

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Selling price • Verkoopprys
(GST excluded/AVB uitgesluit)

Local 60c Plaaslik

Other countries 85c Buitelands
Post free • Posvry

Registered at the post office as a Newspaper

As 'n Nuisblad by die Poskantoor Geregistreer

Vol. 290

PRETORIA, 18 AUGUST 1989
AUGUSTUS

No. 12060

GENERAL NOTICE

NOTICE 1034 OF 1989

DEPARTMENT OF JUSTICE

The existing Advocate-General Act, 1979 (Act No. 118 of 1979), in which the proposed amendments envisaged in the Advocate-General Amendment Bill have been incorporated, is set out in the Annexure hereto. It is envisaged that the Bill will be introduced in Parliament during 1990 and it is hereby published for general information and comment. Any comments or representations by interested parties should be lodged in writing with the Director-General of Justice, Private Bag X81, Pretoria, 0001, not later than 31 October 1989.

The following explanation regarding the proposed amendments is furnished:

SECTIONS 1 AND 1A

Provision is being made for the possible extension of the investigative powers of the Advocate-General regarding moneys due to a government of, or a body, institution or corporation in, a national state as contemplated in the National States Constitution Act, 1971 (Act No. 21 of 1971).

SECTION 2

The prerequisite in section 2 (2) for the appointment of a person to be Advocate-General, namely that his involvement in law must have been for a "continuous" period of at least 10 years, is being deleted.

In the proposed section 2 (3) provision is being made for the salary and conditions of service of the Advocate-General to be determined by the State President.

SECTION 4

In the proposed section 4 (1) (d) the investigative powers of the Advocate-General are being extended so as to include any kind of alleged unlawful or improper prejudice of persons by a government institution or an officer of such an institution.

ALGEMENE KENNISGEWING

KENNISGEWING 1034 VAN 1989

DEPARTEMENT VAN JUSTISIE

Die bestaande Wet op die Advokaat-generaal, 1979 (Wet No. 118 van 1979), waarby die voorgestelde wysigings wat in die Wysigingswetsontwerp op die Advokaat-generaal beoog word, bygewerk is, verskyn in die Bylae. Daar word beoog om die Wetsontwerp gedurende 1990 by die Parlement in te dien en dit word hierby vir algemene inligting en kommentaar gepubliseer. Enige kommentaar of vertoë daaromtrent deur belanghebbendes moet nie later nie as 31 Oktober 1989 skriftelik by die Direkteur-generaal: Justisie, Privaatsak X81, Pretoria, 0001, ingedien word.

Die volgende verduideliking kan ten aansien van die voorgestelde wysigings verskaf word:

ARTIKELS 1 EN 1A

Die moontlikheid word geskep dat die Advokaat-generaal se ondersoekbevoegdhede uitgebrei kan word ten aansien van geld wat 'n regering van, of 'n liggaam, instelling of korporasie in, 'n nasionale staat soos bedoel in die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), toekom.

ARTIKEL 2

Die vereiste in artikel 2 (2) vir die aanstelling van 'n persoon as Advokaat-generaal, naamlik dat sy betrokkeheid by die reg vir minstens 10 jaar "ononderbroke" moet wees, word geskrap.

In die voorgestelde artikel 2 (3) word voorsiening gemaak dat die salaris en ampsvoorwaardes van die Advokaat-generaal deur die Staatspresident bepaal word.

ARTIKEL 4

In die voorgestelde artikel 4 (1) (d) word die ondersoekbevoegdhede van die Advokaat-generaal uitgebrei om ook beweerde onwettige of onbehoelike benadeling, van watter aard ook al, van persone deur 'n owerheidsinstansie of deur 'n beampte van so 'n instansie in te sluit.

The insertion of section 4 (3) confers a discretion on the Advocate-General where a person, contemplated in section 4 (1) (d), has not yet exhausted the legal remedies available to him, to refuse to enquire into the matter until those legal remedies have been exhausted. In the proviso provision is made for the Advocate-General to investigate allegations of unlawful or improper prejudice arising from the employment of an official in the service of the state only if the person concerned has made use of all the legal remedies in terms of the Public Service Act, 1984.

SECTIONS 5 AND 8

Section 5 (1) is being adapted to ensure that the Advocate-General is only obliged to investigate a matter in respect of which a well-founded suspicion of an irregularity or impropriety exists. In the light of the present composition of Parliament, an amended procedure regarding the reporting of the Advocate-General and the Tabling of his reports is proposed in sections 5 and 8.

