, allowances and leave other than leave with full pay of members of the community council and of staff appointed in terms of section 5 (1) (i) of the Act are recorded.

(2) Pay sheets shall be approved by the treasurer and all salaries, wages and allowances of members of the community council and of staff referred to in subregulation (1) shall be paid by him or an officer authorised by him in writing, in the manner and at the times determined by the community council.

INTERNE OUDITERING EN BOEKHOUDING

74. (1) Die tesourier en 'n lid van 'n interne ouditpersoneel het toegang tot alle boeke, rekeninge en ander stukke wat betrekking het op die geldsake van 'n afdeling en kan te eniger tyd vereis dat sodanige boeke, rekeninge en ander stukke aan hom voorgelê word.

(2) 'n Hoof van 'n afdeling of enige beampte moet, op versoek van die tesourier of 'n lid van 'n interne ouditpersoneel, die inligting met betrekking tot die geldsake van 'n afdeling wat van tyd tot tyd deur die tesourier of 'n lid van 'n interne ouditpersoneel vereis word, verstrek.

(3) Die hoof van 'n interne ouditpersoneel moet van alle ondersoeke wat deur lede van sy personeel uitgevoer is, 'n skriftelike verslag met vermelding van die bevindings en/of aanbevelings wat uit sodanige ondersoeke voortspruit, aan die sekretaris verstrek, wat dit tesame met sy kommentaar vir oorweging aan die gemeenskapsraad voorlê. Afskrifte van sodanige verslae moet aan die Ouditeur-generaal verstrek word.

75. (1) Enige stelsel ingevolge regulasie 11 vir die invordering van inkomste, die hou van boeke, rekeninge en ander stukke met betrekking tot die geldsake van die gemeenskapsraad (met inbegrip van kosteberekening) word ingestel in oorleg met die Ouditeur-generaal.

(2) Geen uitwissing mag in die boeke, rekeninge en ander rekords van die gemeenskapsraad aangebring word nie en indien 'n verandering aangebring moet word, moet die verkeerde inskrywing deurgehaal en die korrekte inskrywing bo dit gemaak word en moet sodanige verandering deur die beampte wat dit aanbring, geparafeer word: Met dien verstande dat, in die geval van 'n masjienboekhoustelsel, die nodige verandering aangebring moet word deur 'n verandering eie aan daardie stelsel, maar as sodanige verandering met die hand aangebring word, moet die verandering na sodanige regstelling onverwyld geverifieer en deur die nasiener of die betrokke beampte se toesighouer geteken word.

(3) Geen inskrywing, aantekening of ander geskrif van watter aard ook al mag in groen in die boeke, rekeninge en ander rekords van die gemeenskapsraad gemaak of aangebring word nie.

BEWARING VAN DOKUMENTE

76. Die sekretaris of 'n ander beampte deur hom aangewys, hou 'n register van alle eiendomsbewyse van, en huur- en ander ooreenkomste deur die gemeenskapsraad aangegaan waarin aangeteken word die aard, geldigheidsduur en enige ander inligting ten opsigte daarvan wat die sekretaris nodig ag, en sodanige eiendomsbewyse en huur- en ander ooreenkomste word deur die sekretaris of 'n ander beampte deur hom aangewys in veilige bewaring gehou.

BETALING VAN SALARISSE, LONE EN TOELAES

77. (1) Die tesourier hou 'n register waarin aangeteken word alle toepaslike besonderhede betreffende die salaris, loon, toelaes en ander verlof as verlof met volle betaling van lede van die gemeenskapsraad en van personeel aangestel ingevolge artikel 5 (1) (i) van die Wet.

(2) Betaalstate word deur die tesourier goedgekeur en alle salarisse, lone en toelaes van lede van die gemeenskapsraad en van personeel in subregulasie (1) bedoel, word deur hom of 'n beampte skriftelik deur hom daartoe gemagtig, betaal op die wyse en op die tye deur die gemeenskapsraad bepaal.

78. A head of a division shall forthwith notify the treasurer of any alteration in the staff of his division, any alteration in salary, wages or allowances of such staff and of any leave other than leave with full pay granted to, or any absence without leave of such staff.

LOSSES OF MONEYS AND OTHER PROPERTY OF THE COMMUNITY COUNCIL TO BE REPORTED AND MADE GOOD

79. (1) Any loss arising from any improper payment, fruitless expenditure or failure to collect any moneys due to the community council, or any deficiency in, loss or destruction of or damage to money, stamps, face-value instruments and forms having a potential value, securities, stores or other assets of the community council shall be reported immediately by the head of the division to the secretary and the Auditor-General, furnishing such particulars as are available: Provided that the secretary in consultation with the Auditor-General may dispense with such report or else determine that certain losses be reported by means of statements at set intervals.

(2) The secretary shall ensure that all losses are made good by the officer responsible therefor or the person who benefited thereby.

(3) Should a loss not be made good in full, such loss may, subject to the provisions of regulation 8, be written off.

(4) In the event of the loss or destruction of or damage to unused, used and cancelled face-value and other forms with a potential value, the community council may, if it is satisfied with the declaration of the divisional head concerned that no loss of community council moneys has occurred and, in the case of used forms, the moneys represented by such forms have been properly accounted for, determine that such forms need not be submitted for audit purposes.

SAFES AND STRONGROOMS

80. (1) Applications for and correspondence relating to safes and strongrooms shall be addressed to the treasurer who shall be responsible for the supply, disposal, removal, repair and maintenance of safes and strongrooms and all other matters relating thereto, and all instructions issued by him relating to safes and strongrooms shall be carefully observed.

(2) The treasurer shall keep a register of safes and strongrooms and shall allocate to each safe and strongroom a distinctive number and a code number and attach a metal tablet bearing the code number of the safe or strongroom to each of the original keys and duplicate keys.

(3) Unless other arrangements are made with the sanction of the treasurer the duplicate keys of all safes and strongrooms shall be lodged with the treasurer who shall keep a register thereof and shall issue a receipt for each key so lodged, and such receipt shall be kept by the officer in control of the safe or strongroom concerned in a safe place other than the safe or strongroom to which the key belongs.

78. 'n Hoof van 'n afdeling stel die tesourier onverwyld in kennis van enige verandering in die personeel van sy afdeling, enige verandering in die salaris, loon of toelaes van sodanige personeel en van enige ander verlof as verlof met volle betaling toegestaan aan, of enige afwesigheid van diens sonder verlof van sodanige personeel.

VERLIESE VAN GELDE EN ANDER EIENDOM VAN DIE GEMEENSKAPSRAAD MOET GERAPPORTEER EN GOEDGEMAAK WORD

79. (1) Enige verlies wat ontstaan uit enige onbehoorlike betaling, vrugtelose uitgawe of versuim om gelde wat aan die gemeenskapsraad verskuldig is, in te vorder, of enige tekort in, verlies, vernietiging of beskadiging van geld, seëls, sigwaardestukke en vorms met 'n potensiële waarde, sekuriteite, voorrade of ander bates van die gemeenskapsraad, moet onverwyld deur die afdelingshoof aan die sekretaris en die Ouditeur-generaal gerapporteer word met verstrekking van die beskikbare besonderhede: Met dien verstande dat die sekretaris in oorleg met die Ouditeur-generaal kan afsien van sodanige verslag of andersins kan gelas dat sekere verliese deur middel van state op gesette tye gerapporteer word.

(2) Die sekretaris moet toesien dat alle verliese goedgemaak word deur die beampte wat vir die verlies verantwoordelik is of die persoon wat voordeel daaruit trek.

(3) Indien 'n verlies nie ten volle goedgemaak word nie, kan sodanige verlies, behoudens die bepalings van regulasie 8, afgeskryf word.

(4) In gevalle van verlies, beskadiging of vernietiging van ongebruikte, gebruikte en gekanselleerde sigwaardestukke en ander vorms met 'n potensiële waarde kan die gemeenskapsraad, indien hy tevrede is met 'n verklaring van die betrokke afdelingshoof dat daar geen verlies van gemeenskapsraadsgelde was nie, en in die geval van gebruikte vorms, die gelde wat deur sodanige vorms verteenwoordig word, behoorlik verantwoord is, bepaal dat sulke vorms nie vir ouditdoeleindes voorgelê hoef te word nie.

BRANDKASTE EN BRANDKAMERS

80. (1) Aansoeke om en korrespondensie in verband met brandkaste of brandkamers moet gerig word aan die tesourier, wat verantwoordelik is vir die verskaffing van, beskikking oor, verwydering, herstel en onderhoud van brandkaste en brandkamers en alle ander sake in verband daarmee, en alle instruksies deur hom in verband met brandkaste of brandkamers uitgereik, moet noukeuring nagekom word.

(2) Die tesourier hou 'n register van brandkaste en brandkamers en moet aan elke brandkas en brandkamer 'n onderskeidings- en 'n kodenommer toeken en 'n metaalplaatjie met die kodenommer van die brandkas of brandkamer daarop aan elkeen van die oorspronklike sleutels en duplikaatsleutels daaraan heg.

(3) Tensy ander reëlings met die goedkeuring van die tesourier getref word, moet die duplikaatsleutels van alle brandkaste en brandkamers in bewaring gehou word deur die tesourier, wat 'n register daarvan moet hou en 'n ontvangsbewys moet gee vir elke sleutel wat in bewaring gegee word en sodanige ontvangsbewys moet deur die beampte in beheer van die betrokke brandkas of brandkamer op 'n ander veilige plek as die brandkas of brandkamer waaraan die betrokke sleutel behoort, gehou word.

(4) If any safe becomes redundant the officer in control of such safe shall immediately report the fact to the treasurer and await the instructions of the treasurer regarding removal, and no safe shall be transferred from one division or station to another without the prior consent of the treasurer.

(5) Whenever a safe is transferred in terms of subregulation (4) or there is a change of officer in control of a safe or strongroom, a handing-over certificate in the form of Schedule B shall be duly completed by the officer in control of such safe or strongroom and by the officer taking control, and the original of such certificate shall be kept by the officer taking control and he shall send a copy thereof to the treasurer, and if the officer taking control should neglect to obtain such certificate from the officer from whom he takes such control, he shall be liable for any loss resulting from such neglect: Provided that, in the event of a temporary change of such control as a result of the officer in control of such safe or strongroom going on leave, such certificate need not be completed, but such officer in control of the safe or strongroom shall notify the treasurer in writing of such change: Provided further that such officer in control proceeding on leave shall ensure that all keys handed over are returned to him intact and if such keys are not returned to him in such condition such officer in control shall forthwith report the matter to the treasurer, in default of which such officer in control shall be liable for any loss or damage suffered during his absence.

(6) (a) No officer shall attempt to open a safe or strongroom forcibly or to force any locks or to tamper in any way with the mechanism of such safe or strongroom.

(b) No work in connection with the repair or alteration of safes or strongrooms or keys or combinations of locks thereof or the manufacture of duplicate keys shall be carried out or ordered except with the authority in writing of the treasurer, and no impression of safe or strongroom or cash-box keys may be made at any time.

(7) The head of a division shall, in writing, assign suitable officers as officers in control of safes and strongrooms and the names of such officers shall be supplied to the treasurer.

(8) Safe and strongroom keys shall at all times be in the personal possession of the officer in control of the safe or strongroom and shall not be left or locked in cupboards or in drawers or in any other furniture or in any other place.

(9) The tablet which in terms of subregulation (2) is attached to the original or duplicate keys of a safe or strongroom shall not be separated from those keys and, apart from such tablet, nothing shall be attached to a set of keys which will identify the keys with the safe or strongroom to which the keys belong and no other key, official or private, shall be attached to such keys.

(10) Where the door of a safe or strongroom is fitted with more than one lock, the keys of the different locks

(4) Indien 'n brandkas oortollig word, moet die beampte in beheer van sodanige brandkas die tesourier onmiddellik daarvan in kennis stel en die instruksies van die tesourier betreffende die verwydering daarvan afwag, en geen brandkas mag sonder die voorafverkreë goedkeuring van die tesourier van een afdeling of standplaas na 'n ander verwyder word nie.

(5) Wanneer 'n brandkas ingevolge subregulasie (4) verwyder word of 'n verandering van die beampte in beheer van 'n brandkas of brandkamer plaasvind, moet 'n oorhandigingsertifikaat in die vorm in Bylae B uiteengesit, behoorlik ingevul word deur die beampte in beheer van sodanige brandkas of brandkamer en deur die beampte wat sodanige beheer oorneem, en die oorspronklike van die sodanige sertifikaat moet deur die beampte wat oorneem, gehou word en 'n afskrif daarvan deur hom aan die tesourier gestuur word en indien die beampte wat sodanige beheer oorneem, versuim om sodanige sertifikaat van die beampte van wie hy sodanige beheer oorneem, te verkry, is hy aanspreeklik vir enige verlies as gevolg van sodanige versuim: Met dien verstande dat in die geval van 'n tydelike verandering van sodanige beheer omdat die beampte in beheer van sodanige brandkas of brandkamer met verlof gaan, sodanige sertifikaat nie ingevul hoef te word nie, maar sodanige beampte in beheer die tesourier skriftelik in kennis moet stel van sodanige verandering: Met dien verstande voorts dat sodanige beampte in beheer wat met verlof gaan, moet toesien dat alle sleutels wat hy oorhandig het, intak aan hom terugbesorg word en indien sodanige sleutels nie in sodanige toestand aan hom terugbesorg word nie, moet sodanige beampte in beheer die aangeleentheid onmiddellik aan die tesourier rapporteer, by versuim waarvan sodanige beampte in beheer aanspreeklik is vir enige verlies of skade gedurende sy afwesigheid gely.

(6) (a) Geen beampte mag poog om 'n brandkas of brandkamer oop te forseer of om enige slotte daarvan te forseer of om op enige wyse met die meganisme van 'n brandkas of brandkamer te peuter nie.

(b) Geen werk in verband met die herstel of verandering van brandkaste of brandkamers of die sleutels of kombinasies van slotte daarvan of die vervaardiging van duplikaatsleutels mag uitgevoer of gelas word nie, behalwe met die skriftelike magtiging van die tesourier, en geen afdruk mag te eniger tyd van sleutels van brandkaste of brandkamers of geldkissies gemaak word nie.

(7) Die hoof van 'n afdeling wys geskikte beamptes skriftelik aan as beamptes in beheer van brandkaste en brandkamers en die name van sodanige beamptes moet aan die tesourier verstrek word.

(8) Brandkas- of brandkamersleutels moet te alle tye in die persoonlike besit van die beampte in beheer van die brandkas of brandkamer wees en mag nie in kaste of in laaie of in enige ander meubels of in enige ander plek gelaat of toegesluit word nie.

(9) Die metaalplaatjie wat ingevolge subregulasie (2) aan die oorspronklike sleutels en duplikaatsleutels van 'n brandkas of brandkamer geheg is, mag nie van die sleutels afgehaal word nie en uitgesonderd dié plaatjie, mag niks aan 'n stel sleutels geheg word nie wat dit as die sleutels van die brandkas of brandkamer waaraan dit behoort, sal identifiseer nie, en geen ander sleutel, hetsy amptelik of privaat, mag aan sodanige sleutels geheg word nie.

(10) Waar die deur van 'n brandkas of brandkamer van meer as een slot voorsien is, moet die sleutels van

shall be entrusted to separate officers, and an officer who is or has been temporarily or permanently in control of one of the keys of a safe or strongroom shall not be permitted to be the custodian of the other key or keys of the same safe or strongroom.

(11) (a) Any loss of safe or strongroom keys shall be reported immediately to the treasurer and no officer shall advertise such loss in any manner and, save where the community council determines otherwise, the officer responsible for the loss shall be liable for any cost resulting from such loss.

(b) Whenever safe or strongroom keys which were lost are found by an officer and the custodian thereof is unknown to him such keys shall immediately be handed to the treasurer.

(12) An application for the issue of duplicate safe or strongroom keys accompanied by the reasons for such application and the receipt referred to in subregulation (3) shall be made to the treasurer.

(13) The extent of damage caused by fire, however trivial, and the effect thereof on a safe or strongroom shall immediately be reported in detail to the treasurer and after a fire such safe shall not be moved or the lock or locks of such safe or strongroom tampered with until after the key or keys have been tried.

(14) Any burglary or attempted burglary shall immediately be reported to the South African Police and the secretary, and a detailed report of the effect of such burglary or attempted burglary on the safe or strongroom submitted to the treasurer.

(15) Officers entrusted by the head of a division with cash-boxes and strong-boxes and the keys thereof shall be responsible for the safe custody thereof and such cash-boxes and strong-boxes and the keys thereof shall, when not in use, where possible, be lodged in a safe or strongroom.

(16) The treasurer shall keep all duplicate keys of cash-boxes and strong-boxes in safe custody in a safe or strongroom and shall label such keys appropriately.

(17) (a) The loss of any key of a cash-box or strong-box shall be reported immediately to the head of the division and the use of the box shall be discontinued until the lock has been altered and a new key issued by the treasurer.

(b) Damage to any key of a cash-box or strong-box shall immediately be reported to the treasurer who shall, if necessary, issue a new key and, save where the community council directs otherwise, the officer responsible for the damage shall be liable for the cost of alteration to any lock or the issue of a new key.

(18) A receipt for any key of a cash-box or strong-box issued shall be obtained from the officer to whom the key is issued.

(19) A copy of this regulation shall be pasted to the inside of every safe or strongroom door.

die verskillende slotte aan afsonderlike beamptes toevertrou word en 'n beampte wat tydelik of permanent in beheer van een van die sleutels van 'n brandkas of brandkamer is of was, mag nie toegelaat word om die bewaarder van die ander sleutel of sleutels van dieselfde brandkas of brandkamer te wees nie.

(11) (a) Enige verlies van brandkas- of brandkamersleutels moet onmiddellik aan die tesourier gerapporteer word en geen beampte mag sodanige verlies op enige wyse adverteer nie en, tensy die gemeenskapsraad anders bepaal, is die beampte wat vir die verlies verantwoordelik is, aanspreeklik vir enige koste wat as gevolg van sodanige verlies ontstaan.

(b) Wanneer brandkas- of brandkamersleutels wat verlore geraak het, deur 'n beampte gevind word en die bewaarder daarvan nie aan hom bekend is nie, moet sodanige sleutels onmiddellik aan die tesourier oorhandig word.

