



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1350.

30 June 1978.

No. 1350.

30 Junie 1978.

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

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

No. 99 of 1978: Protection of Businesses Act, 1978.

No. 99 van 1978: Wet op die Beskerming van Ondernemings, 1978.

WET

Om 'n beperking te plaas op die afdwinging in die Republiek van sekere buitelandse vonnisse, bevele, opdragte, arbitrasietoekennings en versoekbriewe; om 'n verbod te plaas op die verstrekking van inligting betreffende ondernemings ingevolge buitelandse bevele, opdragte of versoekbriewe; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1978.)

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

Verbod op afdwinging van sekere buitelandse vonnisse, bevele, opdragte, arbitrasietoekennings en versoekbriewe en verstrekking van inligting betreffende ondernemings ingevolge buitelandse bevele, opdragte of versoekbriewe.

1. (1) Ondanks 'n andersluidende bepaling van 'n wet of ander regsreël, en behalwe met die toestemming van die Minister van Ekonomiese Sake—

- (a) word geen vonnis, bevel, opdrag, arbitrasietoekenning of versoekbrief wat buite die Republiek gelewer, gegee of uitgereik is, of van buite die Republiek afkomstig is en wat voortspruit uit 'n handeling of transaksie in subartikel (3) bedoel, in die Republiek afgedwing nie;
- (b) mag niemand ingevolge 'n bevel, opdrag of versoekbrief wat buite die Republiek uitgereik of van buite die Republiek afkomstig is, enige inligting verstrek nie betreffende enige onderneming, hetsy dit in of buite die Republiek gedryf word.

(2) Die toestemming in subartikel (1) (b) bedoel, kan—

- (a) verleen word òf by kennisgewing in die *Staatskoerant* òf by skriftelike magtiging aan 'n bepaalde persoon gerig;
- (b) verleen word onderworpe aan die voorwaardes wat genoemde Minister goedvind;
- (c) betrekking hê slegs op bepaalde goedere of ondernemings of klasse goedere of ondernemings, of op bevele, opdragte of versoekbriewe in 'n bepaalde land uitgereik of van 'n bepaalde land afkomstig;
- (d) indien dit by kennisgewing in die *Staatskoerant* verleen word, slegs op bepaalde persone of klasse persone betrekking hê.

(3) By die toepassing van subartikel (1) (a) is 'n handeling of transaksie 'n handeling of transaksie wat te eniger tyd, hetsy voor of na die inwerkingtreding van hierdie Wet, plaasgevind het en in verband staan met die produksie, invoer, uitvoer, veredeling, besit, gebruik of verkoop van of eiendomsreg op enige stof of materiaal, van watter aard ook al, hetsy binne, buite, in of uit die Republiek, deur, namens of van produsente van sodanige stof of materiaal.

Misdrywe en strawwe.

2. Iemand wat die bepalinge van artikel 1 (1) (b) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete

PROTECTION OF BUSINESSES ACT, 1978.

Act No. 99, 1978

ACT

To restrict the enforcement in the Republic of certain foreign judgments, orders, directions, arbitration awards and letters of request; to prohibit the furnishing of information relating to businesses in compliance with foreign orders, directions or letters of request; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 20 June 1978.)

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

1. (1) Notwithstanding anything to the contrary contained in
5 any law or other legal rule, and except with the permission of
the Minister of Economic Affairs—
 - (a) no judgment, order, direction, arbitration award or
letters of request delivered, given or issued or emanating
from outside the Republic and arising from any act or
10 transaction contemplated in subsection (3), shall be
enforced in the Republic;
 - (b) no person shall in compliance with any order, direction
or letters of request issued or emanating from outside
the Republic, furnish any information as to any business
15 whether carried on in or outside the Republic.
 - (2) The permission contemplated in subsection (1) (b) may—
 - (a) be granted either by notice in the *Gazette* or by written
authority addressed to a particular person;
 - (b) be granted subject to such conditions as the said
20 Minister may deem fit;
 - (c) relate only to specified goods or businesses or classes of
goods or businesses, or to orders, directions or letters of
request issued in or emanating from a specified country;
 - (d) if it is granted by notice in the *Gazette*, relate only to
25 specified persons or classes of persons.
 - (3) In the application of subsection (1) (a) an act or transaction
shall be any act or transaction which took place at any time,
whether before or after the commencement of this Act, and is
connected with the production, importation, exportation, refine-
30 ment, possession, use or sale of or ownership to any matter or
material, of whatever nature, whether within, outside, into or from
the Republic, by, on behalf of or of producers of such matter or
material.
2. Any person who contravenes the provisions of section 1 (1) Offences and
35 (b) shall be guilty of an offence and on conviction liable to a fine penalties.

WET OP DIE BESKERMING VAN ONDERNEMINGS, 1978.

4. Hierdie Wet heet die Wet op die Beskerming van Ondernemings, 1978, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

PROTECTION OF BUSINESSES ACT, 1978.

Act No. 99, 1978

not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

3. Section 2 of the Second General Law Amendment Act, 1974, Repeal of section 5 is hereby repealed. 2 of Act 94 of 1974.

4. This Act shall be called the Protection of Businesses Act, Short title and 1978, and shall come into operation on a date fixed by the State commencement. President by proclamation in the *Gazette*.

PROTECTION OF BUSINESS ACT, 1978
Act No. 97, 1978

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