In the proposed section 5 (4) the power is being conferred on the Advocate-General at any time to refer a matter he is investigating to the responsible authority for the necessary action.

In the proposed section 5 (7) the power is being conferred on the Advocate-General to—

- (a) request any person in the employ of the State or any organisation or institution to assist him in the execution of his functions; and
- (b) appoint any person to conduct an inquiry on his behalf.

SECTIONS 7A, 7B AND 7C

In the proposed new section 7A the power is being conferred on the Advocate-General to enter premises for the purposes of gathering information regarding an inquiry.

It is provided in the proposed section 7B that the Advocate-General and his staff not be competent or obliged to answer questions in a court of law or before a commission about information which they obtained in the course of an inquiry.

In the proposed section 7C a discretion is also being conferred on the Advocate-General to order, with the consent of the Treasury, that the expenses or the costs or part thereof incurred by any person in the course of an inquiry by the Advocate-General be paid to the person concerned from State funds.

SECTION 9A

In the proposed section 9A the Advocate-General and his staff are exempted from any liability for acts done in good faith in terms of the Act.

Die invoeging van artikel 4 (3) verleen aan die Advokaat-generaal 'n diskresie om in geval waar 'n persoon in artikel 4 (1) (d) bedoel, die regsmeddele wat hy tot sy beskikking het nog nie uitgeput het nie, te weier om die aangeleentheid te ondersoek totdat daardie regsmeddele uitgeput is. In die voorbehoudsbepaling word voorsiening gemaak dat waar die bewering van onwetlike of onbehoorlike benadeling spruit uit die diensverhouding van 'n beampte in diens van die Staat, die Advokaat-generaal slegs die bewering sal ondersoek indien die betrokke persoon van al die regsmeddele ingevolge die Staatsdienswet, 1984, gebruik gemaak het.

ARTIKELS 5 EN 8

Artikel 5 (1) word aangepas om te verseker dat die Advokaat-generaal slegs verplig is om 'n aangeleentheid te ondersoek ten opsigte waarvan daar 'n gegronde vermoede van onreëlmatigheid of onbehoorlikheid is. Verder word in artikels 5 en 8 'n gewysigde prosedure voorgestel betreffende verslagdoening deur die Advokaat-generaal en die tertafellegging van sy verslae, in die lig van die huidige samestelling van die Parlement.

In die voorgestelde artikel 5 (4) word aan die Advokaat-generaal die bevoegdheid verleen om te eniger tyd 'n aangeleentheid wat hy ondersoek na die verantwoordelike owerheidsinstansie vir die nodige optrede te verwys.

In die voorgestelde artikel 5 (7) word aan die Advokaat-generaal die bevoegdheid verleen om—

- (a) 'n persoon in diens van die Staat of enige organisasie of instelling te versoek om hom by die verrigting van sy werksaamhede behulpsaam te wees; en
- (b) iemand te benoem om namens hom 'n ondersoek te onderneem.

ARTIKELS 7A, 7B EN 7C

In die voorgestelde nuwe artikel 7A word aan die Advokaat-generaal die bevoegdheid verleen om personele te betree ten einde inligting met betrekking tot 'n ondersoek in te samel.

Daar word in die voorgestelde artikel 7B voorsiening gemaak dat die Advokaat-generaal en sy personeel nie bevoeg is of verplig kan word om in 'n gereghof of voor 'n kommissie vrae te beantwoord oor inligting wat hulle in die loop van 'n ondersoek bekom het nie.

Verder word in die voorgestelde artikel 7C aan die Advokaat-generaal 'n diskresie verleen om, met die instemming van die Tesourie, te gelas dat die uitgawes of die koste of 'n gedeelte daarvan wat deur iemand in die loop van 'n ondersoek deur die Advokaat-generaal aangegaan is, uit Staatsfondse aan daardie persoon vergoed word.

ARTIKEL 9A

Die Advokaat-generaal en sy personeel se aanspreeklikheid ten opsigte van iets wat hulle te goeder trou kragtens die Wet gedoen het, word in die voorgestelde artikel 9A uitgesluit.

SECTION 11

The penalty provision in section 11 of the Act is being increased and brought into line with the criminal jurisdiction of the district courts.

ANNEXURE

ADVOCATE-GENERAL ACT,
No. 118 OF 1979

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 establish the office of Advocate-General; to provide for the appointment of a person to that office; to determine the duties and powers of the Advocate-General; and to provide for matters connected therewith.