(12) 'n Aansoek om die uitreiking van duplikaatbrandkas- of brandkamersleutels moet, tesame met die redes vir sodanige aansoek en die ontvangsbewys in subregulasie (3) bedoel, by die tesourier ingedien word.

(13) Die omvang van skade deur 'n brand veroorsaak, hoe gering ook al, en die uitwerking daarvan op 'n brandkas of brandkamer moet onmiddellik en breedvoerig aan die tesourier gerapporteer word en na 'n brand mag sodanige brandkas nie verskuif word nie en mag daar nie met die slot of slotte van sodanige brandkas of brandkamer gepeuter word nie alvorens dit met die sleutel of sleutels getoets is.

(14) Enige inbraak of poging tot inbraak moet onmiddellik aan die Suid-Afrikaanse Polisie en die sekretaris gerapporteer word en 'n volledige verslag van die uitwerking van sodanige inbraak of poging daartoe op die brandkas of brandkamer moet aan die tesourier verstrek word.

(15) Beamptes aan wie die hoof van 'n afdeling geldkissies en brandtrommels en die sleutels daarvan toevertrou het, is verantwoordelik vir die veilige bewaring daarvan en sodanige geldkissies en brandtrommels en die sleutels daarvan moet, wanneer nie in gebruik nie, waar moontlik, in 'n brandkas of brandkamer bewaar word.

(16) Die tesourier hou alle duplikaatsleutels van geldkissies en brandtrommels in veilige bewaring in 'n brandkas of brandkamer en moet sodanige sleutels van 'n gepaste etiket voorsien.

(17) (a) Die verlies van 'n sleutel van 'n geldkissie of brandtrommel moet onmiddellik aan die hoof van die afdeling geraporteer word en sodanige kissie of trommel moet aan gebruik onttrek word totdat die slot daarvan verander is en 'n nuwe sleutel deur die tesourier verskaf is.

(b) Die beskadiging van enige sleutel van 'n geldkissie of brandtrommel moet onmiddellik aan die tesourier gerapporteer word wat, indien nodig, 'n nuwe sleutel moet verskaf, en tensy die gemeenskapsraad anders bepaal, is die beampte wat vir die beskadiging verantwoordelik is, aanspreeklik vir die koste van die verandering van enige slot of die verskaffing van 'n nuwe sleutel.

(18) 'n Ontvangsbewys vir enige sleutel van 'n geldkissie of brandtrommel wat verskaf word, moet verkry word van die beampte aan wie sodanige sleutel verskaf word.

(19) 'n Afskrif van hierdie regulasie moet aan die binnekant van elke brandkas- of brandkamerdeur geplak word.

GENERAL

81. With the approval of the Minister of the terms of the agreement reached between the community council and the administration board, and subject to such other conditions as the Minister may prescribe, the administration board may carry out any work or function in terms of these regulations on behalf of the community council.

ALGEMEEN

81. Met die goedkeuring van die Minister van die voorwaardes waarop daar tussen die gemeenskapsraad en die administrasieraad ooreengekom word, en behoudens die ander voorwaardes wat die Minister oplê, kan die administrasieraad enige werksaamheid of funksie ingevolge hierdie regulasie namens die gemeenskapsraad verrig.

SCHEDULE A

HANDING-OVER CERTIFICATE

Division.....
Place.....
Date of handing over.....19.....

We hereby certify that we have completed the handing over of all community council property referred to in regulation 50 (1) of the Financial Regulations, under the control of the officer in charge of.....and that, subject to the discrepancies enumerated on this and the following pages, numbered (.....), the serviceable property on hand is in accordance with the balances of the ledgers or other records. We further certify that the following list of discrepancies includes all items which have not hitherto been submitted for authority to adjust.

.....
Signature and official title of officer handing over

.....
Signature and official title of officer taking over

Article	Unit	Quantities				Value exclusive of worn out or broken articles	Explanation
		As per main ledger or other record	Actually on hand	Surplus	Deficiency		

SCHEDULE B

The Treasurer,
Safe/Strongroom.....

A. Notice is hereby given in terms of regulation 80 (5) of the Financial Regulations that I,.....,
handed over safe/strongroom.....to.....
in perfect condition on.....together with the following:

(a) Outer door keys.....(number);
(b) drawer keys.....(number);
(c) inner door keys.....(number);
(d) cash-box keys.....(number);
(e) chain and ring with registered tablet No.....all in perfect condition except.....

Signature of officer handing over.....
Official title.....
Office address.....
Date.....

B. I,....., do hereby certify that I have taken over safe/strongroom.....
from.....together with the above-mentioned articles and that the keys fit the locks and
that all are in perfect condition except.....

I also certify that a copy of regulation 80 of the Financial Regulations has been pasted to the inside of the safe/strongroom door.

Signature of officer taking over.....
Official title.....
Office address.....
Date.....

BYLAE A

OORHANDIGINGSERTIFIKAAT

Afdeling.....
Plek.....
Datum van oorhandiging.....19.....

Ons sertifiseer hierby dat ons die oorhandiging van alle gemeenskapsraadeiendom in regulasie 50 (1) van die Finansiële Regulasies bedoel, onder die beheer van die beampte belas met die toesig oor..... voltooi het en dat, behoudens die verskille op hierdie bladsy en die volgende bladsye genoem, genommer....., die.....bruikbare eiendom voorhande in ooreenstemming is met die balanse van die boeke of ander rekords. Voorts sertifiseer ons dat die volgende lys van verskille alle artikels insluit wat tot dusver nie vir magtiging tot verrekening voorgelê is nie.

.....
Handtekening en ampstitel van beampte wat oorhandig

.....
Handtekening en ampstitel van beampte wat oorneem

Artikel	Eenheid	Hoeveelhede				Waarde, met uitsluiting van verslete of gebreekte artikels	Verduideliking
		Volgens boeke ander rekords	Werklik voorhande	Surplus	Tekort		

BYLAE B

Die Tesourier

Brandkas/Brandkamer.....

A. Ingevolge regulasie 80 (5) van die Finansiële Regulasies word u hierby in kennis gestel dat ek,....., brandkas/brandkamer.....op.....in 'n goeie toestand oorhandig het aan....., tesame met die volgende artikels—

(a) buitedeursleutels.....(getal);
(b) laaisleutels.....(getal);
(c) binnedeursleutels.....(getal);
(d) geldkissiesleutels.....(getal);
(e) 'n ketting en ring met 'n plaatjie No.....almal ook in 'n goeie toestand, behalwe .....

Handtekening van beampte wat oorhandig.....
Ampstitel.....
Kantooradres.....
Datum.....

B. Ek,....., sertifiseer hierby dat ek brandkas/brandkamer..... van.....oorgeneem het tesame met bogenoemde artikels, dat die sleutels op die slotte pas en dat alles in 'n goeie toestand is, behalwe.....
Ek sertifiseer ook dat 'n afskrif van regulasie 80 van die Finansiële Regulasies aan die binnekant van die brandkas-/brandkamer deur geplak is.

Handtekening van beampte wat oorneem.....
Ampstitel.....
Kantooradres.....
Datum.....

No. R. 990 11 May 1979

FINANCIAL REGULATIONS GOVERNING THE COMMUNITY COUNCIL OF HERTZOGVILLE

I, Wilhelm Laubscher Vosloo, Deputy Minister of Plural Relations and Development, hereby make on behalf of the Minister of Plural Relations and Development under the powers vested in him by section 11 (1) of the Community Council's Act, 1977 (Act 125 of 1977), the regulations contained in the Schedule hereto.

W. L. VOSLOO, Deputy Minister of Plural Relations and Development.

(File A1/3/2/15/1/H41)

SCHEDULE

DEFINITIONS

1. In these regulations, unless the context otherwise indicates, a term defined in the Act shall bear that meaning and—

"Act" means the Community Council's Act, 1977 (Act 125 of 1977);

"administration board" means the Northern Cape Administration Board established in terms of section 2 (1) of the Black Affairs Administration Act, 1971 (Act 45 of 1971);

"community council" means the Hertzogville Community Council established by Government Notice R. 1088 of 2 June 1978 and, subject to the provisions of section 5 (1) (k) of the Act, also any committee of such community council appointed in terms of the said section;

"division" means any division of the community council;

"divisional head", "head of a division" or "head of the division" the officer designated by the community council to act in that capacity;

"officer" means a person appointed in terms of the provisions of section 5 (1) (i) of the Act and also a person placed at the disposal of the community council in terms of the provisions of section 6 (1) (b) of the Act;

"secretary" means the person appointed under section 5 (1) (i) of the Act as such by the community council or is employed as such by the community council;

"treasurer" means the officer designated by the community council to act in that capacity.

FINANCIAL YEAR

2. (1) The financial year of the community council shall extend from 1 April in a year to 31 March in the following year.

(2) The community council shall cause a full and correct account to be kept of all moneys received or expended by it, and as soon as possible, but in any case within five months of the closing of a financial year, shall submit to the Auditor-General a balance sheet, a revenue and expenditure account and such other financial statements as the Auditor-General may require.

(3) The balance sheet referred to in subregulation (2) shall, before submission to the Auditor-General be certified as correct by the treasurer and the secretary, be approved by the community council and thereafter be signed by the chairman of the community council as verification that it contains a true and correct return of the assets and liabilities of the community council.

No. R. 990 11 Mei 1979

FINANSIËLE REGULASIES BETREFFENDE DIE GEMEENSKAPSRAAD VAN HERTZOGVILLE

Ek, Wilhelm Laubscher Vosloo, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling, vaardig hierby, namens die Minister van Plurale Betrekkinge en Ontwikkeling, kragtens die bevoegdheid hom verleen by artikel 11 (1) van die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977), die regulasies uit wat in die Bylae hiervan vervat is.

W. L. VOSLOO, Adjunk-minister van Plurale Betrekkinge en Ontwikkeling.

(Lêer A1/3/2/15/1/H41)

BYLAE

WOORDOMSKRYWING

1. In hierdie regulasies, tensy uit die samehang anders blyk, het 'n uitdrukking wat in die Wet omskryf is, daardie betekenis en beteken—

"administrasieraad" die Noord-Kaapse Administrasieraad ingestel by artikel 2 (1) van die Wet op die Administrasie van Swart Sake, 1971 (Wet 45 van 1971);

"afdeling" enige afdeling van die gemeenskapsraad;

"afdelingshoof", "hoof van 'n afdeling" of "hoof van die afdeling" die beampte deur die gemeenskapsraad aangewys om in daardie hoedanigheid op te tree;

"beampte" 'n persoon aangestel ingevolge die bepalings van artikel 5 (1) (i) van die Wet en ook 'n persoon aan die gemeenskapsraad beskikbaar gestel ingevolge die bepalings van artikel 6 (1) (b) van die Wet;

"die Wet" die Wet op Gemeenskapsrade, 1977 (Wet 125 van 1977);

"gemeenskapsraad" die Hertzogvillese Gemeenskapsraad ingestel by Goewermentskennisgewing R. 1088 van 2 Junie 1978 en, behoudens die bepalings van artikel 5 (1) (k) van die Wet, ook enige komitee van sodanige gemeenskapsraad aangestel ingevolge genoemde artikel;

"sekretaris" die persoon wat kragtens artikel 5 (1) (i) van die Wet as sodanig deur die gemeenskapsraad aangestel of in diens van die gemeenskapsraad is;

"tesourier" die beampte deur die gemeenskapsraad aangewys om in daardie hoedanigheid op te tree.

BOEKJAAR

2. (1) Die boekjaar van die gemeenskapsraad strek van 1 April in 'n jaar tot 31 Maart in die daaropvolgende jaar.

(2) Die gemeenskapsraad moet 'n volledige en juiste rekening laat hou van alle gelde wat deur hom ontvang of uitgegee is, en moet so gou doenlik, maar in elk geval binne vyf maande na die afsluiting van 'n boekjaar, 'n balansstaat, 'n inkomste-en-uitgawerekening en sodanige ander finansiële state as wat die Ouditeur-generaal vereis, aan hom voorlê.

(3) Die balansstaat in subregulasie (2) bedoel, moet, voordat dit aan die Ouditeur-generaal voorgelê word, deur die tesourier en die sekretaris as korrek gesertifiseer word, deur die gemeenskapsraad goedgekeur word en daarna deur die voorsitter van die gemeenskapsraad onderteken word as bewys daarvan dat dit 'n ware en juiste opgawe van die bates en laste van die gemeenskapsraad bevat.

ESTIMATES

3. The annual estimates of the community council on revenue and expenditure account and capital account shall be drawn up in the form prescribed by the Minister from time to time.

4. (1) Not later than the date fixed by the secretary, the treasurer shall furnish each head of a division with such financial information as he may require for the preparation of draft estimates in respect of the revenue and expenditure and capital accounts of the division concerned for the ensuing financial year and within 30 days of receiving such information each head of a division shall submit to the treasurer such draft estimates in respect of his division.

(2) The treasurer shall submit the draft estimates of all divisions, together with a summary thereof and his recommendations thereon, to the secretary.

(3) The secretary shall submit the draft estimates of all divisions to the community council for consideration, amendment at its discretion and approval in principle.

(4) The community council shall submit the estimates to the Secretary for Plural Relations and Development for approval by the Minister subject to such conditions as he may deem necessary.

EXPENDITURE

5. (1) No expenditure shall be incurred otherwise than in accordance with the estimates of expenditure which have been approved in terms of regulation 4 (4): Provided that expenditure in excess of that approved in such estimates may be incurred only with the prior approval of the Minister.

(2) No saving under any provision for a specific purpose in the estimates on revenue account may, without the prior approval of the Minister, be utilised to meet any excess expenditure in respect of a provision for any other purpose.

COLLECTION AND CONTROL OF REVENUE

6. (1) The treasurer shall, with the approval of the community council, open a bank account with a registered commercial bank.

(2) The treasurer shall be responsible for the collection of all moneys due to the community council and, unless he authorises some other division, in writing, to do so, all moneys shall be collected by his division.

(3) All moneys collected by any other division in terms of subregulation (2) shall be paid over to the treasurer or to an officer authorised in writing by him.

7. All moneys collected in terms of regulation 6 shall be balanced daily or at such regular intervals and in such a manner as the treasurer may determine, and paid into the community council's bank account.

8. Except with the approval of the Minister no asset or any moneys due to the community council shall be written off.

9. (1) All moneys collected shall forthwith be brought into account by the issue of a numbered official receipt or face-value receipt.

(2) No alteration shall be made on a receipt issued in terms of subregulation (1) and, if a receipt is issued erroneously, such receipt shall be cancelled immediately and another receipt issued in its place.

BEGROTING

3. Die jaarlikse begroting van die gemeenskapsraad ten opsigte van die inkomste-en-uitgawerekening en die kapitaalrekening word opgestel in die vorm van tyd tot tyd deur die Minister bepaal.

4. (1) Nie later nie as 'n datum deur die sekretaris bepaal, verstrek die tesourier aan elke hoof van 'n afdeling die finansiële inligting wat hy nodig het vir die opstel van 'n konsepbegroting vir die inkomste-en-uitgawerekening en die kapitaalrekening vir die volgende boekjaar ten opsigte van die betrokke afdeling, en binne 30 dae na die ontvangs van sodanige inligting lê elke hoof van 'n afdeling aan die tesourier sodanige konsepbegroting van sy afdeling voor.

(2) Die tesourier lê die konsepbegroting van alle afdelings, tesame met 'n opsomming daarvan en sy aanbevelings daaroor, aan die sekretaris voor.

(3) Die sekretaris lê die konsepbegroting van alle afdelings aan die gemeenskapsraad voor, wat dit oorweeg, na goeddunke kan wysig en in beginsel goedkeur.

(4) Die gemeenskapsraad lê sy begroting aan die Sekretaris van Plurale Betrekkinge en Ontwikkeling voor vir goedkeuring deur die Minister, behoudens sodanige voorwaardes as wat hy goedvind.

UITGAWE

5. (1) Geen uitgawe mag aangegaan word nie behalwe ooreenkomstig die begroting van uitgawes goedgekeur ingevolge die bepalings van regulasie 4 (4): Met dien verstande dat uitgawes bo dié in sodanige begroting goedgekeur, slegs met die voorafverkreë goedkeuring van die Minister aangegaan mag word.

(2) Geen besparing onder enige voorsiening vir 'n spesifieke doel in die begroting ten opsigte van die inkomsterekening mag sonder die voorafverkreë goedkeuring van die Minister aangewend word ter bestryding van enige oorskrydingsuitgawes ten opsigte van 'n voorsiening vir enige ander doel nie.

INVORDERING VAN EN BEHEER OOR INKOMSTE

6. (1) Met die goedkeuring van die gemeenskapsraad open die tesourier 'n bankrekening by 'n geregistreerde handelsbank.

(2) Die tesourier is verantwoordelik vir die invordering van alle gelde wat aan die gemeenskapsraad verskuldig is en tensy hy 'n ander afdeling skriftelik daartoe magtig, word alle gelde deur sy afdeling ingevorder.

(3) Alle gelde wat ingevolge subregulasie (2) deur 'n ander afdeling ingevorder word, word by die tesourier of 'n beampte skriftelik deur hom daartoe gemagtig, inbetaal.

7. Alle gelde wat ingevolge regulasie 6 ingevorder word, word daagliks of op die gesette tye en op die wyse wat die tesourier bepaal, gebalanseer en in die gemeenskapsraad se bankrekening gestort.

8. Behalwe met die goedkeuring van die Minister word geen bate, of enige gelde aan die gemeenskapsraad verskuldig, afgeskryf nie.

9. (1) Alle gelde wat ingevorder word, moet onverwyld in rekening gebring word deur die uitreiking van 'n genommerde amptelike kwitansie of sigwaardekwitansie.

(2) Geen verandering mag aangebring word op 'n kwitansie ingevolge subregulasie (1) uitgereik nie en indien 'n kwitansie foutiewelik uitgereik is, word sodanige kwitansie onmiddellik gekanselleer en 'n ander kwitansie in die plek daarvan uitgereik.

(3) When it becomes necessary to cancel a receipt the word "CANCELLED" shall be endorsed in ink on all copies thereof over the signature of the responsible officer, whereafter such receipt and copies thereof shall be kept in safe custody.

10. (1) If the amount of money in an officer's possession is less than that for which he is accountable to the community council, he shall make an entry recording the deficiency in the register concerned and shall forthwith make up the deficiency, or in the event of the officer, for reasons acceptable to the community council, not being able to make up the deficiency forthwith, the amount of the deficiency shall be recovered in the manner prescribed by the community council: Provided that if the community council, having considered all the circumstances of the case, is of the opinion that the officer should not be held responsible for the deficiency, the community council may apply for the write-off thereof in terms of regulation 8.

