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STATE PRESIDENT'S OFFICE

No. 521.

23 March 1989

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

No. 22 of 1989: Diamonds Amendment Act, 1989.

KANTOOR VAN DIE STAATSPRESIDENT

No. 521.

23 Maart 1989

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

No. 22 van 1989: Wysigingswet op Diamante, 1989.

Act No. 22, 1989

DIAMONDS AMENDMENT ACT, 1989

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Diamonds Act, 1986, in order to make provision that the executive officer of the South African Diamond Board shall be a person in the service of the said Board instead of an officer in the service of the Department of Mineral and Energy Affairs; to provide that the Minister of the said Department shall appoint an alternate member for the chairman of the said Board; to make further provision that the said Minister may determine the conditions of service and service benefits of persons appointed by the said Board; and to determine that the chairman of the said Board may designate a person in the service of the said Board to act as executive officer in certain circumstances; and to make provision for matters connected therewith.

*(Afrikaans text signed by the acting State President.)
(Assented to 14 March 1989.)*

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

Amendment of section 1 of Act 56 of 1986, as amended by section 1 of Act 28 of 1988

1. Section 1 of the Diamonds Act, 1986 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "executive officer" of the following definition: 5

"'executive officer' means the executive officer of the Board **[designated]** appointed in terms of section **[5 (1) (a)]** 14 (1);"

Amendment of section 5 of Act 56 of 1986, as amended by section 2 of Act 28 of 1988

2. Section 5 of the principal Act is hereby amended— 10

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

"(a) **[two officers]** one officer of the Department of Mineral and Energy Affairs, **[of]** whom the Minister shall designate **[one]** as chairman **[and the other as executive officer]** of the Board;" 15

(b) by the addition to subsection (1) of the following paragraph:

"(l) the executive officer of the Board;" and

(c) by the substitution for subsection (4) of the following subsection:

"(4) The Minister shall, having regard to the applicable provisions of this section, appoint for every member of the Board, excluding a member 20 referred to in subsection **[(1) (a), (d) or (k)]** (1) (d), (k) or (l), an alternate member."

Substitution of section 12 of Act 56 of 1986

3. The following section is hereby substituted for section 12 of the principal Act:

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Diamante, 1986, ten einde voorsiening te maak dat die uitvoerende beampte van die Suid-Afrikaanse Diamantraad 'n persoon in diens van genoemde Raad in plaas van 'n beampte in diens van die Departement van Minerale en Energiesake moet wees; te bepaal dat die Minister van genoemde Departement 'n plaasvervangende lid vir die voorsitter van genoemde Raad moet aanstel; verdere voorsiening te maak dat genoemde Minister die diensvoorwaardes en diensvoordele van persone deur genoemde Raad aangestel, kan bepaal; en te bepaal dat die voorsitter van genoemde Raad 'n persoon in diens van genoemde Raad kan aanwys om in sekere omstandighede as uitvoerende beampte waar te neem; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die waarnemende Staatspresident geteken.)
(Goedgekeur op 14 Maart 1989.)*

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

Wysiging van artikel 1 van Wet 56 van 1986, soos gewysig deur artikel 1 van Wet 28 van 1988

- 5 1. Artikel 1 van die Wet op Diamante, 1986 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van "uitvoerende beampte" deur die volgende omskrywing te vervang:

 "uitvoerende beampte" die uitvoerende beampte van die Raad ingevolge artikel **[5 (1) (a) aangewys]** 14 (1) aangestel;"

- 10 **Wysiging van artikel 5 van Wet 56 van 1986, soos gewysig deur artikel 2 van Wet 28 van 1988**

2. Artikel 5 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

- 15 "(a) **[twee beamptes]** een beampte van die Departement van Minerale- en Energiesake, **[van wie]** wat die Minister **[een]** as voorsitter **[en die ander as uitvoerende beampte]** van die Raad aanwys;"

- (b) deur die volgende paragraaf by subartikel (1) te voeg:

 "(l) die uitvoerende beampte van die Raad;" en

- 20 (c) deur subartikel (4) deur die volgende subartikel te vervang:

 "(4) Die Minister moet met inagneming van die toepaslike bepalings van hierdie artikel, vir elke lid van die Raad, uitgesonderd 'n lid in subartikel **[(1) (a), (d) of (k)]** (1) (d), (k) of (l) bedoel, 'n plaasvervangende lid aanstel."