1. **Definitions.**—In this Act, unless the context otherwise indicates—

“Advocate-General” means the person appointed in terms of section 2, to the office of Advocate-General;

“inquiry” means an inquiry conducted under the provisions of section 5 by the Advocate-General;

“prescribe” means prescribe by regulation;

“public moneys” means—

(a) State moneys as defined in section 1 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975);

(b) revenue accruing to—

(i) the Railway and Harbour Fund, the Post Office Fund and a provincial revenue fund;

(ii) any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961);

(iii) any statutory body as defined in section 1 (1) of the Exchequer and Audit Act, 1975, but, subject to the provisions of section 1A, excluding any Government, body or institution referred to in section 35 of the National States Constitution Act, 1971 (Act No. 21 of 1971);

ARTIKEL 11

Die strafbepaling in artikel 11 van die Wet word verhoog en in lyn gebring met die strafjurisdiksie van die distrikshowe.

BYLAE

WET OP DIE ADVOKAAT-GENERAAL,
No. 118 VAN 1979

Algemene verduidelikende nota:

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

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

WET

Om die amp van Advokaat-generaal in te stel; voorsiening te maak vir die aanstelling van iemand in daardie amp; die pligte en bevoegdhede van die Advokaat-generaal te bepaal; en voorsiening te maak vir aanleentehede wat daarmee in verband staan.

1. **Woordomskrywing.**—Tensy uit die samehang anders blyk, beteken in hierdie Wet—

“Advokaat-generaal” die persoon wat ingevolge artikel 2 in die amp van Advokaat-generaal aangestel is;

“hierdie Wet” ook die regulasies;

“ondersoek”, wanneer dit as 'n naamwoord gebruik word, 'n ondersoek wat kragtens die bepalings van artikel 5 deur die Advokaat-generaal gedoen word;

“publieke geld”—

(a) Staatsgeld soos omskryf in artikel 1 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975);

(b) inkomste wat—

(i) die Spoorweg- en Hawefonds, die Poskantoorfonds en 'n provinsiale inkomstefonds toeval;

(ii) 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), toeval;

(iii) 'n statutêre liggaam soos omskryf in artikel 1 (1) van die Skatkis- en Ouditwet, 1975, maar, behoudens die bepalings van artikel 1A, uitgesonderd 'n Regering, liggaam of instelling bedoel in artikel 35 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), toeval;

(iv) any body, association or organization deemed in terms of section 42 (5) of the Exchequer and Audit Act, 1975, to be a statutory body as defined in section 1 (1) of that Act;

(v) any institution or body referred to in section 16 (3) (b) or (c) of the Provincial Finance and Audit Act, 1972 (Act No. 18 of 1972);

(c) all other moneys whatever received or held for, or on account of, a fund, institution, body, association or organization referred to in any subparagraph of paragraph (b);

[Definition of "public moneys" inserted by s. 1 (a) of Act No. 55 of 1983.]

"regulation" means a regulation made under section 10;

"State moneys" . . .

[Definition of "State moneys" deleted by s. 1 (b) of Act No. 55 of 1983.]

"this Act" includes the regulations.

Extension of application of Act

1A. (1) If the Advocate-General has reason to suspect that a circumstance referred to in section 4 (1) exists in respect of moneys that is due to or received by a government of, and a body, institution or corporation in, a national state, as referred to in the National States Constitution Act, 1971 (Act No. 21 of 1971), or is being held by that government, body, institution or corporation, or in respect of any act or omission of that government, body, institution or corporation, he may advise the State President accordingly.

(2) Upon receipt of the information referred to in subsection (1), the State President may, after consultation with the government of the national state concerned, by proclamation in the *Gazette* declare the provisions of this Act to be applicable in respect of such government, body, institution or corporation, as the case may be, and the provisions of this Act shall thereupon be deemed to be so applicable, either for the period determined by the State President in the said proclamation or until the Advocate-General has completed his functions in respect of a specific matter and reported in terms of section 5.

(iv) 'n liggaam, vereniging of organisasie wat ingevolge artikel 42 (5) van die Skatkis- en Ouditwet, 1975, geag word 'n statutêre liggaam soos omskryf in artikel 1 (1) van daardie Wet te wees, toeval;

(v) 'n instelling of liggaam bedoel in artikel 16 (3) (b) of (c) van die Wet op Provinsiale Finansies en Oudit, 1972 (Wet No. 18 van 1972), toeval;

(c) alle ander geld hoegenaamd wat vir of op rekening van 'n fonds, instelling, liggaam, vereniging of organisasie in enige subparagraaf van paragraaf (b) bedoel, ontvang is of gehou word;

[Omskrywing van "publieke geld" ingevoeg by a. 1 (a) van Wet No. 55 van 1983.]