(2) The officer responsible for the collection of moneys shall balance his books and registers daily, reconcile them with cash received and furnish a certificate as to the correctness thereof.

(3) The amount of any surplus cash shall forthwith be brought into account as revenue by the issue of an official receipt and shall be recorded in the register concerned by the responsible officer.

INTERNAL EXAMINATION AND CONTROL

11. Subject to the provisions of regulation 75 (1), the community council shall arrange for the introduction and maintenance of effective systems of internal examination and control of the financial affairs of the community council.

TENDERS FOR THE ACQUISITION OF SUPPLIES

12. The acquisition of supplies and services by the community council and the disposal of any stores and other property by the community council shall take place only in accordance with the provisions of these regulations: Provided that the provisions of these regulations shall not apply to the acquisition of stores and other property from, and the sale thereof to a Government department, local authority or board or similar body.

FORMAL TENDERS

13. Before the community council enters into any contract for the execution of any works for or on behalf of the community council or the acquisition or disposal of any stores and other property by the community council for an amount in excess of R2 000, it shall give at least 14 days' notice in an Afrikaans and an English newspaper circulating in the area of the community council, and shall affix on a notice-board at the office of the community council a notice of its intention to enter into such contract, expressing the purpose and full particulars thereof and inviting tenders for that purpose: Provided that the provisions of this regulation shall not apply where the community council, after considering a report of the secretary, is of the opinion—

(a) that owing to the urgency or the particular circumstances of the case the calling for tenders should be dispensed with; or

(3) Wanneer dit nodig is om 'n kwitansie te kanselleer, moet die woord "GEKANSELLEER" met ink op die oorspronklike en alle kopieë daarvan aangebring word oor die handtekening van die verantwoordelike beampte, waarna sodanige kwitansie en kopieë daarvan in veilige bewaring gehou moet word.

10. (1) As die bedrag geld in 'n beampte se besit minder is as dié wat hy aan die gemeenskapsraad moet verantwoord, maak hy 'n aantekening van die tekort in die betrokke register en vergoed hy die tekort onverwyld, of indien die beampte om redes wat vir die gemeenskapsraad aanvaarbaar is, nie in staat is om die tekort onmiddellik goed te maak nie, word die bedrag van die tekort verhaal op die wyse deur die gemeenskapsraad bepaal: Met dien verstande dat indien die gemeenskapsraad met inagneming van al die omstandighede van die geval van oordeel is dat die beampte nie vir die tekort aanspreeklik gehou behoort te word nie, die gemeenskapsraad aansoek kan doen om die afskryf daarvan ingevolge regulasie 8.

(2) Die beampte belas met die invordering van gelde moet sy boeke en registers daagliks afsluit, dit met die kontant ontvang balanseer en 'n sertifikaat van die korrektheid daarvan verstrek.

(3) Die bedrag van enige surplus in kontant moet onmiddellik deur die betrokke beampte deur die uitreiking van 'n amptelike kwitansie as inkomste in rekening gebring word en 'n aantekening daarvan moet in die betrokke register gemaak word.

INTERNE NASIENING EN BEHEER

11. Behoudens die bepalings van regulasie 75 (1), reël die gemeenskapsraad vir die instelling en handhawing van doeltreffende stelsels van interne nasiening van en beheer oor die gemeenskapsraad se geldsake.

TENDERS VIR DIE VERKRYGING VAN LEWERANSIES

12. Die verkryging van leweransies en dienste deur die gemeenskapsraad en die vandiehandsetting van enige voorrade en ander eiendom deur die gemeenskapsraad geskied slegs ooreenkomstig die bepalings van hierdie regulasies: Met dien verstande dat die bepalings van hierdie regulasies nie van toepassing is nie op die verkryging van voorrade en ander eiendom van, en die vandiehandsetting daarvan aan 'n staatsdepartement, plaaslike bestuur of raad of soortgelyke liggaam.

FORMELE TENDERS

13. Voordat die gemeenskapsraad enige kontrak aangaan vir die uitvoering van enige werke vir of ten behoewe van die gemeenskapsraad of vir die verkryging of die vandiehandsetting van enige voorrade en ander eiendom deur die gemeenskapsraad vir 'n bedrag van meer as R2 000, gee hy minstens 14 dae kennis in 'n Afrikaanstalige en in 'n Engelstalige nuusblad wat in die gemeenskapsraad se gebied in omloop is, en in 'n kennisgewing op 'n kennisgewingbord by die kantoor van die gemeenskapsraad, van sy voorneme om sodanige kontrak aan te gaan en waarin die doel en volledige besonderhede daarvan vermeld word en waarin tenders vir dié doel gevra word: Met dien verstande dat die bepalings van hierdie regulasie nie van toepassing is nie waar die gemeenskapsraad, na oorweging van 'n verslag van die sekretaris, van oordeel is—

(a) dat vanweë die dringendheid of die besondere omstandighede van die geval, daar afgesien behoort te word van die vra van tenders; of

(b) where the proposed contract is for the acquisition or disposal of stores and other property, that such stores and other property should be acquired or disposed of by public auction.

INFORMAL TENDERS (QUOTATIONS)

14. If it can reasonably be accepted that the cost of works or buildings or any other services or the cost of a supply or other service will not exceed R2 000, the community council may invite informal tenders (quotations) therefor: Provided that at least two written informal tenders (quotations) shall be called for.

15. (1) If it can reasonably be accepted that the cost of works or buildings or services or the cost of a supply or other service will not exceed R500, the head of the division may invite informal tenders (quotations) therefor.

(2) The authority to accept an informal tender (quotation) in terms of subregulation (1) shall be vested in the head of the division, provided it is the lowest tender, and any acceptance must be noted on a comparative schedule of all tenders (quotations) received: Provided that where the only tender received is accepted, the names of the persons invited to tender shall be stated and it shall be certified that the tariffs are fair and reasonable, and a report on each such transaction for an amount exceeding R100 shall be submitted to the community council.

CALLING FOR TENDERS

16. When it becomes necessary to call for any tender for a supply or service, the head of the division shall furnish the secretary, in writing, with full particulars of such supply or service in such form as the secretary deems necessary for the calling for such tenders.

NOTICE OF TENDER AND PARTICULARS

17. In addition to any other particulars which a notice of tender in terms of these regulations must contain, each notice of tender shall contain the address to which tenders must be sent, the closing date and hour for the receipt thereof and the period of validity of tenders submitted: Provided that the secretary may, after consultation with the chairman of the community council or his deputy, approach a tenderer to obtain his permission for the extension of the period of validity of a tender.

18. As soon as a notice of tender has been published, no amendment or addition to the particulars contained therein shall be effected without the prior approval of the secretary and notice of any such amendment or addition shall be given to all prospective tenderers.

INFORMATION TO BE FURNISHED BY TENDERER

19. (1) In any supply tender the tenderer shall indicate that the article or articles to which the tender relates—

(a) has or have been manufactured locally exclusively or mainly from raw materials produced in the Republic;

(b) has or have been manufactured locally exclusively or mainly from imported raw materials;

(c) has or have been manufactured locally from imported stocks held in the Republic; or

(d) has or have been imported.

(b) dat, in die geval van 'n kontrak vir die verkryging of die vandiehandsetting van voorrade en ander eiendom, sodanige voorrade en ander eiendom by publieke veiling verkry of van die hand gesit moet word.

INFORMELE TENDERS (PRYSOPGAWES)

14. As daar redelikerwys verwag word dat die koste van werke of geboue of enige ander dienste of die koste van 'n leweransie of 'n ander diens hoogstens R2 000 sal wees, kan die gemeenskapsraad informele tenders (prysopgawes) daarvoor vra: Met dien verstande dat minstens twee skriftelike informele tenders (prysopgawes) gevra moet word.

15. (1) As daar redelikerwys verwag word dat die koste van werke of geboue of dienste of die koste van 'n leweransie of 'n ander diens hoogstens R500 sal wees, kan die afdelingshoof informele tenders (prysopgawes) daarvoor vra.

(2) Die bevoegdheid om 'n informele tender (prysopgawe) kragtens subregulasie (1) aan te neem, berus by die afdelingshoof mits dit die laagste tender is, en enige aanname moet op 'n vergelykende staat van tenders (prysopgawes) ontvang, aangeteken word: Met dien verstande dat wanneer die enigste tender ontvang, aangeneem word, die name van die persone wat gevra is om te tender, aangedui moet word en daar gesertifiseer moet word dat die tariewe redelik en billik is en dat daar van elke sodanige transaksie ten bedrae van meer as R100 aan die gemeenskapsraad verslag gedoen word.

VRA VAN TENDERS

16. Wanneer dit nodig word om 'n tender vir 'n leweransie of diens te vra, verskaf die afdelingshoof skriftelik aan die sekretaris volledige besonderhede van sodanige leweransie of diens in die vorm wat die sekretaris vir die vra van so 'n tender nodig ag.

TENDERKENNISGEWINGS EN BESONDERHEDE

17. Benewens enige ander besonderhede wat 'n tenderkennisgewing ingevolge hierdie regulasies moet bevat, bevat elke tenderkennisgewing ook die adres waarheen tenders gestuur moet word, die sluitingsdatum en -uur vir die ontvangs daarvan en die geldigheidsduur van tenders ingedien: Met dien verstande dat die sekretaris, na raadpleging met die voorsitter van die gemeenskapsraad of sy gemagtigde, 'n tenderaar kan nader om sy toestemming vir die verlenging van die geldigheidsduur van 'n tender.

18. Sodra 'n tenderkennisgewing gepubliseer is, mag geen wysiging aan of byvoeging tot die besonderhede daarin vervat, sonder die voorafverkreë goedkeuring van die sekretaris aangebring word nie en kennis van enige sodanige wysiging of byvoeging moet aan alle voornemende tenderaars gegee word.

INLIGTING WAT DEUR TENDERAAR VERSTREK MOET WORD

19. (1) In enige tender vir 'n leweransie moet die tenderaar aandui of die artikel of artikels waarop die tender betrekking het—

(a) plaaslik vervaardig is uitsluitlik of hoofsaaklik uit grondstowwe wat in die Republiek geproduseer is;

(b) plaaslik vervaardig is uitsluitlik of hoofsaaklik uit grondstowwe wat ingevoer is;

(c) plaaslik vervaardig is uit ingevoerde voorrade in die Republiek gehou; of

(d) ingevoer is.

(2) Where any article or the raw materials from which it is manufactured have been or have to be imported, the country of origin shall be mentioned.

(3) Every tenderer who is entitled to preference in terms of the provisions of regulation 33 shall indicate on his tender the percentage preference which he claims and shall certify that to the best of his knowledge, belief and experience and after the costs have been fully and carefully investigated by him, that such preference is correct and is in accordance with the actual local content: Provided that the secretary may at any time demand that the claim for preference be supported by a sworn statement or by documentary proof.

SUBMISSION OF TENDERS

20. (1) Each tender shall, subject to the provisions of this regulation, be on the tender form approved by the community council and in a sealed cover on which the tender number and nature of the supply or service and the closing date and hour are endorsed, and shall be lodged with the secretary on or before the closing date and hour.

(2) When any tender is received open or without the tender number or nature of the supply or service or closing date and hour endorsed on the cover, the secretary shall satisfy himself of the contents thereof and, after sealing such tender, shall note on the cover thereof the date of receipt, the condition in which it was received and where necessary the tender number, closing date and hour and the nature of the supply or service tendered for.

(3) The secretary shall bring each tender dealt with in accordance with subregulation (2) to the notice of the community council, which may in its discretion regard any such tender.

(4) A telegraphic tender received on or before the closing date and hour shall be allowed provided the name of the tenderer, the tender number and all prices which make up the total tender price are clearly stated therein and such tender is confirmed by a tender on the approved tender form which shall be lodged with the secretary within 24 hours after the closing date and hour.

(5) Subject to the provisions of subregulation (6) a tender received after the closing date and hour shall not be considered and the tenderer shall be notified in writing thereof.

(6) The community council may consider a tender which was received late—

(a) if it is the only tender;

(b) if the community council is satisfied—

(i) that the tender was posted timeously but was delayed in the post;

(ii) that, in the case of a telegraphic tender, it was handed in at the post office on or before the closing date and hour; or

(iii) that the fact that the tender was received late was due to circumstances beyond the control of the tenderer which he could not reasonably foresee.

(7) No tender lodged shall be considered unless the tenderer has indicated that he has fully acquainted himself with the provisions of these regulations in regard to tenders and has undertaken to be fully bound thereby.

(2) Waar enige artikel of die grondstowwe waaruit dit vervaardig is, ingevoer is of moet word, moet die land van herkoms gemeld word.

(3) Elke tenderaar wat geregtig is op voorkeur ingevolge die bepalings van regulasie 33 moet in sy tender aandui op watter persentasie voorkeur hy aanspraak maak en sertifiseer dat sodanige voorkeur na sy beste wete, oortuiging en ondervinding, nadat hy die koste volledig en noukeurig ondersoek het, juis is en in ooreenstemming met die werklike plaaslike inhoud is: Met dien verstande dat die sekretaris te eniger tyd kan eis dat die aanspraak op voorkeur deur middel van 'n beëdigde verklaring of deur dokumentêre bewys gestaaf word.

INDIENING VAN TENDERS

20. (1) Elke tender moet, behoudens die bepalings van hierdie regulasie, op die tendervorm wees deur die gemeenskapsraad goedgekeur, in 'n verseëlde omslag waarop die tendernommer en die aard van die leweransie of diens en die sluitingsdatum en -uur aangebring is, en moet by die sekretaris ingedien word voor of op die sluitingsdatum en -uur.

(2) Wanneer enige tender oop ontvang word of sonder dat die tendernommer of aard van die leweransie of diens of die sluitingsdatum en -uur op die omslag aangebring is, vergewis die sekretaris hom van die inhoud daarvan, en nadat hy sodanige tender verseël het bring hy die datum van ontvangs, die toestand waarin dit ontvang is en, na gelang van die geval, die tendernommer, sluitingsdatum en -uur en die aard van die leweransie of diens waarvoor getender word op die omslag aan.

(3) Die sekretaris bring elke tender waarmee ooreenkomstig subregulasie (2) gehandel is, onder die aandag van die gemeenskapsraad, wat sodanige tender na goeddunke kan verontagsaam.

(4) 'n Tender wat per telegram voor of op die sluitingsdatum en -uur ontvang word, word toegelaat indien die naam van die tenderaar, die tendernommer en alle pryse wat die totale tenderprys opmaak, duidelik daarin vermeld word en sodanige tender bevestig word deur 'n tender op die goedgekeurde tendervorm wat binne 24 uur na die sluitingsdatum en -uur by die sekretaris ingedien is.

(5) Behoudens die bepalings van subregulasie (6), word 'n tender wat na die sluitingsdatum en -uur ontvang is, nie oorweeg nie en word die tenderaar skriftelik daarvan in kennis gestel.

(6) Die gemeenskapsraad kan 'n tender wat laat ontvaang is, oorweeg—

(a) indien dit die enigste tender is;

(b) indien die gemeenskapsraad oortuig is dat—

(i) die tender betyds gepos maar in die pos vertraag is;

(ii) in die geval van 'n telegrafiese tender, dit voor of op die sluitingsdatum en -uur by die poskantoor ingelewer is; of

(iii) die feit dat die tender laat ontvang is, te wyte is aan omstandighede buite die beheer van die tenderaar, wat hy nie redelikerwys kon voorsien het nie.

(7) Geen tender wat ingedien is, word oorweeg nie, tensy die tenderaar skriftelik aangedui het dat hy hom ten volle op die hoogte gestel het van die bepalings van hierdie regulasies betreffende tenders en onderneem het om hom daardeur te laat bind.

OPENING OF TENDERS

21. (1) As soon as possible after the closing date and hour for the receipt of tenders, all tenders shall be opened in public by the secretary or an officer designated by the community council, in the presence of the treasurer or an officer designated by the community council and the head of the division concerned with the tender.

(2) As soon as a tender has been opened—

(a) the secretary or an officer designated by the community council shall read out the name of the tenderer;

(b) there shall be placed upon it the official stamp of the community council and the signatures of the secretary or an officer designated by the community council and of the other persons referred to in subregulation (1) in whose presence it was opened;

(c) the name of the tenderer shall be recorded in a register kept for the purpose; and

(d) the secretary or an officer designated by the community council shall immediately place his initials against every alteration in the tender documents.

(3) When a tender consists of one single item, the amount tendered shall be read out when the tender is opened, but when it consists of more than one item, the secretary or the officer designated by the community council shall in his discretion decide whether the prices of all items or only the total tender price should be read out.

(4) After being recorded in the register referred to in subregulation (2) (c), the tenders shall be handed over to the head of the division concerned, who shall acknowledge receipt thereof by signing the register.

(5) The head of the division concerned shall forthwith hand to the treasurer, who shall furnish a receipt therefor, any deposit or security received with the tender.

CONSIDERATION OF TENDERS

22. (1) Before a tender is considered the head of division concerned shall investigate and make recommendations to the secretary in regard to such tender.

(2) When making a recommendation in terms of the provisions of subregulation (1), the head of the division concerned, in consultation with the treasurer, shall take into consideration—

(a) the provisions of regulation 33; and

(b) the financial standing of the tenderer and his ability to manufacture and deliver the goods.

(3) After the head of the division has made a recommendation in terms of subregulation (1), the secretary shall present the tender to the community council together with—

(a) a comparative schedule of the tenders in a form approved by the community council;

(b) his motivated recommendations;

(c) in the event of the tender recommended for acceptance being the only one, a statement that the tender price is regarded as fair and reasonable; and

(d) in the event of a tender not being the lowest, his reasons why the acceptance of such tender is deemed to be in the community council's interest.

(4) The financial provisions of a contract which the community council intends to conclude shall be referred to the treasurer for his recommendations thereon before the conclusion of the contract.

OOPMAAK VAN TENDERS

21. (1) So gou doenlik na die sluitingsdatum en -uur vir die ontvangs van tenders word alle tenders in die openbaar deur die sekretaris of 'n beampte deur die gemeenskapsraad aangewys, oopgemaak in teenwoordigheid van die tesourier of 'n beampte deur die gemeenskapsraad aangewys en die afdelingshoof wat by die tender betrokke is.