- 25 **Vervanging van artikel 12 van Wet 56 van 1986**

3. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

Act No. 22, 1989

DIAMONDS AMENDMENT ACT, 1989

“Remuneration of members of Board and of executive and other committees

12. A member or an alternate member of the Board or a member of the executive or any other committee of the Board who is not in the full-time employment of the State or the Board may be paid out of the funds of the Board such remuneration and allowances as the Minister may, with the concurrence of the Minister of Finance, determine.” 5

Amendment of section 14 of Act 56 of 1986**4. Section 14 of the principal Act is hereby amended—**

(a) by the substitution for subsection (1) of the following subsection: 10

“(1) The work incidental to the performance of the functions of the Board shall, subject to the directions of the Board, be performed by an executive officer appointed by the Minister after consultation with the Board on such conditions of service and at such remuneration and service benefits as the Minister may, with the concurrence of the Minister of Finance, determine, and the executive officer shall be assisted in the performance of his functions by— 15

(a) persons appointed by the Board on such conditions of service and at such remuneration and service benefits as the Minister may, with the concurrence of the Minister of Finance, determine; and 20

(b) officers or employees placed at the disposal of the Board under section 14 (3) (a) of the Public Service Act, 1984 (Act No. 111 of 1984).”; and

(b) by the addition of the following subsection:

“(4) Whenever the executive officer is for any reason unable to perform his functions, the chairman of the Board may designate a person in the service of the Board to act as executive officer until the executive officer is able to resume his functions.”. 25

Repeal of section 15 of Act 56 of 1986

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

Short title

6. This Act shall be called the Diamonds Amendment Act, 1989. 30

WYSIGINGSWET OP DIAMANTE, 1989

Wet No. 22, 1989

“Besoldiging van lede van Raad en van uitvoerende en ander komitees

- 5 12. Aan 'n lid of 'n plaasvervangende lid van die Raad of 'n lid van die uitvoerende of 'n ander komitee van die Raad wat nie in die heeltydse diens van die Staat of die Raad is nie, kan uit die fondse van die Raad die besoldiging en toelaes betaal word wat die Minister, met die instemming van die Minister van Finansies, bepaal.”.

Wysiging van artikel 14 van Wet 56 van 1986

4. Artikel 14 van die Hoofwet word hierby gewysig—
- 10 (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Die werk verbonde aan die verrigting van die werksaamhede van die Raad word, onderworpe aan die voorskrifte van die Raad, verrig deur 'n uitvoerende beampte wat deur die Minister na oorleg met die Raad aangestel word op die diensvoorwaardes en teen die besoldiging en diensvoordele wat die Minister, met die instemming van die Minister van Finansies, bepaal, en die uitvoerende beampte word by die verrigting van sy werksaamhede bygestaan deur—
- 15 (a) persone deur die raad aangestel op die **[voorwaardes]** diensvoorwaardes en teen die besoldiging en diensvoordele wat die Minister, met die instemming van die Minister van Finansies, bepaal; en
- 20 (b) beamptes of werknemers wat kragtens artikel 14 (3) (a) van die Staatsdienswet, 1984 (Wet No. 111 van 1984), tot die Raad se beskikking gestel is.”; en
- (b) deur die volgende subartikel by te voeg:
- 25 “(4) Wanneer die uitvoerende beampte om die een of ander rede nie in staat is om sy werksaamhede te verrig nie, kan die voorsitter van die Raad 'n persoon in diens van die Raad aanwys om as uitvoerende beampte waar te neem totdat die uitvoerende beampte in staat is om sy werksaamhede te hervat.”.

Herroeping van artikel 15 van Wet 56 van 1986

- 30 5. Artikel 15 van die Hoofwet word hierby herroep.

Kort titel

6. Hierdie Wet heet die Wysigingswet op Diamante, 1989.