"regulasie" 'n regulasie wat kragtens artikel 10 uitgevaardig is;

"Staatsgeld" . . .

[Omskrywing van "Staatsgeld" geskrap by a. 1 (b) van Wet No. 55 van 1983.]

"voorskryf" by regulasie voorskryf.

Uitbreiding van toepassing van Wet

1A. (1) Indien die Advokaat-generaal rede het om te vermoed dat daar ten aansien van die geld wat 'n regering van, en 'n liggaam, instelling of korporasie in, 'n nasionale staat soos bedoel in die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), toekom of ontvang of deur daardie regering, liggaam, instelling of korporasie gehou word of ten aansien van enige handeling of versuim van daardie regering, liggaam, instelling of korporasie, 'n omstandigheid bedoel in artikel 4 (1) bestaan, kan hy die Staatspresident dienooreenkomstig inlig.

(2) By ontvangs van die inligting in subartikel (1) vermeld, kan die Staatspresident, na oorleg met die regering van die betrokke nasionale staat, by proklamasie in die *Staatskoerant* verklaar dat die bepalinge van hierdie Wet van toepassing is ten opsigte van die vermelde regering, liggaam, instelling of korporasie, na gelang van die geval, en daarop word die bepalinge van hierdie Wet geag aldus van toepassing te wees, hetsy vir die tydperk deur die Staatspresident in genoemde proklamasie bepaal of totdat die Advokaat-generaal sy werksaamhede ten aansien van 'n bepaalde aangeleentheid afgehandel het en kragtens artikel 5 verslag gedoen het.

2. Appointment and conditions pertaining to the office of Advocate-General.—(1) There shall be an Advocate-General for the Republic.

(2) The State President shall appoint, in a full-time or in a part-time capacity, a person who by virtue of his qualifications is entitled to be admitted and authorized to practise and be enrolled as an advocate in terms of the provisions of section 3 of the Admission of Advocates Act, 1964 (Act No. 74 of 1964), and who, after obtaining such qualifications, was concerned in the application of the law for a **continuous** period of at least ten years.

(3) The salary and the other conditions of service (if any) of the Advocate-General shall be determined by the State President: Provided that a salary so determined in respect of a particular Advocate-General shall not be reduced during his term of office, except by an Act of Parliament.

[Sub-s. (3) amended by s. 2 (b) of Act No. 55 of 1983.]

(4) The Advocate-General shall not perform or commit himself to perform remunerative work outside his official duties without the permission of the State President.

(5) The Advocate-General shall not be suspended or removed from office except in accordance with the provisions of subsections (6), (7), (8) and (9).

(6) (a) The State President may suspend the Advocate-General and, subject to the provisions of this subsection, remove him from office—

(i) for misconduct; or

(ii) for unfitness for the duties of his office or incapacity to carry them out efficiently.

(b) A suspension of the Advocate-General and the reason therefore shall be communicated by message to **[the Senate and the House of Assembly]** Parliament within fourteen days after such suspension, if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

(c) If an address is at any time during such a session of Parliament presented to the State President by **[the Senate and the House of Assembly]** Parliament praying for the restoration to his office of the Advocate-General so suspended, the Advocate-General shall be restored to his office accordingly.

(d) If an address as contemplated in paragraph (c) is not presented to the State President, he shall confirm the suspension and remove the Advocate-General from his office.

2. Aanstelling en ampsvoorwaardes van Advokaat-generaal.—(1) Daar is in die Republiek 'n Advokaat-generaal.

(2) Die Staatspresident moet, in 'n heeltidse of in 'n deeltidse hoedanigheid, iemand in die amp van Advokaat-generaal aanstel wat uit hoofde van sy kwalifikasies geregtig is om ingevolge die bepalings van artikel 3 van die Wet op die Toelating van Advokate, 1964 (Wet No. 74 van 1964), toegelaat en gemagtig te word om as advokaat te praktiseer en ingeskryf te word en wat na verwerwing van sodanige kwalifikasies vir 'n **[ononderbroke]** tydperk van minstens tien jaar by die toepassing van die reg betrokke was.

(3) Die salaris en ander ampsvoorwaardes (as daar is) van die Advokaat-generaal word van tyd tot tyd deur die Staatspresident bepaal: Met dien verstande dat die salaris aldus bepaal ten opsigte van 'n bepaalde Advokaat-generaal nie gedurende sy ampstermyn verminder mag word nie, behalwe by Parlements wet.