(2) Sodra 'n tender oopgemaak is—

(a) lees die sekretaris of 'n beampte deur die gemeenskapsraad aangewys, die naam van die tenderaar uit;

(b) word die amptelike stempel van die gemeenskapsraad en die handtekening van die sekretaris of 'n beampte deur die gemeenskapsraad aangewys en van die ander persone in subregulasie (1) bedoel, daarop geplaas;

(c) word die naam van die tenderaar in 'n register wat vir daardie doel gehou word, aangeteken; en

(d) plaas die sekretaris of 'n beampte deur die gemeenskapsraad aangewys, onverwyld sy voorletters teenoor elke verandering in die tenderdokumente.

(3) Wanneer 'n tender uit een enkel item bestaan, word die tenderprys uitgelees wanneer dit oopgemaak word, maar wanneer dit uit meer as een item bestaan, kan die sekretaris of 'n beampte deur die gemeenskapsraad aangewys, na goeddunke besluit of die pryse van alle items of slegs die totale tenderprys uitgelees moet word.

(4) Nadat die tenders in die register in subregulasie (2) (c) bedoel, aangeteken is, word die tender aan die betrokke afdelingshoof oorhandig, wat die ontvangs daarvan erken deur die register te teken.

(5) Die hoof van die betrokke afdeling oorhandig onverwyld enige deposito of sekuriteit wat saam met 'n tender ontvang is aan die tesourier, wat 'n ontvangserkenning daarvoor moet verstrek.

OORWEGING VAN TENDERS

22. (1) Alvorens 'n tender oorweeg word, moet die hoof van die betrokke afdeling die betrokke tender ondersoek en aanbevelings daaroor by die sekretaris doen.

(2) By die doen van 'n aanbeveling ingevolge die bepalings van subregulasie (1) neem die betrokke afdelingshoof in oorleg met die tesourier in aanmerking—

(a) die bepalings van regulasie 33; en

(b) die finansiële posisie van die tenderaar en sy vermoë om die goedere te vervaardig en te lewer.

(3) Nadat die afdelingshoof 'n aanbeveling ingevolge subregulasie (1) gedoen het, lê die sekretaris die tender aan die gemeenskapsraad voor, tesame met—

(a) 'n vergelykende staat van die tenders in 'n vorm deur die gemeenskapsraad goedgekeur;

(b) sy gemotiveerde aanbeveling;

(c) in die geval waar die tender wat vir aanname aanbeveel word, die enigste tender is, 'n verklaring dat die tenderprys as billik en redelik beskou word; en

(d) in dié geval waar sodanige tender nie die laagste is nie, sy redes waarom die aanname van 'n tender in belang van die gemeenskapsraad geag word.

(4) Die finansiële bepalings van 'n kontrak wat die gemeenskapsraad van voorneme is om aan te gaan, word na die tesourier verwys vir sy aanbevelings daaroor voordat die kontrak aangegaan word.

(5) The treasurer shall in respect of every contract concluded by the community council keep a record in which the financial rights and obligations of the community council thereunder are set forth, and shall enter in that record every payment made by or to the community council in terms of that contract.

23. (1) No tender shall be considered until full particulars have been supplied to each person who applied therefor to the community council.

(2) An application for particulars referred to in subregulation (1) shall be made within three days after the notice in terms of regulation 13 and the particulars requested shall be furnished within 10 days of such notice.

24. No member or officer of the community council shall disclose to any person other than a member or officer of the community council who in the course of his official duties is concerned with the tender, any information relating to it contained in any report of an officer, consultant or other adviser of the community council.

INSPECTION, SAMPLES AND TESTING

25. (1) The secretary shall arrange for the inspection, sampling and testing of all supplies tendered for and any delivery which does not conform to the approved sample or which deviates from the specifications indicated in the tender or contract shall be rejected.

(2) In the event of a rejection in terms of subregulation (1) the supplier shall be liable for all costs and expenses incurred by the community council in connection with the inspection, sampling and testing of supplies.

(3) Samples submitted by tenderers shall be supplied at their own cost and risk: Provided that such samples may in the discretion of the head of the division be returned to the tenderer.

USE OF TRADE NAMES

26. The use of trade names and the mention of patent articles shall be avoided as far as possible in all tender forms but where such use or mention is essential in order to indicate the style, type or quality of a required supply the words "or similar" or the words "or equivalent" shall be added.

JURISDICTION

27. (1) Each tenderer shall choose a place in the Republic as his *domicilium citandi et executandi*, which place shall be specified in his tender.

(2) Each tenderer shall declare in writing in his tender that he assents to the jurisdiction of the Magistrate's Court in regard to any claim or action in connection with such tender or any contract arising from such tender.

(3) Each foreign tenderer shall state in his tender the name of the person whom he has appointed to be his agent in the Republic to enter into any contract arising from such tender.

CEDING OF CONTRACTS

28. (1) Save with the prior written approval of the community council a tenderer or contractor shall not transfer, cede or assign a contract entered into with the community council.

(5) Die tesourier hou ten opsigte van elke kontrak wat deur die gemeenskapsraad aangegaan word, 'n rekord waarin die finansiële regte en verpligtinge van die gemeenskapsraad daarkragtens uiteengesit word en teken in daardie rekord elke betaling aan wat ingevolge die kontrak deur of aan die gemeenskapsraad gedoen is.

23. (1) Geen tender word oorweeg alvorens volledige besonderhede aan elke persoon wat daarom by die gemeenskapsraad aansoek doen, verstrek is nie.

(2) 'n Aansoek om besonderhede in subregulasie (1) bedoel, moet gedoen word binne drie dae na die kennisgewing ingevolge regulasie 13 en die verlangde besonderhede moet binne 10 dae na sodanige kennisgewing verstrek word.

24. Geen lid of beampte van die gemeenskapsraad mag aan enige ander persoon as 'n lid of beampte van die gemeenskapsraad wat in die loop van sy ampspligte by die tender betrokke is, enige inligting wat op die tender betrekking het en wat in enige verslag van 'n beampte, konsultant of ander raadgewer van die gemeenskapsraad vervat is, openbaar nie.

INSPEKSIE, MONSTERS EN TOETSING

25. (1) Die sekretaris moet reël vir die inspeksie, neem van monsters en toetsing van alle leweransies ten opsigte waarvan daar getender is, en enige leweransie wat nie voldoen aan die goedgekeurde monster nie of wat afwyk van die spesifikasies in die tender aangedui, word afgekeur.

(2) In die geval van 'n afkeuring ingevolge subregulasie (1) is die leweransier aanspreeklik vir alle koste en uitgawes deur die gemeenskapsraad aangegaan in verband met die inspeksie, neem van onsters en toetsing van leweransies.

(3) Monsters wat deur tenderaars verskaf word, word op hulle eie koste en risiko voorsien: Met dien verstande dat sodanige monsters na goeddunke van die afdelingshoof aan die tenderaar terugbesorg kan word.

GEBRUIK VAN HANDELSNAME

26. Die gebruik van handelsname en die vermelding van patentartikels moet sover moontlik in alle tendervorms vermy word, maar waar sodanige gebruik of vermelding noodsaaklik is om die soort, tipe of gehalte van die benodigde leweransie aan te dui, moet die woorde "of soortgelyke" of die woorde "of gelykstaande" bygevoeg word.

JURISDIKSIE

27. (1) Elke tenderaar moet 'n plek in die Republiek kies as sy *domicilium citandi et executandi*, welke plek hy in sy tender moet spesifiseer.

(2) Elke tenderaar moet in sy tender skriftelik verklaar dat hy toestem tot die jurisdiksie van die landdrofshof in enige eis of aksie wat in verband staan met sodanige tender of enige kontrak wat uit sodanige tender voortspruit.

(3) Elke buitelandse tenderaar moet in sy tender die naam vermeld van die persoon wat hy as sy agent in die Republiek aangestel het om enige kontrak wat uit sodanige tender voortspruit, aan te gaan.

SEDERING VAN KONTRAKTE

28. (1) Behalwe met die voorafverkreë skriftelike goedkeuring van die gemeenskapsraad, mag geen tenderaar of kontrakteur 'n kontrak wat hy met die gemeenskapsraad aangegaan het, oordra, afstaan of sedeer nie.

(2) Where a tenderer or contractor acts contrary to the provisions of subregulation (1), the community council may in its discretion, without prejudice to any other rights it may have, cancel the contract.

TRANSACTIONS WITH OFFICERS AND MEMBERS

29. (1) Save with the approval of the community council, no officer or employee of the community council shall enter into any transaction of purchase, sale, lease or hire with the community council: Provided that the provisions of this subregulation shall not apply with reference to—

(a) a transaction concluded as a result of the acceptance of a tender;

(b) a transaction concluded as a result of a sale at public auction; or

(c) a transaction concluded at tariffs prescribed for the general public.

(2) The provisions of subregulation (1) shall be *mutatis mutandis* applicable to a member of the community council: Provided that the approval of the Minister shall be obtained for the conclusion of any such transaction.

FURNISHING OF SECURITY

30. (1) Security shall be demanded from a contractor only in respect of a contract where—

(a) payment is to be made to the community council;

(b) the community council's property is to be handed over to a contractor; or

(c) the community council, prior to the invitation of tenders for supplies and services, so decides:

Provided that the secretary may dispense with such security in the case of a supply or service the value of which is R500 or less, after he has satisfied himself that the interests of the community council have been adequately safeguarded.

(2) Unless the community council in a special case decides otherwise, the security required in terms of subregulation (1) shall be determined as follows:

(a) In the case of subregulation (1) (a), the estimated amount to be paid to the community council;

(b) in the case of subregulation (1) (b), the value of the community council's property to be handed over to the contractor; and

(c) in the case of subregulation (1) (c), 10 per cent of value of the contract.

(3) The required security shall consist of—

(a) a guarantee by a bank, insurance company or guarantee corporation;

(b) a cash deposit; or

(c) such other security as the community council may approve.

WITHDRAWAL OF TENDER AND FAILURE TO EXECUTE A CONTRACT

31. (1) Should a tenderer vary or withdraw his tender after the closing date and hour, but prior to his being notified of the acceptance thereof, or should a tenderer after having been notified that his tender has been accepted—

(a) give notice of his inability to execute the contract in terms of his tender; or

(2) Waar 'n tenderaar of kontrakteur in stryd met die bepalings van subregulasie (1) optree, kan die gemeenskapsraad na goeddunke, sonder benadeling van enige regte waaroor hy beskik, die kontrak opsê.

TRANSAKSIES MET BEAMPTES EN LEDE

29. (1) Behalwe met goedkeuring deur die gemeenskapsraad, mag geen beampte of werknemer van die gemeenskapsraad enige transaksie van koop, verkoop, verhuur of huur met die gemeenskapsraad aangaan nie: Met dien verstande dat die bepalings van hierdie subregulasie nie van toepassing is nie met betrekking tot—

(a) 'n transaksie aangegaan as gevolg van die aanname van 'n tender;

(b) 'n transaksie aangegaan as gevolg van 'n verkoping by openbare veiling; of

(c) 'n transaksie aangegaan teen tariewe voorgeskryf vir die algemene publiek.

(2) Die bepalings van subregulasie (1) is *mutatis mutandis* van toepassing met betrekking tot 'n lid van die gemeenskapsraad: Met dien verstande dat die goedkeuring van die Minister verkry moet word vir die aangaan vaan enige sodanige transaksie.

SEKERHEIDSTELLING

30. (1) Sekerheid word van 'n kontrakteur vereis slegs ten opsigte van 'n kontrak waar—

(2) betaling aan die gemeenskapsraad gedoen moet word:

(b) gemeenskapsraadseiendom aan 'n kontrakteur oorhandig moet word; of

(c) die gemeenskapsraad voor die vra van tenders vir leweransies en dienste aldus besluit:

Met dien verstande dat die sekretaris van sekerheid kan afsien in die geval van 'n leweransie of diens waarvan die waarde R500 of minder is, nadat hy hom vergewis het dat die belange van die gemeenskapsraad voldoende beskerming geniet.

(2) Tensy die gemeenskapsraad in 'n besondere geval anders besluit, word die sekerheid wat ingevolge subregulasie (1) vereis word, soos volg bepaal:

(a) In die geval van subregulasie (1) (a), die beraamde bedrag wat aan die gemeenskapsraad betaal moet word;

(b) in die geval van subregulasie (1) (b), die waarde van die gemeenskapsraadseiendom wat aan die kontrakteur oorhandig moet word; en

(c) in die geval van subregulasie (1) (c), 10 persent van die waarde van die kontrak.

(3) Die vereiste sekerheid bestaan uit—

(a) 'n garansie deur 'n bank, versekeringsmaatskappy of garansiekorporasie;

(b) 'n kontantdeposito; of

(c) sodanige ander sekerheid as wat die gemeenskapsraad goedkeur.

TERUGTREKKING VAN TENDER EN VERSUIM OM KONTRAK UIT TE VOER

31. (1) As 'n tenderaar sy tender wysig of terugtrek na die sluitingsdatum en -uur maar voordat hy van die aanname daarvan in kennis gestel is, of as 'n tenderaar nadat hy in kennis gestel is dat sy tender aangeneem is—

(a) kennis gee van sy onvermoë om die kontrak ooreenkomstig sy tender uit te voer; of

(b) fail to sign a contract or furnish the security required in terms of regulation 30 within the period fixed in the tender conditions or any extended period fixed by the community council; or

(c) fail to execute the contract;

he shall pay all additional expenses which the community council will have to incur in calling for fresh tenders and pay the difference between his tender and a less favourable tender accepted in terms of the provisions of subregulation (2) and any consequential loss which may arise as a result of his non-fulfilment of his contract obligations: Provided that the community council may exempt a tenderer from the provisions of this subregulation if it is of the opinion that the circumstances justify such exemption.

(2) When, in the circumstances mentioned in subregulation (1), it is not deemed expedient to invite fresh tenders, the secretary may, at the request of the head of the division, recommend some other tender for acceptance from those already received.

(3) When a contract has been awarded to a tenderer owing to preference claimed by and accorded to him in terms of regulation 33 and it is later proved to the satisfaction of the head of the division that the preference claimed was too high, all costs, losses or damage which the community council may incur or sustain as a result of the awarding of the contract to such tenderer shall be recovered from him.

ACCEPTANCE OF TENDERS

32. (1) The community council shall not be bound to accept the lowest or only tender and to furnish any reason for the acceptance or rejection of a tender and may accept the whole or part of a tender or, in the event of a number of items being tendered for, accept such tender in respect of any item or part of an item: Provided that if the lowest tender which conforms to the relevant tender specifications is not accepted by the community council, a report with full details and reasons shall be submitted to the Secretary for Plural Relations and Development.

(2) The community council may leave any tender out of account—

(a) which is incomplete;

(b) on which unauthorised alterations have been effected;

(c) which does not conform to the provisions contained in the advertisements; or

(d) which does not conform to the provisions of these regulations in regard to tenders.

(3) Save where the Minister determines otherwise, a decision of the community council in connection with the acceptance or rejection of a tender shall be final.

COMPARISON OF TENDERS AND PREFERENCES

33. (1) When tenders for goods manufactured in the Republic are compared with tenders for imported goods, any preference to be accorded in terms of subregulation (5) shall be deducted from the original tender price of the former, whilst freight, insurance, import duty, landing charges and railage shall be added to the tender price of the latter, if not already allowed for in the tender.

(b) versuim om binne die tydperk in die tendervoorwaardes of enige verlengde tydperk deur die gemeenskapsraad bepaal, 'n kontrak te teken of die sekerheid ingevolge regulasie 30 vereis, te stel; of

(c) versuim om uitvoering aan die kontrak te gee;

moet hy alle addisionele uitgawes betaal wat die gemeenskapsraad moet aangaan vir die vra van nuwe tenders en die verskil betaal tussen sy tender en 'n minder gunstige tender wat ingevolge die bepalings van subregulasie (2) aangeneem word asook enige verlies wat voortvloei uit die nie-nakoming van sy kontrakverpligting: Met dien verstande dat die gemeenskapsraad 'n tenderaar kan vrystel van die bepalings van hierdie subregulasie indien hy van oordeel is dat die omstandighede dit regverdig.

(2) Wanneer dit in die omstandighede in subregulasie (1) genoem, nie dienstig geag word om nuwe tenders te vra nie, kan die sekretaris op versoek van die afdelingshoof 'n tender uit dié wat reeds ontvang is, vir aanname aanbeveel.

(3) Wanneer 'n kontrak toegeken is aan 'n tenderaar as gevolg van voorkeur wat deur hom geëis en toegestaan is ingevolge regulasie 33, en daar later tot tevredenheid van die afdelingshoof bewys word dat die voorkeur geëis te hoog was, kan alle koste, verliese of skade wat die gemeenskapsraad het of ly as gevolg van die toekennnig van die kontrak aan sodanige tenderaar, op hom verhaal word.

AANNEEM VAN TENDERS

32. (1) Die gemeenskapsraad is nie verplig om die laagste of enigste tender aan te neem en om redes te verstrek vir die aanname of afkeuring van 'n tender nie en hy kan die hele tender of 'n gedeelte daarvan of, ingeval daar vir 'n aantal items getender word, sodanige tender ten opsigte van enige item of 'n gedeelte van 'n item aanneem: Met dien verstande dat indien die laagste tender wat aan die betrokke tenderspesifikasies voldoen, nie deur die gemeenskapsraad aangeneem word nie, 'n verslag met volle besonderhede en redes aan die Sekretaris van Plurale Betrekkinge en Ontwikkeling voorgelê moet word.

(2) Die gemeenskapsraad kan enige tender buite rekening laat—

(a) wat onvolledig is;

(b) waarop ongemaagtigde veranderings aangebring is;

(c) wat nie aan die bepalings wat in die advertensie vervat is, voldoen nie; of

(d) wat nie voldoen aan die bepalings van hierdie regulasies met betrekking tot tenders nie.

(3) Tensy die Minister anders gelas, is 'n besluit van die gemeenskapsraad in verband met die aanname of afwysing van 'n tender finaal.

VERGELYKING VAN TENDERS EN VOORKEUR

33. (1) Wanneer tenders vir goedere wat in die Republiek vervaardig is, vergelyk word met tenders vir ingevoerde goedere, word enige voorkeur wat ingevolge subregulasie (5) toegestaan word, van die oorspronklike tenderprys vir eersgenoemde afgetrek, terwyl skeepsvrag, versekerings, invoerreg, landingskoste en spoorvrag by die tenderprys vir laasgenoemde bygereken word indien daar nie reeds in die tender daarvoor voorsiening gemaak is nie.

(2) Where tenders for imported goods are compared—

(a) the customs dues shall be added to the tender price, with due regard to any customs preferences, as well as any difference in the freight tariffs where the goods are shipped from different ports; and

(b) a preference of 1 per cent on the original tender price shall be accorded to goods delivered from stocks already held in the Republic.

(3) Where tenders for goods manufactured in the Republic are compared—

(a) a preference of 2½ per cent on the original tender price shall be accorded to goods bearing the mark of the South African Bureau of Standards over and above any preference accorded in terms of the provisions of subregulation (5); and

(b) railage to the place of delivery shall be added to the tender price in the event of the tender being on a "free on rail" basis.

(4) In any case where transport costs have to be calculated for the purpose of price comparisons, such calculations shall be based on the tariffs normally paid by the public.

(5) In comparing tenders for supplies manufactured, produced or assembled partly or wholly in the Republic, preference on the following percentage basis shall be accorded to the original tender price over and above any preference already accorded:

(a) 1 per cent—if the local content in proportion to the tender price is not in excess of 5 per cent;

(b) 2 per cent—if the local content in proportion to the tender price is more than 5 per cent but not in excess of 10 per cent;

(c) 3 per cent—if the local content in proportion to the tender price is more than 10 per cent but not in excess of 20 per cent;

(d) 4 per cent—if the local content in proportion to the tender price is more than 20 per cent but not in excess of 30 per cent;

(e) 5 per cent—if the local content in proportion to the tender price is more than 30 per cent but not in excess of 40 per cent;

(f) 6 per cent—if the local content in proportion to the tender price is more than 40 per cent but not in excess of 50 percent;

(g) 7 per cent—if the local content in proportion to the tender price is more than 50 per cent but not in excess of 60 percent;

(h) 8 per cent—if the local content in proportion to the tender price is more than 60 per cent but not in excess of 70 percent;

(i) 9 per cent—if the local content in proportion to the tender price is more than 70 per cent but not in excess of 80 percent;

(j) 10 per cent—if the local content constitutes more than 80 per cent of the tender price:

Provided that the community council may exclude from the provisions of this subregulation any supply it may from time to time determine.

(6) The community council may, over and above a preferende accorded in terms of subregulation (5), accord an additional preference, provided such additional preference together with the existing import duties on the supply concerned does not exceed 15 per cent.

(2) Waar tenders vir ingevoerde goedere vergelyk word, word—

(a) die doeaneregte by die tenderprys bygereken, met inagneming van enige doeanevoorkeure, asook enige verskil in die skeepsvragtariewe waar die goedere van verskillende hawens verskeep word; en

(b) 'n voorkeur van 1 persent op die oorspronklike tenderprys toegestaan op goedere wat gelewer word uit voorrade wat reeds in die Republiek gehou word.

(3) Waar tenders vir goedere wat in die Republiek vervaardig is, vergelyk word, word—

(a) 'n voorkeur van 2½ persent op die oorspronklike tenderprys toegestaan op goedere wat die merk van die Suid-Afrikaanse Buro vir Standaarde dra, bo en behalwe enige voorkeur wat kragtens die bepalings van subregulasie (5) toegestaan word; en

(b) spoorvrag na die afleweringspunt by die tenderprys bygereken in die geval waar daar op 'n "vrye op spoor"-grondslag getender is.

(4) In enige geval waar vervoerkoste vir die doel van prysvergelykings bereken moet word, word sodanige berekenings gebaseer op die tariewe wat gewoonlik deur die publiek betaal word.

(5) By die vergelyking van tenders vir leweransies wat gedeeltelik of in geheel in die Republiek vervaardig, geproduseer of gemonteer is, word voorkeur op die volgende persentasie grondslag toegestaan op die oorspronklike tenderprys, bo en behalwe enige ander voorkeur wat reeds toegestaan is:

(a) 1 persent—indien die plaaslike inhoud in verhouding tot die tenderprys nie 5 persent oorskry nie;

(b) 2 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 5 persent is maar nie 10 persent oorskry nie;

(c) 3 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 10 persent is maar nie 20 persent oorskry nie;

(d) 4 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 20 persent is maar nie 30 persent oorskry nie;

(e) 5 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 30 persent is maar nie 40 persent oorskry nie;

(f) 6 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 40 persent is maar nie 50 persent oorskry nie;

(g) 7 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 50 persent is maar nie 60 persent oorskry nie;

(h) 8 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 60 persent is maar nie 70 persent oorskry nie;

(i) 9 persent—indien die plaaslike inhoud in verhouding tot die tenderprys meer as 70 persent is maar nie 80 persent oorskry nie;

(j) 10 persent—indien die plaaslike inhoud meer as 80 persent van die tenderprys uitmaak:

Met dien verstande dat die gemeenskapsraad enige leweransie deur hom van tyd tot tyd bepaal, van die bepalings van hierdie subregulasie kan uitsluit.

(6) Die gemeenskapsraad kan bo en behalwe 'n voorkeur wat kragtens subregulasie (5) toegestaan is, 'n addisionele voorkeur toestaan, mits sodanige addisionele voorkeur tesame met die bestaande invoerregte op die betrokke leweransie nie 15 persent oorskry nie.

(7) In the event of an equality of tender prices after the provisions of subregulations (1) to (6), inclusive, have been applied, preference for the acceptance of a tender shall be accorded in the following sequence:

(a) A tender for supplies wholly or mainly produced in the Republic;

(b) a tender for supplies manufactured in the Republic from raw or non-fabricated material wholly or mainly imported;

(c) a tender for supplies assembled in the Republic from components wholly or mainly imported;

(d) a tender for supplies from imported stocks held in the Republic;

(e) a tender from an accredited agent for import goods who is in a position to give or render expert advice or service;

(f) a tender from a foreign firm with preference to such a firm as has a branch or agency and stocks in the Republic.

(8) If, after application of the provisions of this subregulation, there is still an equality of tender prices, preference shall be accorded in the following sequence:

(a) A tender for goods produced in the province in which the area of the community council is situate;

(b) a tender from a co-operative society;

(c) a tender where the point of dispatch of the supply is nearest to the point of delivery;

(d) in any other case, the tender to be determined by lot.

SANCTIONS

34. (1) When—

(a) the community council is satisfied that any person, firm or company—

(i) is executing a contract with the community council unsatisfactorily;

(ii) has offered, promised or given a bribe or other remuneration to any officer or employee of the community council in connection with the obtaining or execution of a contract;

(iii) has acted in a fraudulent manner or in bad faith or in any other unsatisfactory manner in obtaining or executing a contract with any Government department, provincial administration, a public body, company or person, or that he or it has managed his or its affairs in such a way that he or it has in consequence been found guilty of an offence;

(iv) has approached an officer or employee of the community council before or after tenders have been called for, for the purpose of influencing the award of the contract in his or its favour; or

(v) after being notified that his tender has been accepted, is unable to or fails to execute the contract;

(b) any person, firm or company—

(i) withdraws or varies his or its tender after the closing date and hour;

(ii) after being notified that his or its tender is accepted fails to sign the contract or to furnish the security required; or

(7) In die geval van gelykheid van tenderpryse nadat die bepalings van subregulasies (1) tot en met (6) toegepas is, word voorkeur vir die aanname van 'n tender in die volgende volgorde toegestaan:

(a) 'n Tender vir leweransies wat geheel en al of hoofsaaklik in die Republiek geproduseer is;

(b) 'n Tender vir leweransies wat in die Republiek vervaardig is van grondstowwe of nie-vervaardigde materiaal wat geheel en al of hoofsaaklik ingevoer is;

(c) 'n tender vir leweransies wat in die Republiek gemonteer is uit bestanddele wat geheel en al of hoofsaaklik ingevoer is;

(d) 'n tender vir leweransies uit ingevoerde voorrade wat in die Republiek gehou word;

(e) 'n tender van 'n gevolmagtigde agent vir invoergoedere wat in staat is om deskundige advies of dienste te gee of te lewer;

(f) 'n tender van 'n buitelandse firma, met voorkeur aan so 'n firma wat 'n tak of agentskap en voorrade in die Republiek het.

(8) Indien daar, na die toepassing van die bepalings van hierdie subregulasie, nog 'n gelykheid van tenderpryse is, word voorkeur in die volgende volgorde toegestaan:

(a) 'n Tender vir goedere geproduseer in die provinsie waarin die gebied van die gemeenskapsraad geleë is;

(b) 'n tender van 'n koöperatiewe vereniging;

(c) 'n tender waarvan die versendingspunt van die leweransie die naaste is aan die afleweringspunt;

(d) in enige ander geval, die tender deur loting bepaal.

SANKSIES

34. (1) Wanneer—

(a) die gemeenskapsraad daarvan oortuig is dat enige persoon, firma of maatskappy—

(i) 'n kontrak met die gemeenskapsraad onbevredigend uitvoer;

(ii) aan 'n beampte of werknemer van die gemeenskapsraad omkoopgeld of ander vergoeding aanbied, beloof of gee in verband met die verkryging of uitvoering van 'n kontrak;

(iii) op 'n bedrieglike wyse of te kwader trou of op 'n ander onbehoorlike wyse opgetree het by die verkryging of uitvoering van 'n kontrak met enige staatsdepartement, provinsiale administrasie, openbare liggaam, maatskappy of persoon, of dat hy sy sake so gedryf het dat hy as gevolg daarvan aan 'n misdryf skuldig bevind is;

(iv) voor of nadat tenders gevra is, 'n beampte of werknemer van die gemeenskapsraad genader het met die doel om die toekenning van die betrokke kontrak in sy guns te beïnvloed; of

(v) nadat hy in kennis gestel is dat sy tender aangeneem is, nie in staat is nie of versuim om die kontrak uit te voer;

(b) 'n persoon, firma of maatskappy—

(i) sy tender na die sluitingsdatum en -uur terugtrek of wysig;

(ii) nadat hy in kennis gestel is dat sy tender aangeneem is, versuim om 'n kontrak te teken of die vereiste sekerheid te stel; of

(iii) has claimed a higher preference than that which he or it is entitled to in terms of regulation 33;

the community council may, in addition to any claim which it may have in terms of regulation 31 and in addition to any other legal recourse, cancel a contract between the community council and such person, firm or company and no tender from such person, firm or company shall be considered for a period determined by the community council.

(2) When the community council is satisfied that any person, firm or company is or was a shareholder or that any person is or was a director of a firm or company which in terms of subregulation (1), is one from which no tender shall be considered for a specified period, the community council may resolve that no tender from such person, firm or company shall be considered for a period determined by the community council.

(3) A restriction imposed in terms of subregulations (1) and (2) on a person, firm or company may in the discretion of the community council also be applied to any other undertaking with which such person, firm or company is or was actively associated.

(4) In the application of subregulations (1), (2) and (3) the expression "person, firm or company" shall include an employee or agent of such person, firm or company.

(5) The community council may rescind or vary any resolution in terms of subregulations (1), (2) and (3).

(6) A resolution of the community council in terms of subregulations (1), (2) and (3) and any rescission or variation of such resolution shall be communicated by the secretary.

AMENDMENT OF TENDER DOCUMENTS

35. (1) When it is deemed desirable by the community council to amend, alter or replace samples, specifications, copies or conditions in connection with tenders after the closing date and hour and before notice of acceptance is given, new tenders shall be called for.

(2) When it is deemed advisable by the community council to alter the conditions of a tender after the tender has been accepted, such alterations shall be effected by the community council in consultation with the tenderer.

NOTIFICATION TO TENDERERS AND FURNISHING INFORMATION

36. (1) The secretary shall forthwith advise each successful tenderer that his tender has been accepted and, where necessary, arrange for the speedy drawing up and signing of the necessary contract documents.

(2) The secretary shall notify each unsuccessful tenderer that his tender has not been accepted and where tenders have been allowed to lapse, the tenderers concerned shall also be notified accordingly in writing.

(3) Notice to a successful tenderer in terms of subregulation (1) may be given by letter or telegram or by placing an order, and the posting of such letter or order or the handing in of such telegram at a post office or telegraph office shall be deemed to be a notification to the tenderer.

(4) The secretary shall cause a copy of the comparative schedule referred to in regulation 22 (3) (a) to be open for inspection by the public for a period of 30 days after the acceptance of a tender.

(iii) 'n hoër voorkeur geëis het as dié waarop hy ingevolge regulasie 33 geregtig is;

kan die gemeenskapsraad, benewens enige eis wat hy ingevolge regulasie 31 het en enige ander regsmiddel waaroor hy beskik, 'n kontrak tussen die gemeenskapsraad en sodanige persoon, firma of maatskappy opsê en geen tender van sodanige persoon, firma of maatskappy word vir 'n tydperk deur die gemeenskapsraad bepaal, oorweeg nie.

(2) Wanneer die gemeenskapsraad daarvan oortuig is dat enige persoon, firma of maatskappy 'n aandeelhouer is of was of enige persoon 'n direkteur is of was van 'n firma of maatskappy waarvan geen tender ingevolge subregulasie (1) vir 'n bepaalde tydperk oorweeg mag word nie, kan die gemeenskapsraad 'n besluit neem dat geen tender van sodanige persoon, firma of maatskappy vir 'n tydperk deur die gemeenskapsraad bepaal, oorweeg word nie.

(3) 'n Beperking ingevolge subregulasies (1) en (2) opgelê op 'n persoon, firma of maatskappy kan na goeddunke van die gemeenskapsraad ook van toepassing gemaak word op enige ander onderneming waaraan sodanige persoon, firma of maatskappy aktief verbonde is of was.

(4) By die toepassing van subregulasies (1), (2) en (3) beteken die uitdrukking "persoon, firma of maatskappy" ook 'n werknemer of agent van sodanige persoon, firma of maatskappy.

(5) Die gemeenskapsraad kan enige besluit ingevolge subregulasies (1), (2) en (3) herroep of wysig.

(6) 'n Besluit van die gemeenskapsraad ingevolge subregulasies (1), (2) en (3) en enige herroeping of wysiging van sodanige besluit word deur die sekretaris bekendgemaak.

WYSIGING VAN TENDERDOKUMENTE

35. (1) Wanneer dit deur die gemeenskapsraad wenslik geag word om monsters, spesifikasies, afdrukke of voorwaardes in verband met tenders te wysig, te verander of te vervang na die sluitingsdatum en -uur en voordat daar kennis van aanname gegee is, moet nuwe tenders gevra word.

(2) Wanneer dit deur die gemeenskapsraad wenslik geag word om die voorwaardes van 'n tender te wysig nadat die tender aangeneem is, moet sodanige wysigings deur die gemeenskapsraad in oorleg met die betrokke tenderaar aangebring word.

KENNISGEWING AAN TENDERAARS EN VERSTREKING VAN INLIGTING

36. (1) Die sekretaris stel elke suksesvolle tenderaar onverwyld in kennis dat sy tender aangeneem is en tref, waar nodig, reëlings vir die spoedige opstel en ondertekening van die nodige kontrakdokumente.

(2) Die sekretaris stuur aan elke nie-suksesvolle tenderaar 'n kennisgewing dat sy tender nie aangeneem is nie en stel in die geval waar tenders toegelaat word om te verval, die betrokke tenderaar skriftelik daarvan in kennis.

(3) Kennisgewing aan 'n suksesvolle tenderaar ingevolge subregulasie (1) geskied per brief, telegram of deur die plasing van 'n bestelling, en die pos van sodanige brief of bestelling of die indiening van sodanige telegram by 'n poskantoor of telegraafkantoor word geag 'n kennisgewing aan die tenderaar te wees.

(4) Die sekretaris moet 'n afskrif van die vergelykende staat in regulasie 22 (3) (a) bedoel, vir 'n tydperk van 30 dae na die aanname van 'n tender ter insae van die publiek laat lê.

STORES AND MATERIAL

37. A stores register which reflects full particulars of purchases and issues and also any returns in terms of regulation 47 (1) and which will permit of balancing at any time, shall be maintained by the treasurer.

38. (1) Except where the secretary is of the opinion that special reasons exist for so doing, stores shall not be carried by any division in excess of its normal requirements.

(2) Whenever the secretary is of the opinion that the purchase of any material would be contrary to the provisions of subregulation (1), he shall inform the head of the division concerned of the fact and if the head of the division does not agree with the secretary's opinion, the secretary shall submit a written report to the community council setting out fully the facts of the dispute.

39. (1) Save where goods or material are or is purchased and paid for from an imprest account in terms of regulation 56, all goods and materials shall be purchased and issued by the treasurer or a person authorised by him and no goods or material shall be so purchased or issued except against a requisition signed by the head of the division by which the goods or material are or is required.

(2) For all goods and material received or issued a receipt or issue voucher, as the case may be, shall be issued.

40. (1) All stores belonging to the community council shall be kept in a place determined by the treasurer: Provided that such stores as the secretary may approve may, subject to conditions to be determined by him, be kept by the head of a division in a place under his control.

(2) The treasurer shall, at least once in every financial year, carry out a stocktaking covering all property of the community council.

(3) Where stock and equipment can be marked, it shall be marked clearly with a mark approved by the community council, to indicate the community council's ownership.

41. The treasurer shall submit to the secretary a written report stating the quantity and value of any surplus or shortage of goods and material revealed by stocktaking, together with the reasons therefor, and he may in respect of any surplus or shortage of stock referred to in the proviso to regulation 40 (1) require the head of the division concerned to furnish him with such reasons in writing.

42. (1) All printed matter, receipt, licence, cheque, face-value or other forms having a potential value shall be purchased and issued by the treasurer only.

(2) The treasurer shall keep a register of all purchases and issues made in terms of subregulation (1).

(3) Receipt, licence, cheque, face-value or other forms having a potential value shall be duly numbered and used in numeric sequence and the originals, duplicated and/or counterfoils of cancelled forms and the duplicates and/or counterfoils of used forms shall be preserved for inspection by the Auditor-General.

VOORRAAD EN MATERIAAL

37. 'n Voorraderegister wat volledige besonderhede van aankope en uitreikings asook enige terugsendings ingevolge regulasie 47 (1) aangee en wat te eniger tyd gebalanseer kan word, word deur die tesourier bygehou.

38. (1) Behalwe waar die sekretaris die mening toegedaan is dat spesiale redes daarvoor bestaan, mag geen afdeling meer voorrade en materiaal aanhou as wat sy normale behoeftes verg nie.

(2) Wanneer die sekretaris van mening is dat die aankoop van enige voorrade en materiaal in stryd sou wees met die bepalings van subregulasie (1), stel hy die hoof van die betrokke afdeling van daardie feit in kennis, en indien die afdelingshoof nie met die mening van die sekretaris saamstem nie, lê die sekretaris 'n skriftelike verslag aan die gemeenskapsraad voor tesame met volledige besonderhede van die feite in geskil.

39. (1) Behalwe waar goedere of materiaal aangekoop word en daarvoor betaal word uit die kasvoorskotrekening ingevolge regulasie 56, word alle goedere en materiaal deur die tesourier of 'n persoon deur hom gemagtig, aangekoop en uitgereik en geen goedere of materiaal mag aldus aangekoop of uitgereik word nie behalwe ingevolge 'n rekwisisie onderteken deur die afdelingshoof wat die goedere of materiaal benodig.

(2) Vir alle goedere en materiaal ontvang of uitgereik, word 'n ontvangs- of uitreikingsbewys, na gelang van die geval, uitgereik.

40. (1) Alle voorrade wat aan die gemeenskapsraad behoort, word op 'n plek deur die tesourier bepaal, gehou: Met dien verstande dat van sodanige voorrade as wat die sekretaris goedkeur, behoudens die voorwaardes wat hy bepaal, deur 'n afdelingshoof op 'n plek onder sy beheer gehou kan word.

(2) Die tesourier maak minstens een maal elke boekjaar 'n opname van alle voorrade van die gemeenskapsraad.

(3) Waar voorrade en uitrusting gemerk kan word, moet dit duidelik gemerk word met 'n merk deur die gemeenskapsraad goedgekeur om die eiendomsreg van die gemeenskapsraad aan te dui.

41. Die tesourier dien 'n skriftelike verslag waarin die hoeveelheid en waarde aangegee word van enige surplus of tekort van goedere en materiaal wat deur 'n voorraadopname aan die lig gebring is, tesame met die redes daarvoor, by die sekretaris in en hy kan ten opsigte van enige surplus of tekort van die voorrade bedoel in die voorbehoudsbepaling van regulasie 40 (1), van die betrokke afdelingshoof vereis dat hy skriftelik sodanige redes aan hom verstrek.

42. (1) Alle drukwerk, kwitansie-, lisensie-, tjek-, sigwaarde- of ander vorms met 'n potensiële waarde word slegs deur die tesourier aangekoop en uitgereik.

(2) Die tesourier hou 'n register van alle aankope en uitreikings wat ingevolge subregulasie (1) gedoen word.

(3) Kwitansie-, lisensie-, tjek-, sigwaarde- of ander vorms met 'n potensiële waarde moet behoorlik genommer en in numerieke volgorde gebruik word en die oorspronklikes, duplikate en/of teenblaaie van gekanselleerde vorms en die duplikate en/of teenblaaie van gebruikte vorms moet vir inspeksie deur die Ouditeur-generaal gehou word.

(4) The treasurer shall make the necessary arrangements with the suppliers of the forms referred to in subregulation (3) to ensure that they, in all cases where such forms are supplied to the community council, furnish the Auditor-General, in writing, with the following particulars:

(a) Type of form, for instance cheque books, receipt books, etc.;

(b) number of books and/or forms;

(c) serial numbers allotted;

(d) date on which the forms are dispatched to the community council; and

(e) the denomination of forms where face-value receipts or other documents are printed and where the actual value of the form or document is printed thereon.

43. No requisition shall be executed unless particulars, as determined by the treasurer, of the vote to be debited are indicated thereon.

44. No requisition in respect of a uniform or other clothing shall be executed unless it states, in the case of an issue to a specific person, the name and official designation of the person for whom such uniform or clothing is required and that it complies with the requirements of the community council.

45. If by order of the treasurer delivery of goods or material is made by the supplier at a place other than a store, the person authorised by the head of the division concerned to do so shall take delivery thereof and sign the delivery note which shall be sent to the treasurer by the head of the division.

46. No goods, material or plant shall be regarded as redundant or obsolete unless the community council grants authority to do so, and in such case the community council shall, subject to the provisions of regulation 8, give directions as to the disposal thereof.

47. (1) After completion of the work or the fulfilment of the purpose for which goods or material were or was issued, all remaining unused goods and material shall be returned to the store or to such other place as the treasurer may direct.

(2) A division returning unused goods or material in terms of subregulation (1) shall send to the treasurer an advice note which specifies fully the goods or material so returned.

48. No order for the purchase of goods, material or the rendering of a service shall be placed on behalf of the community council unless—

(a) such order is submitted on an order form approved by the community council; and

(b) such order form has been signed by the treasurer.

49. The head of a division shall be responsible for the safe custody of goods, material and other stores issued to his division and shall, if requested to do so by the treasurer, furnish full details of any goods, material and other stores held by his division.

50. (1) When a change of officers primarily responsible for stores, equipment, livestock or animals takes place, a handing-over certificate, in the form set out in Schedule A, shall be duly completed and a copy thereof filed for reference.

(4) Die tesourier moet die nodige reëlings met die leweransiers van die vorms gemeld in subregulasie (3) tref om te verseker dat hulle in alle gevalle waar sodanige vorms deur hulle aan die gemeenskapsraad gelewer word, die volgende besonderhede skriftelik aan die Ouditeur-generaal verstrek:

(a) Tipe vorm, byvoorbeeld tjekboeke, kwitansieboeke, ens.;

(b) getal boeke en/of vorms;

(c) reeksnommers toegeken;

(d) datum waarop die vorms aan die gemeenskapsraad versend is; en

(e) die denominasie van vorms in gevalle waar sigwaardekwitansies of ander stukke gedruk is en waar die werklike waarde op die vorm of stuk gedruk is.

43. Geen rekwisisie word uitgevoer nie, tensy besonderhede wat die tesourier bepaal, van die begrotingspos wat gedebiteer moet word, daarop aangedui is.

44. Geen rekwisisie vir 'n uniform of ander kleding word uitgevoer nie, tensy daarin, in die geval van 'n uitreiking aan 'n spesifieke persoon, vermeld word die naam en ampsbenaming van die persoon vir wie sodanige uniform of kleding aangevra word, en daarop aangedui is dat dit aan die gemeenskapsraad se vereistes voldoen.

45. Indien goedere of materiaal in opdrag van die tesourier deur die leweransier by 'n ander plek as by die magasyn van die gemeenskapsraad afgelewer word, neem die persoon wat deur die hoof van die betrokke afdeling daartoe gemagtig is, dit in ontvangs en onderteken die afleweringsbrief, wat deur die hoof van die afdeling aan die tesourier gestuur word.

46. Geen goedere, materiaal of uitrusting mag as oortollig of uitgedien beskou word nie tensy die gemeenskapsraad magtiging daartoe verleen het, in welke geval die gemeenskapsraad, behoudens die bepalings van regulasie 8, opdrag moet gee in verband met die beskikking daaroor.

47. (1) Na die voltooiing van die werk of die bereiking van die doel waarvoor goedere en materiaal uitgereik is, word enige ongebruikte goedere en materiaal terugbesorg aan die magasyn of aan sodanige ander plek as wat die tesourier gelas.

(2) 'n Afdeling wat ingevolge subregulasie (1) ongebruikte goedere en materiaal terugbesorg, stuur aan die tesourier 'n adviesbrief waarin die goedere en materiaal wat aldus terugbesorg word, volledig gespesifiseer word.

48. Geen bestelling vir die aankoop van goedere of materiaal of vir die lewering van 'n diens mag namens die gemeenskapsraad geplaas word nie, tensy—

(a) sodanige bestelling op 'n bestelvorm deur die gemeenskapsraad goedgekeur, ingedien is; en

(b) sodanige bestelvorm deur die tesourier onderteken is.

49. Die hoof van 'n afdeling is verantwoordelik vir die veilige bewaring van goedere, materiaal en ander voorrade wat aan sy afdeling uitgereik is en verstrek, indien die tesourier dit versoek, volledige besonderhede van enige goedere, materiaal en ander voorrade wat sy afdeling in besit het.

50. (1) Wanneer 'n verwisseling plaasvind van beamptes wat in die eerste plek vir voorrade, uitrusting, lewende hawe of diere verantwoordelik is, moet 'n oorhandigingsertifikaat in die vorm in Bylae A uiteengesit, behoorlik ingevul word en 'n kopie daarvan vir naslaandoeleindes bewaar word.

(2) Should exceptional circumstances render impracticable a complete check of stores, equipment, livestock or animals on taking over, the secretary may grant prior authority for the use of such modified handing-over certificate as is, in his opinion, adequate to the needs of the case and a copy of such certificate shall be filed for reference.

(3) If for any reason the officer from whom the stores, equipment, livestock or animals should be taken over is not available to complete the handing-over certificate, an independent officer shall be appointed to assist the officer taking over with the checking of the stores, equipment, livestock or animals and the certification of any discrepancies.

(4) In the absence of a handing-over certificate referred to in subregulation (1) or authorised modified form referred to in subregulations (2), the officer taking over shall be liable for shortages, unless it can be proved that they existed prior to his taking over.

51. (1) Whenever any stores and other property of the community council have to be disposed of the treasurer shall be furnished by the head of the division with a list of such stores and other property and with the reasons for their disposal.

(2) The stores and other property referred to in subregulation (1) shall be disposed of in accordance with the provisions of regulations 12 to 36, inclusive.

(3) No stores or other property of the community council which have been disposed of shall be handed over to the purchaser before the full purchase price has been paid or guaranteed.

PAYMENTS

52. Every payment, except a petty cash disbursement, shall be made by means of a cheque drawn on the banking account of the community council and each such cheque shall be signed by two officers authorised to do so by the community council.

53. (1) The head of a division shall certify in respect of each account to be paid for stores, goods and material supplied or services rendered to or work performed for his division, that the account is in order, that the stores, goods and material or services, as the case may be, were in fact supplied or rendered or that the work was in fact done, that the price charged is reasonable or according to contract and that it constitutes a charge against a vote approved by the community council.

(2) Every account referred to in subregulation (1) shall be sent to the treasurer with supporting vouchers and he or an officer authorised by him to do so shall approve such vouchers before settlement of the account.

54. Progress payments in respect of a contract shall be limited to the value of the work done and the material supplied, as certified in terms of regulation 53 (1), less the amount of previous payments made and the amount of any retention money withheld in terms of the contract.

55. The treasurer shall not in respect of any contract make any payment in excess of the total amount authorised by the community council unless approved by the community council after receipt and consideration of a written report by the secretary stating the reasons why the excess expenditure should be incurred.

(2) Indien buitengewone omstandighede 'n volledige opname van voorrade, uitrusting, lewende hawe of diere by oorname onuitvoerbaar maak, kan die sekretaris vooraf magtiging verleen vir die gebruik van sodanige gewysigde oorhandigingsertifikaat as wat volgens sy oordeel voldoende is vir die vereistes van die geval, en 'n kopie van so 'n sertifikaat moet vir naslaandoeleindes bewaar word.

(3) As die beampte van wie die voorrade, uitrusting, lewende hawe of diere oorgeneem moet word, om die een of ander rede nie beskikbaar is om die oorhandigingsertifiaat in te vul nie, moet 'n onpartydige beampte benoem word om die beampte wat oorneem, by te staan met die nagaan van die voorrade, uitrusting, lewende hawe of diere en die sertifisering van enige verskille.

(4) By ontstentenis van 'n oorhandigingsertifikaat bedoel in subregulasie (1) of 'n goedgekeurde gewysigde vorm bedoel in subregulasie (2), is die beampte wat oorneem, vir enige tekort aanspreeklik, tensy daar bewys word dat sodanige tekort bestaan het voordat hy oorgeneem het.

51. (1) Wanneer enige voorrade en ander eiendom van die gemeenskapsraad van die hand gesit moet word, moet die tesourier deur die afdelingshoof voorsien word van 'n lys van sodanige voorrade en ander eiendom en van die redes waarom dit van die hand gesit moet word.

(2) Die voorrade en ander eiendom in subregulasie (1) bedoel, word ooreenkomstig die bepalings van regulasies 12 tot en met 36 van die hand gesit.

(3) Geen voorrade of ander eiendom van die gemeenskapsraad wat van die hand gesit is, word aan die koper oorhandig voordat die volle koopprys betaal of gewaarborg is nie.

BETALINGS

52. Elke betaling, uitgesonderd 'n kleinkasbetaling, geskied deur middel van tjek getrek op die bankrekening van die gemeenskapsraad, en elke sodanige tjek word deur twee beamptes wat deur die gemeenskapsraad daartoe gemagtig is, onderteken.

53. (1) Die hoof van 'n afdeling sertifiseer ten opsigte van elke rekening wat betaal moet word vir voorrade, goedere en materiaal wat verskaf is of dienste wat gelewer is aan of werk wat verrig is vir sy afdeling, dat die rekening in orde is, dat die voorraade, goedere en materiaal of dienste, na gelang van die geval, inderdaad verskaf of gelewer is of dat die werk inderdaad gedoen is, dat die prys wat gevra word redelik of ooreenkomstig die betrokke kontrak is en dat dit 'n las vorm teen 'n begrotingspos deur die gemeenskapsraad goedgekeur.

(2) Elke rekening in subregulasie (1) bedoel, word tesame met stawende bewysstukke aan die tesourier gestuur en hy, of 'n beampte wat deur hom daartoe gemagtig is, keur sodanige bewysstukke voor die vereffening van die rekening goed.

54. Vorderingsbetalings ten opsigte van 'n kontrak word beperk tot die waarde van die werk wat verrig is en die materiaal wat verskaf is, soos gesertifiseer ingevolge regulasie 53 (1), min die bedrag van vorige betalings en enige rentensiegelde wat ingevolge die kontrak agtergehou word.

55. Die tesourier mag nie ten opsigte van enige kontrak enige betaling doen wat die totale bedrag deur die gemeenskapsraad gemagtig, oorskry nie, tensy deur die gemeenskapsraad goedgekeur na ontvangs en oorweging van 'n skriftelike verslag deur die sekretaris met vermelding van die redes vir die aangaan van die oorskrydingsuitgawes.

56. An imprest account for petty cash disbursements shall be opened only with the written approval of the community council and the amount that may be kept in such account, the nature and extent of the payments that may be made therefrom and the supporting vouchers to be completed in respect of such payments shall be determined by the community council.

57. The treasurer shall submit monthly to the secretary a report in respect of the preceding month, setting out the cash and bank balances as at the beginning of that month, the total amounts received and payments made during that month and the cash and bank balances as at the end of that month reconciled with the bank statements.

58. Not later than 31 October of each financial year, the treasurer shall submit a report to the secretary in respect of those cases in which, in his opinion, the discrepancy between the actual and the estimated revenue or between the actual and the estimated expenditure for at least the first five months of that financial year is of such a serious nature as to require it to be brought to the notice of the community council.

CAPITAL EXPENDITURE

59. No capital expenditure except that referred to in regulation 15 (1), however financed and notwithstanding the fact that provision has been made therefor in the annual estimates, shall be incurred without the express approval of the community council.

60. The head of a division shall, in respect of a recommendation made by him for the execution of works or any other undertaking entailing capital expenditure, submit with such recommendation a report to the secretary setting out the following information:

(a) The total estimated cost with a complete analysis thereof and any expenditure which will arise as a result of the works or undertaking;

(b) the estimated capital amount to be expended annually in respect of the works or undertaking;

(c) the estimated annual revenue to be derived and the estimated annual expenditure of any kind, including expenditure on staff, to be incurred when the works or undertaking is taken into use;

(d) the estimated life of the works or undertaking to be created; and

(e) any other information required by the secretary.

61. No expenditure which is to be met by means of a loan shall be incurred until all approvals required by law have been obtained and all other statutory requirements have been complied with.

COSTING AND WORK PERFORMED BY DIVISIONS

62. (1) No works the cost of which is expected to exceed R500, which cost shall include the maintenance and repair of such works, and such other work as may be determined by the community council, shall be carried out by a division unless the treasurer has, on application by the head of the division concerned, issued a works order therefor.

(2) The treasurer may refuse the issue of a works order if the application therefor is not supported by such information relating to material, labour, transport and other costs as he may deem necessary.

56. 'n Kasvoorskotrekening vir kleinkasbetalings word geopen slegs met die goedkeuring van die gemeenskapsraad, en die bedrag wat in sodanige rekening gehou mag word, die aard en omvang van die betalings wat daaruit gemaak mag word en die stawende bewysstukke wat vir sodanige betalings voltooi moet word, word deur die gemeenskapsraad bepaal.

57. Die tesourier dien maandeliks by die sekretaris 'n verslag in ten opsigte van die voorafgaande maand waarin die kontant- en banksaldo soos aan die begin van daardie maand, die totale bedrae gedurende daardie maand ontvang en betalings gedoen en die kontant- en banksaldo aan die einde van daardie maand, soos met die bankstate gerekonsilieer, uiteengesit word.

58. Nie later nie as 31 Oktober van elke boekjaar dien die tesourier by die sekretaris 'n verslag in ten opsigte van daardie gevalle waar die verskil tussen die werklike en die beraamde inkomste of tussen die werklike en die beraamde uitgawe vir minstens die eerste vyf maande van daardie boekjaar, na sy mening, van so 'n aard is dat dit onder die gemeenskapsraad se aandag gebring moet word.

KAPITAALUITGAWE

59. Geen kapitaaluitgawe, behalwe dié in regulasie 15 (1) genoem, hoe dit ook al gefinansier is en ondanks die feit dat voorsiening daarvoor op die jaarlikse begroting gemaak is, word sonder die uitdruklike goedkeuring van die gemeenskapsraad aangegaan nie.

60. Die hoof van 'n afdeling dien ten opsigte van 'n aanbeveling deur hom gedoen vir die uitvoering van werke of 'n ander onderneming wat kapitaaluitgawe meebring, tesame met sodanige aanbeveling 'n verslag by die sekretaris in waarin uiteengesit word—

(a) die totale beraamde koste met 'n volledige ontleding daarvan en enige uitgawe wat as gevolg van die werke of onderneming sal ontstaan;

(b) die beraamde kapitaalbedrag wat jaarliks ten opsigte van die werke of onderneming bestee moet word;

(c) die beraamde jaarlikse inkomste wat verkry sal word en die beraamde jaarlikse uitgawe van enige aard, insluitende uitgawes aan personeel, wat aangegaan sal moet word wanneer die werke of onderneming in gebruik geneem word;

(d) die beraamde lewensduur van die werke of onderneming wat geskep sal word; en

(e) enige ander inligting wat die sekretaris vereis.

61. Geen uitgawe wat deur middel van 'n lening bestry word, mag aangegaan word nie voordat enige goedkeuring by wet vereis, verkry is en aan alle statutêre vereistes voldoen is.

KOSTEBEREKENING EN WERK DEUR AFDELINGS

62. (1) Geen werke waarvan die koste na verwagting R500 sal oorskry, welke koste die onderhoud en herstel van sodanige werke insluit, en sodanige ander werk as wat die gemeenskapsraad bepaal, word deur 'n afdeling uitgevoer nie sonder 'n werkorder uitgereik deur die tesourier op aansoek van die betrokke afdelingshoof.

(2) Die tesourier kan die uitreiking van 'n werkorder weier indien die aansoek om die uitreiking daarvan nie gestaaf word nie deur die inligting met betrekking tot materiaal, arbeid, vervoer en ander koste wat hy bepaal.

(3) An application for the issue of a works order shall be submitted in a form determined by the treasurer and the vote to which the relevant expenditure is to be charged shall be stated therein.

63. Cost accounts in respect of all work or works referred to in regulation 62 shall be kept by the treasurer in the form approved by the secretary.

64. (1) No work shall be carried out for and no goods belonging to the community council shall be supplied to any person unless the community council is satisfied that the execution of such work is to the community council's advantage and has granted approval therefor.

(2) Work referred to in subregulation (1) shall not be begun and no goods belonging to the community council shall be supplied until they have been paid for or an agreement in writing has been entered into and such security as the secretary may consider adequate for the payment therefor has been given to the community council.

COMPLETING OF PROJECTS

65. On completion of work for which a works order has been issued, the head of the division concerned shall forthwith notify the treasurer thereof and if the difference between the actual and the estimated cost of that work exceeds 10 per cent, he shall forthwith submit to the treasurer his reasons therefor in writing.

66. The head of the division concerned shall as soon as practicable after work under a capital vote has been completed advise the treasurer accordingly and in the case where the excess expenditure or the saving exceeds 10 per cent he shall submit a written report setting forth the reasons for the excess expenditure or saving to the treasurer who shall submit it together with his report to the secretary for consideration by the community council.

ASSETS

67. (1) The treasurer shall keep a register in which shall be recorded details of all assets of the community council save those referred to in regulation 68 (1).

(2) When an asset under the control of a head of a division has been destroyed or damaged or the value thereof has been materially affected, such head shall forthwith in writing furnish the secretary with the reasons for the destruction or damage or the variation in value of the asset.

(3) As frequently as the secretary may require the head of a division shall submit a written report to the secretary containing such particulars concerning assets under such head's control as the secretary may require.

68. (1) Each division shall keep inventories, in the form approved by the secretary, of all equipment, tools, furniture, livestock, animals and other property of the community council, particulars of which the Board has not required to be recorded in the register referred to in regulation 67 (2).

(2) At such date during every financial year as the secretary may decide, every head of a division shall compare the assets under his control with the inventories referred to in subregulation (1) and shall report in writing to the treasurer the result of his finding.

(3) The treasurer shall submit the report referred to in subregulation (1), together with his report, to the secretary who shall submit such reports together with his report to the community council.

(3) 'n Aansoek om die uitreiking van 'n werkorder word gedoen in die vorm deur die tesourier bepaal en die begrotingspos waarteen die betrokke uitgawe in rekening gebring moet word, moet in die aansoek vermeld word.

63. Kosterekenings ten opsigte van alle werk of werke in regulasie 62 bedoel, word deur die tesourier gehou in die vorm deur die sekretaris goedgekeur.

64. (1) Geen werk word uitgevoer vir en geen goedere wat aan die gemeenskapsraad behoort, word gelewer aan enige persoon nie, tensy die gemeenskapsraad daarvan oortuig is dat die uitvoering van sodanige werk tot die gemeenskapsraad se voordeel strek en die gemeenskapsraad sy goedkeuring daartoe verleen het.

(2) Werk in subregulasie (1) bedoel, neem nie 'n aanvang nie en geen goedere wat aan die gemeenskapsraad behoort, word gelewer nie voordat daarvoor betaal is of 'n skriftelike ooreenkoms aangegaan is en sekuriteit wat die sekretaris voldoende ag, vir betaling daarvoor aan die gemeenskapsraad gegee is.

VOLTOOIING VAN PROJEKTE

65. Wanneer werk voltooi is ten opsigte waarvan 'n werkorder uitgereik is, stel die hoof van die betrokke afdeling onverwyld die tesourier daarvan in kennis en as die verskil tussen die werklike en die beraamde koste van die werk 10 persent oorskry, lê hy onverwyld skriftelik sy redes daarvoor aan die tesourier voor.

66. Die hoof van die betrokke afdeling stel so gou doenlik nadat werk onder 'n kapitaalbegrotingspos voltooi is, die tesourier daarvan in kennis en in die geval waar die oorskrydingsuitgawe of besparing meer as 10 persent is, verstrek hy skriftelik die redes vir die oorskrydingsuitgawe of besparing aan die tesourier, wat dit tesame met 'n verslag aan die sekretaris voorlê vir oorweging deur die gemeenskapsraad.

BATES

67. (1) Die tesourier hou 'n register waarin besonderhede van alle bates van die gemeenskapsraad, uitgesonderd dié in regulasie 68 (1) vermeld, aangeteken word.

(2) Wanneer 'n bate onder die beheer van 'n hoof van 'n afdeling vernietig of beskadig is of die waarde daarvan wesenlik verander het, verstrek sodanige hoof onverwyld skriftelik aan die sekretaris die redes vir die vernietiging of beskadiging of die verandering van die waarde van die bate.

(3) So dikwels as wat die sekretaris dit verlang, lê die hoof van 'n afdeling 'n skriftelike verslag aan die sekretaris voor waarin die besonderhede deur hom vereis in verband met die bates onder sodanige hoof se beheer, verstrek word.

68. (1) Elke afdeling hou inventarisse, in die vorm deur die sekretaris goedgekeur, van alle uitrusting, gereedskap, meubels, lewende hawe, diere en ander eiendom van die gemeenskapsraad, ten opsigte waarvan die gemeenskapsraad nie vereis het dat besonderhede in die register in 67 (1) genoem, aangeteken word nie.

(2) Op die datum gedurende elke boekjaar deur die sekretaris bepaal, vergelyk die hoof van elke afdeling die bates onder sy beheer met die inventarisse in subregulasie (1) bedoel en doen hy skriftelik aan die tesourier verslag van sy bevinding.

(3) Die tesourier moet die verslag in subregulasie (1) bedoel, tesame met sy verslag indien by die sekretaris, wat sodanige verslae tesame met sy verslag aan die gemeenskapsraad voorlê.

INSURANCE

69. The head of division shall, when requested to do so by the treasurer, furnish the treasurer with a list of assets under his control to be insured and shall forthwith notify the treasurer of any change in such assets which may influence the risks requiring to be insured.

70. The treasurer shall, annually or whenever he considers it necessary, submit to the secretary for approval by the community council a list containing assets and interests of the community council which, in his opinion, should be insured and the amount for which such assets and interests should be insured.

71. The head of a division shall forthwith notify the treasurer of any claim against or by the community council or against the community council's insurer, or of any event which may lead to such claim and the treasurer shall forthwith notify the community council's insurer thereof.

72. The treasurer shall keep a register in which particulars of all insurance policies held by the community council shall be entered and shall keep such insurance policies in safe custody and shall be responsible for the payment by the community council of all premiums in respect of such insurance policies.

INVESTMENTS

73. The community council shall determine the manner in which the treasurer shall invest its funds and the manner in which securities are to be obtained and disposed of: Provided that, save where the Minister determines otherwise, the community council shall invest its funds only with a registered financial institution.

INTERNAL AUDIT AND ACCOUNTING

74. (1) The treasurer and a member of an internal audit staff shall have access to all books, accounts and other records relating to the financial matters of a division and may at any time demand production of such books, accounts or other records.

(2) A head of a division or any office shall at the request of the treasurer or a member of an internal audit staff furnish the information relating to the financial matters of a division required from time to time by the treasurer or a member of an internal audit staff.

(3) The head of an internal audit staff shall, in respect of every investigation carried out by his staff, furnish a written report containing the findings of such investigation and/or recommendations arising from such investigation to the secretary who shall submit it, together with his comments, to the community council for consideration. Copies of such reports shall be supplied to the Auditor-General.

75. (1) Any system in terms of regulation 11 for the collection of revenue, the keeping of books, accounts and other records relating to the financial matters of the community council (including costing) shall be established in consultation with the Auditor-General.

(2) No erasures shall be made in the books, accounts and other records of the community council and when an alteration becomes necessary the incorrect entry shall be ruled out and the correct entry inserted above and such alteration shall be initialled by the officer making it. Provided that under systems of mechanised

VERSEKERING

69. Die hoof van 'n afdeling moet, wanneer daartoe versoek deur die tesourier, 'n lys van bates onder sy beheer wat verseker moet word, aan die tesourier verstrek en moet die tesourier onverwyld in kennis stel van enige verandering in of aan bates wat die risiko waarteen verseker behoort te word, kan beïnvloed.

70. Die tesourier lê jaarliks of wanneer hy dit nodig ag, vir goedkeuring deur die gemeenskapsraad 'n lys aan die sekretaris voor waarin uiteengesit word die bates en belange van die gemeenskapsraad wat na sy mening verseker behoort te word en die bedrag waarvoor sodanige bates en belange verseker behoort te word.

71. Die hoof van 'n afdeling verwittig die tesourier onverwyld van enige eis teen of deur die gemeenskapsraad of teen die gemeenskapsraad se versekeraar of van enige gebuere wat aanleiding tot so 'n eis mag gee en die tesourier stel die gemeenskapsraad se versekeraar onverwyld daarvan in kennis.

72. Die tesourier hou 'n register waarin besonderhede van alle versekeringspolisse van die gemeenskapsraad aangeteken word, hou sodanige versekeringspolisse in veilige bewaring en is verantwoordelik vir die betaling deur die gemeenskapsraad van alle premies ten opsigte van sodanige versekeringspolisse.

BELEGGINGS

73. Die gemeenskapsraad bepaal die wyse waarop die tesourier sy fondse moet belê en die wyse waarop sekuriteite verkry en daaroor beskik moet word: Met dien verstande dat, tensy die Minister anders gelas, die gemeenskapsraad sy fondse slegs by 'n geregistreerde finansiële instelling mag belê.

INTERNE OUDITERING EN BOEKHOUDING

74. (1) Die tesourier en 'n lid van 'n interne ouditpersoneel het toegang tot alle boeke, rekeninge en ander stukke wat betrekking het op die geldsake van 'n afdeling en kan te eniger tyd vereis dat sodanige boeke, rekeninge en ander stukke aan hom voorgelê word.

(2) 'n Hoof van 'n afdeling of enige beampte moet, op versoek van die tesourier of 'n lid van 'n interne ouditpersoneel, die inligting met betrekking tot die geldsake van 'n afdeling wat van tyd tot tyd deur die tesourier of 'n lid van 'n interne ouditpersoneel vereis word, verstrek.

(3) Die hoof van 'n interne ouditpersoneel moet van alle ondersoeke wat deur lede van sy prsoneel uitgevoer is, 'n skriftelike verslag met vermelding van die bevindings en/of aanbevelings wat uit sodanige ondersoeke voortspruit, aan die sekretaris verstrek, wat dit tesame met sy kommentaar vir oorweging aan die gemeenskapsraad voorlê. Afskrifte van sodanige verslae moet aan die Ouditeur-generaal verstrek word.

75. (1) Enige stelsel ingevolge regulasie 11 vir die invordering van inkomste, die hou van boeke, rekeninge en ander stukke met betrekking tot die geldsake van die gemeenskapsraad (met inbegrip van kostebereking) word ingestel in oorleg met die Ouditeur-generaal.

(2) Geen uitwissing mag in die boeke, rekeninge en ander rekords van die gemeenskapsraad aangebring word nie en indien 'n verandering aangebring moet word, moet die verkeerde inskrywing deurgehaal en die korrekte inskrywing bo dit gemaak word en moet sodanige verandering deur die beampte wat dit aanbring, geparafeer word: Met dien verstande dat, in die

accounting the necessary adjustments appropriate to the system shall be made but if errors are corrected manually the correction shall be verified immediately and be signed by the checking officer or supervisor of the officer concerned.

(3) No entry, note or other writing of any nature shall be made or effected in green in the books, accounts and other records of the community council.

CUSTODY OF DOCUMENTS

76. The secretary or other officer authorised by him to do so shall keep a register of all title deeds of, and lease and other agreements concluded by, the community council, in which shall be noted the nature, term of validity and any other information in connection therewith that the secretary considers necessary and such title deeds and lease and other agreements shall be kept in safe custody by the secretary or other officer authorised by him to do so.

PAYMENT OF SALARIES, WAGES AND ALLOWANCES

77. (1) The treasurer shall keep a record in which all relevant particulars relating to salary, wages, allowances and leave other than leave with full pay of members of the community council and of staff appointed in terms of section 5 (1) (i) of the Act are recorded.

(2) Pay sheets shall be approved by the treasurer and all salaries, wages and allowances of members of the community council and of staff referred to in subregulation (1) shall be paid by him or an officer authorised by him in writing, in the manner and at the times determined by the community council.

78. A head of a division shall forthwith notify the treasurer of any alteration in the staff of his division, any alteration in salary, wages or allowances of such staff and of any leave other than leave with full pay granted to, or any absence without leave of such staff.

LOSSES OF MONEYS AND OTHER PROPERTY OF THE COMMUNITY COUNCIL TO BE REPORTED AND MADE GOOD

79. (1) Any loss arising from any improper payment, fruitless expenditure or failure to collect any moneys due to the community council, or any deficiency in, loss or destruction of or damage to money, stamps, face-value instruments and forms having a potential value, securities, stores or other assets of the community council shall be reported immediately by the head of the division to the secretary and the Auditor-General, furnishing such particulars as are available: Provided that the secretary in consultation with the Auditor-General may dispense with such report or else determine that certain losses be reported by means of statements at set intervals.

(2) The secretary shall ensure that all losses are made good by the officer responsible therefor or the person who benefited thereby.

(3) Should a loss not be made good in full, such loss may, subject to the provisions of regulation 8, be written off.

(4) In the event of the loss or destruction of or damage to unused, used and cancelled face-value and other forms with a potential value, the community

geval van 'n masjienboekhoustelsel, die nodige verandering aangebring moet word deur 'n verandering eie aan daardie stelsel, maar as sodanige verandering met die hand aangebring word, moet die verandering na sodanige regstelling onverwyld geverifieer en deur die nasiener of die betrokke beampte se toesighouer geteken word.

(3) Geen inskrywing, aantekening of ander geskrif van watter aard ook al mag in groen in die boeke, rekeninge en ander rekords van die gemeenskapsraad gemaak of aangebring word nie.

BEWARING VAN DOKUMENTE

76. Die sekretaris of 'n ander beampte deur hom aangewys, hou 'n register van alle eiendomsbewyse van, en huur- en ander ooreenkomste deur die gemeenskapsraad aangegaan waarin aangeteken word die aard, geldigheidsduur en enige ander inligting ten opsigte daarvan wat die sekretaris nodig ag, en sodanige eiendomsbewyse en huur- en ander ooreenkomste word deur die sekretaris of 'n ander beampte deur hom aangewys in veilige bewaring gehou.

BETALING VAN SALARISSE, LONE EN TOELAES

77. (1) Die tesourier hou 'n register waarin aangeteken word alle toepaslike besonderhede betreffende die salaris, loon, toelaes en ander verlof as verlof met volle betaling van lede van die gemeenskapsraad en van personeel aangestel ingevolge artikel 5 (1) (i) van die Wet.

(2) Betaalstate word deur die tesourier goedgekeur en alle salarisse, lone en toelaes van lede van die gemeenskapsraad en van personeel in subregulasie (1) bedoel, word deur hom of 'n beampte skriftelik deur hom daartoe gemagtig, betaal op die wyse en op die tye deur die gemeenskapsraad bepaal.

78. 'n Hoof van 'n afdeling stel die tesourier onverwyld in kennis van enige verandering in die personeel van sy afdeling, enige verandering in die salaris, loon of toelaes van sodanige personeel en van enige ander verlof as verlof met volle betaling toegestaan aan, of enige afwesigheid van diens sonder verlof van sodanige personeel.

VERLIESE VAN GELDE EN ANDER EIENDOM VAN DIE GEMEENSKAPSRAAD MOET GERAPPORTEER EN GOEDGEMAAK WORD

79. (1) Enige verlies wat ontstaan uit enige onbehoorlike betaling, vrugtelose uitgawe of versuim om gelde wat aan die gemeenskapsraad verskuldig is, in te vorder, of enige tekort in, verlies, vernietiging of beskadiging van geld, seëls, sigwaardestukke en vorms met 'n potensiële waarde, sekuriteite, voorrade of ander bates van die gemeenskapsraad, moet onverwyld deur die afdelingshoof aan die sekretaris en die Ouditeur-generaal gerapporteer word met verstrekking van die beskikbare besonderhede: Met dien verstande dat die sekretaris in oorleg met die Ouditeur-generaal kan afsien van sodanige verslag of andersins kan gelas dat sekere verliese deur middel van state op gesette tye gerapporteer word.

(2) Die sekretaris moet toesien dat alle verliese goedgemaak word deur die beampte wat vir die verlies verantwoordelik is of die persoon wat voordeel daaruit trek.

(3) Indien 'n verlies nie ten volle goedgemaak word nie, kan sodanige verlies, behoudens die bepalings van regulasie 8, afgeskryf word.

(4) In gevalle van verlies, beskadiging of vernietiging van ongebruikte, gebruikte en gekanselleerde sigwaardestukke en ander vorms met 'n potensiële waarde

council may, if it is satisfied with the declaration of the divisional head concerned that no loss of community council moneys has occurred and, in the case of used forms, the moneys represented by such forms have been properly accounted for, determine that such forms need not be submitted for audit purposes.

SAFES AND STRONGROOMS

80. (1) Applications for and correspondence relating to safes and strongrooms shall be addressed to the treasurer who shall be responsible for the supply, disposal, removal, repair and maintenance of safes and strongrooms and all other matters relating thereto, and all instructions issued by him relating to safes and strongrooms shall be carefully observed.

(2) The treasurer shall keep a register of safes and strongrooms and shall allocate to each safe and strongroom a distinctive number and a code number and attach a metal tablet bearing the code number of the safe or strongroom to each of the original keys and duplicate keys.

(3) Unless other arrangements are made with the sanction of the treasurer the duplicate keys of all safes and strongrooms shall be lodged with the treasurer who shall keep a register thereof and shall issue a receipt for each key so lodged, and such receipt shall be kept by the officer in control of the safe or strongroom concerned in a safe place other than the safe or strongroom to which the key belongs.

(4) If any safe becomes redundant the officer in control of such safe shall immediately report the fact to the treasurer and await the instructions of the treasurer regarding removal, and no safe shall be transferred from one division or station to another without the prior consent of the treasurer.

(5) Whenever a safe is transferred in terms of subregulation (4) or there is a change of officer in control of a safe or strongroom, a handing-over certificate in the form of Schedule B shall be duly completed by the officer in control of such safe or strongroom and by the officer taking control, and the original of such certificate shall be kept by the officer taking control and he shall send a copy thereof to the treasurer, and if the officer taking control should neglect to obtain such certificate from the officer from whom he takes such control, he shall be liable for any loss resulting from such neglect: Provided that, in the event of a temporary change of such control as a result of the officer in control of such safe or strongroom going on leave, such certificate need not be completed, but such officer in control of the safe or strongroom shall notify the treasurer in writing of such change: Provided further that such officer in control proceeding on leave shall ensure that all keys handed over are returned to him intact and if such keys are not returned to him in such condition such officer in control shall forthwith report the matter to the treasurer, in default of which such officer in control shall be liable for any loss or damage suffered during his absence.

kan die gemeenskapsraad, indien hy tevrede is met 'n verklaring van die betrokke afdelingshoof dat daar geen verlies van gemeenskapsraadsgelde was nie, en in die geval van gebruikte vorms, die gelde wat deur sodanige vorms verteenwoordig word, behoorlik verantwoord is, bepaal dat sulke vorms nie vir ouditdoeleindes voorgelê hoef te word nie.

BRANDKASTE EN BRANDKAMERS

80. (1) Aansoeke om en korrespondensie in verband met brandkaste of brandkamers moet gerig word aan die tesourier, wat verantwoordelik is vir die verskaffing van, beskikking oor, verwydering, herstel en onderhoud van brandkaste en brandkamers en alle ander sake in verband daarmee, en alle instruksies deur hom in verband met brandkaste of brandkamers uitgereik, moet noukeurig nagekom word.

(2) Die tesourier hou 'n register van brandkaste en brandkamers en moet aan elke brandkas en brandkamer 'n onderskeidings- en 'n kodenommer toeken en 'n metaalplaatjie met die kodenommer van die brandkas of brandkamer daarop aan elkeen van die oorspronklike sleutels en duplikaatsleutels daaraan heg.

(3) Tensy ander reëlings met die goedkeuring van die tesourier getref word, moet die duplikaatsleutels van alle brandkaste en brandkamers in bewaring gehou word deur die tesourier, wat 'n register daarvan moet hou en 'n ontvangsbewys moet gee vir elke sleutel wat in bewaring gegee word en sodanige ontvangsbewys moet deur die beampte in beheer van die betrokke brandkas of brandkamer op 'n ander veilige plek as die brandkas of brandkamer waaraan die betrokke sleutel behoort, gehou word.

(4) Indien 'n brandkas oortollig word, moet die beampte in beheer van sodanige brandkas die tesourier onmiddellik daarvan in kennis stel en die instruksies van die tesourier betreffende die verwydering daarvan afwag, en geen brandkas mag sonder die voorafverkreë goedkeuring van die tesourier van een afdeling of standplaas na 'n ander verwyder word nie.

(5) Wanneer 'n brandkas ingevolge subregulasie (4) verwyder word of 'n verandering van die beampte in beheer van 'n brandkas of brandkamer plaasvind, moet 'n oorhandigingsertifikaat in die vorm in Bylae B uiteengesit, behoorlik ingevul word deur die beampte in beheer van sodanige brandkas of brandkamer en deur die beampte wat sodanige beheer oorneem, en die oorspronklike van die sodanige sertifikaat moet deur die beampte wat oorneem, gehou word en 'n afskrif daarvan deur hom aan die tesourier gestuur word en indien die beampte wat sodanige beheer oorneem, versuim om sodanige sertifikaat van die beampte van wie hy sodanige beheer oorneem, te verkry, is hy aanspreeklik vir enige verlies as gevolg van sodanige versuim: Met dien verstande dat in die geval van 'n tydelike verandering van sodanige beheer omdat die beampte in beheer van sodanige brandkas of brandkamer met verlof gaan, sodanige sertifikaat nie ingevul hoef te word nie, maar sodanige beampte in beheer die tesourier skriftelik in kennis moet stel van sodanige verandering: Met dien verstande voorts dat sodanige beampte in beheer wat met verlof gaan, moet toesien dat alle sleutels wat hy oorhandig het, intak aan hom terugbesorg word en indien sodanige sleutels nie in sodanige toestand aan hom terugbesorg word nie, moet sodanige beampte in beheer die aangeleentheid onmiddellik aan die tesourier rapporteer, by versuim waarvan sodanige beampte in beheer aanspreeklik is vir enige verlies of skade gedurende sy afwesigheid gely.

(6) (a) No officer shall attempt to open a safe or strongroom forcibly or to force any locks or to tamper in any way with the mechanism of such safe or strongroom.

(b) No work in connection with the repair or alteration of safes or strongrooms or keys or combinations of locks thereof or the manufacture of duplicate keys shall be carried out or ordered except with the authority in writing of the treasurer, and no impression of safe or strongroom or cash-box keys may be made at any time.

(7) The head of a division shall, in writing, assign suitable officers as officers in control of safes and strongrooms and the names of such officers shall be supplied to the treasurer.

(8) Safe and strongroom keys shall at all times be in the personal possession of the officer in control of the safe or strongroom and shall not be left or locked in cupboards or in drawers or in any other furniture or in any other place.

(9) The tablet which in terms of subregulation (2) is attached to the original or duplicate keys of a safe or strongroom shall not be separated from those keys and, apart from such tablet, nothing shall be attached to a set of keys which will identify the keys with the safe or strongroom to which the keys belong and no other key, official or private, shall be attached to such keys.

(10) Where the door of a safe or strongroom is fitted with more than one lock, the keys of the different locks shall be entrusted to separate officers, and an officer who is or has been temporarily or permanently in control of one of the keys of a safe or strongroom shall not be permitted to be the custodian of the other key or keys of the same safe or strongroom.

(11) (a) Any loss of safe or strongroom keys shall be reported immediately to the treasurer and no officer shall advertise such loss in any manner and, save where the community council determines otherwise, the officer responsible for the loss shall be liable for any cost resulting from such loss.

(b) Whenever safe or strongroom keys which were lost are found by an officer and the custodian thereof is unknown to him such keys shall immediately be handed to the treasurer.

(12) An application for the issue of duplicate safe or strongroom keys accompanied by the reasons for such application and the receipt referred to in subregulation (3) shall be made to the treasurer.

(13) The extent of damage caused by fire, however trivial, and the effect thereof on a safe or strongroom shall immediately be reported in detail to the treasurer and after a fire such safe shall not be moved or the lock or locks of such safe or strongroom tampered with until after the key or keys have been tried.

(14) Any burglary or attempted burglary shall immediately be reported to the South African Police and the secretary, and a detailed report of the effect of such burglary or attempted burglary on the safe or strongroom submitted to the treasurer.

(15) Officers entrusted by the head of a division with cash-boxes and strong-boxes and the keys thereof

(6) (a) Geen beampte mag poog om 'n brandkas of brandkamer oop te forseer of om enige slotte daarvan te forseer of om op enige wyse met die meganisme van 'n brandkas of brandkamer te peuter nie.

(b) Geen werk in verband met die herstel of verandering van brandkaste of brandkamers of die sleutels of kombinasies van slotte daarvan of die vervaardiging van duplikaatsleutels mag uitgevoer of gelas word nie, behalwe met die skriftelike magtiging van die tesourier, en geen afdruk mag te eniger tyd van sleutels van brandkaste of brandkamers of geldkissies gemaak word nie.

(7) Die hoof van 'n afdeling wys geskikte beamptes skriftelik aan as beamptes in beheer van brandkaste en brandkamers en die name van sodanige beamptes moet aan die tesourier verstrek word.

(8) Brandkas- of brandkamersleutels moet te alle tye in die persoonlike besit van die beampte in beheer van die brandkas of brandkamer wees en mag nie in kaste of in laaie of in enige ander meubels of in enige ander plek gelaat of toegesluit word nie.

(9) Die metaalplaatjie wat ingevolge subregulasie (2) aan die oorspronklike sleutels en duplikaatsleutels van 'n brandkas of brandkamer geheg is, mag nie van die sleutels afgehaal word nie en uitgesonderd dié plaatjie, mag niks aan 'n stel sleutels geheg word nie wat dit as die sleutels van die brandkas of brandkamer waaraan dit behoort, sal identifiseer nie, en geen ander sleutel, hetsy amptelik of privaat, mag aan sodanige sleutels geheg word nie.

(10) Waar die deur van 'n brandkas of brandkamer van meer as een slot voorsien is, moet die sleutels van die verskillende slotte aan afsonderlike beamptes toevertrou word en 'n beampte wat tydelik of permanent in beheer van een van die sleutels van 'n brandkas of brandkamer is of was, mag nie toegelaat word om die bewaarder van die ander sleutel of sleutels van dieselfde brandkas of brandkamer te wees nie.

(11) (a) Enige verlies van brandkas- of brandkamersleutels moet onmiddellik aan die tesourier gerapporteer word en geen beampte mag sodanige verlies op enige wyse adverteer nie en, tensy die gemeenskapsraad anders bepaal, is die beampte wat vir die verlies verantwoordelik is, aanspreeklik vir enige koste wat as gevolg van sodanige verlies ontstaan.

(b) Wanneer brandkas- of brandkamersleutels wat verlore geraak het, deur 'n beampte gevind word en die bewaarder daarvan nie aan hom bekend is nie, moet sodanige sleutels onmiddellik aan die tesourier oorhandig word.

(12) 'n Aansoek om die uitreiking van duplikaatbrandkas- of brandkamersleutels moet, tesame met die redes vir sodanige aansoek en die ontvangsbewys in subregulasie (3) bedoel, by die tesourier ingedien word.

(13) Die omvang van skade deur 'n brand veroorsaak, hoe gering ook al, en die uitwerking daarvan op 'n brandkas of brandkamer moet onmiddellik en breedvoerig aan die tesourier gerapporteer word en na 'n brand mag sodanige brandkas nie verskuif word nie en mag daar nie met die slot of slotte van sodanige brandkas of brandkamer gepeuter word nie alvorens dit met die sleutel of sleutels getoets is.

(14) Enige inbraak of poging tot inbraak moet onmiddellik aan die Suid-Afrikaanse Polisie en die sekretaris gerapporteer word en 'n volledige verslag van die uitwerking van sodanige inbraak of poging daartoe op die brandkas of brandkamer moet aan die tesourier verstrek word.

(15) Beamptes aan wie die hoof van 'n afdeling geldkissies en brandtrommels en die sleutels daarvan

shall be responsible for the safe custody thereof and such cash-boxes and strong-boxes and the keys thereof shall, when not in use, where possible, be lodged in a safe or strongroom.

(16) The treasurer shall keep all duplicate keys of cash-boxes and strong-boxes in safe custody in a safe or strongroom and shall label such keys appropriately.

(17) (a) The loss of any key of a cash-box or strong-box shall be reported immediately to the head of the division and the use of the box shall be discontinued until the lock has been altered and a new key issued by the treasurer.

(b) Damage to any key of a cash-box or strong-box shall immediately be reported to the treasurer who shall, if necessary, issue a new key and, save where the community council directs otherwise, the officer responsible for the damage shall be liable for the cost of alteration to any lock or the issue of a new key.

(18) A receipt for any key of a cash-box or strong-box issued shall be obtained from the officer to whom the key is issued.

(19) A copy of this regulation shall be pasted to the inside of every safe or strongroom door.

GENERAL

81. With the approval of the Minister of the terms of the agreement reached between the community council and the administration board, and subject to such other conditions as the Minister may prescribe, the administration board may carry out any work or function in terms of these regulations on behalf of the community council.

toevertrou het, is verantwoordelik vir die veilige bewaring daarvan en sodanige geldkissies en brandtrommels en die sleutels daarvan moet, wanneer nie in gebruik nie, waar moontlik, in 'n brandkas of brandkamer bewaar word.

(16) Die tesourier hou alle duplikaatsleutels van geldkissies en brandtrommels in veilige bewaring in 'n brandkas of brandkamer en moet sodanige sleutels van 'n gepaste etiket voorsien.

(17) (a) Die verlies van 'n sleutel van 'n geldkissie of brandtrommel moet onmiddellik aan die hoof van die afdeling geraporteer word en sodanige kissie of trommel moet aan gebruik onttrek word totdat die slot daarvan verander is en 'n nuwe sleutel deur die tesourier verskaf is.

(b) Die beskadiging van enige sleutel van 'n geldkissie of brandtrommel moet onmiddellik aan die tesourier gerapporteer word wat, indien nodig, 'n nuwe sleutel moet verskaf, en tensy die gemeenskapsraad anders bepaal, is die beampte wat vir die beskadiging verantwoordelik is, aanspreeklik vir die koste van die verandering van enige slot of die verskaffing van 'n nuwe sleutel.

(18) 'n Ontvangsbewys vir enige sleutel van 'n geldkissie of brandtrommel wat verskaf word, moet verkry word van die beampte aan wie sodanige sleutel verskaf word.

(19) 'n Afskrif van hierdie regulasie moet aan die binnekant van elke brandkas- of brandkamerdeur geplak word.

ALGEMEEN

81. Met die goedkeuring van die Minister van die voorwaardes waarop daar tussen die gemeenskapsraad en die administrasieraad ooreengekom word, en behoudens die ander voorwaardes wat die Minister oplê, kan die administrasieraad enige werksaamheid of funksie ingevolge hierdie regulasie namens die gemeenskapsraad verrig.

SCHEDULE A

HANDING-OVER CERTIFICATE

Division.....
Place.....
Date of handing over.....19.....

We hereby certify that we have completed the handing over of all community council property referred to in regulation 50 (1) of the Financial Regulations, under the control of the officer in charge of.....and that, subject to the discrepancies enumerated on this and the following pages, numbered....., the serviceable property on hand is in accordance with the balances of the ledgers or other records. We further certify that the following list of discrepancies includes all items which have not hitherto been submitted for authority to adjust.

.....
Signature and official title of officer handing over

.....
Signature and official title of officer taking over

Article	Unit	Quantities				Value exclusive of worn out or broken articles	Explanation
		As per main ledger or other record	Actually on hand	Surplus	Deficiency		

SCHEDULE B

The Treasurer,

Safe/Strongroom.....

A. Notice is hereby given in terms of regulation 80 (5) of the Financial Regulations that I,.....,
handed over safe/strongroom.....to.....
in perfect condition on.....together with the following:

(a) Outer door keys.....(number);
(b) drawer keys.....(number);
(c) inner door keys.....(number);
(d) cash-box keys.....(number);
(e) chain and ring with registered tablet No.....all in perfect condition except.....

Signature of officer handing over.....
Official title.....
Office address.....
Date.....

B. I,....., do hereby certify that I have taken over safe/strongroom.....
from.....together with the above-mentioned articles and that the keys fit the locks and
that all are in perfect condition except.....

I also certify that a copy of regulation 80 of the Financial Regulations has been pasted to the inside of the safe/strongroom door.

Signature of officer taking over.....
Official title.....
Office address.....
Date.....

BYLAE A

OORHANDIGINGSERTIFIKAAT

Afdeling.....
Plek.....
Datum van oorhandiging.....19.....

Ons sertifiseer hierby dat ons die oorhandiging van alle gemeenskapsraadeiendom in regulasie 50 (1) van die Finansiële Regulasies bedoel, onder die beheer van die beampte belas met die toesig oor.....
voltooi het en dat, behoudens die verskille op hierdie bladsy en die volgende bladsye genoem, genommer.....,
die.....bruikbare eiendom voorhande in ooreenstemming is met die balanse van die boeke of ander rekords. Voorts sertifiseer ons dat die volgende lys van verskille alle artikels insluit wat tot dusver nie vir magtiging tot verrekening voorgelê is nie.

.....
Handtekening en ampstitel van beampte wat oorhandig

.....
Handtekening en ampstitel van beampte wat oorneem

Artikel	Eenheid	Hoeveelhede				Waarde, met uitsluiting van verslete of gebreekte artikels	Verduideliking
		Volgens boeke ander rekords	Werklik voorhande	Surplus	Tekort		

BYLAE B

Die Tesourier

Brandkas/Brandkamer.....

A. Ingevolge regulasie 80 (5) van die Finansiële Regulasies word u hierby in kennis gestel dat ek,.....,
brandkas/brandkamer.....op.....in 'n goeie toestand
oorhandig het aan.....,
tesame met die volgende artikels—

(a) buitedeursleutels.....(getal);
(b) laaisleutels.....(getal);
(c) binnedeursleutels.....(getal);
(d) geldkissiesleutels.....(getal);
(e) 'n ketting en ring met 'n plaatjie No.....almal ook in 'n goeie toestand, behalwe
.....

Handtekening van beampte wat oorhandig.....
Ampstitel.....
Kantooradres.....
Datum.....

B. Ek,....., sertifiseer hierby dat ek brandkas/brandkamer.....
van.....oorgeneem het tesame met bogenoemde artikels, dat die sleutels op die slotte
pas en dat alles in 'n goeie toestand is, behalwe.....
Ek sertifiseer ook dat 'n afskrif van regulasie 80 van die Finansiële Regulasies aan die binnekant van die brandkas-/brandkamer deur geplak is.

Handtekening van beampte wat oorneem.....
Ampstitel.....
Kantooradres.....
Datum.....

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