(4) Die Advokaat-generaal mag nie sonder die toestemming van die Staatspresident besoldigde werk buite sy ampspligte verrig of hom verbind om dit te verrig nie.

(5) Die Advokaat-generaal mag nie in sy amp geskors of daarvan onthef word nie behalwe ooreenkomstig die bepalings van subartikels (6), (7), (8) en (9).

(6) (a) Die Staatspresident kan die Advokaat-generaal in sy amp skors en, behoudens die bepalings van hierdie subartikel, hom daarvan onthef—

(i) weens wangedrag; of

(ii) weens ongeskiktheid vir sy ampspligte of weens onvermoë om hulle op 'n bekwame wyse uit te voer.

(b) 'n Skorsing van die Advokaat-generaal en die rede daarvoor moet by boodskap aan die **[Senaat en die Volksraad]** Parlement meegedeel word binne veertien dae na die skorsing, as die Parlement dan in sessie is, of, as die Parlement nie dan in sessie is nie, binne veertien dae na die aanvang van sy eersvolgende sessie.

(c) As daar te eniger tyd gedurende so 'n sessie van die Parlement 'n versoekskrif deur die **[Senaat en die Volksraad]** Parlement om die herstel in sy amp van die Advokaat-generaal wat aldus geskors is, aan die Staatspresident voorgelê word, moet die Advokaat-generaal dienoreenkomstig in sy amp herstel word.

(d) As 'n versoekskrif soos bedoel in paragraaf (c) nie aan die Staatspresident voorgelê word nie, bekragtig hy die skorsing en onthef hy die Advokaat-generaal van sy amp.

(7) The State President shall also remove the Advocate-General from office if an address from **[the Senate and the House of Assembly]** Parliament in the same session praying for such removal on the ground of misconduct of the Advocate-General or unfitness for the duties of his office or his incapacity to carry them out efficiently, is presented to the State President.

(8) If the Advocate-General becomes afflicted with a permanent infirmity of mind or body which renders him incapable of discharging the duties of his office properly, the State President may —

- (a) allow him to vacate his office; or
- (b) subject to the provisions of subsection (6), remove him from office on the ground of incapacity.

(9) Subject to the provisions of subsection (10), the Advocate-General shall vacate his office on attaining the age of 70 years: Provided that if he attains the said age after the first day of any month, he shall be deemed to attain that age on the first day of the next succeeding month.

(10) If it is in the public interest to retain the Advocate-General in his office beyond the age at which he shall, in accordance with subsection (9), vacate his office, the State President may from time to time direct that he be so retained, but not for a period which exceeds, or periods which in the aggregate exceed, two years.

(11) If a vacancy occurs in the office of Advocate-General, the State President shall, subject to the provisions of subsection (2), appoint another person to that office.

(12) The State President may from time to time but subject to the provisions of subsection (2), appoint an acting Advocate-General to discharge the duties of the office of the Advocate-General whenever he is for any reason unable to perform the duties of his office, or while the appointment of a person to the office of Advocate-General is pending.

(13) (a) The State President may, subject to the provisions of subsection (2), appoint a person as an assistant or two or more persons as assistants to the Advocate-General to discharge duties and exercise powers, subject to the control and directions of the Advocate-General, imposed or conferred upon the Advocate-General by this Act.

(b) The provisions of subsections (3) to (10), inclusive, shall *mutatis mutandis* apply in respect of a person appointed under paragraph (a) and in respect of his office.

(7) Die Advokaat-generaal moet ook deur die Staatspresident van sy amp onthef word indien daar 'n versoekskrif van die **[Senaat en die Volksraad]** Parlement in dieselfde sessie aan die Staatspresident voorgelê word waarin op grond van wangedrag van die Advokaat-generaal of ongeskiktheid vir sy ampspligte of sy onvermoë om hulle op 'n bekwame wyse uit te voer, om sodanige ontheffing gevra word.

(8) As die Advokaat-generaal 'n blywende verstandelike of liggaamlike gebrek opdoen wat hom ongeskik maak vir die behoorlike vervulling van sy ampspligte, kan die Staatspresident —

- (a) hom toelaat om sy amp neer te lê; of
- (b) hom, behoudens die bepalings van subartikel (6), op grond van onvermoë van sy amp onthef.

(9) Behoudens die bepalings van subartikel (10) moet die Advokaat-generaal sy amp neerlê wanneer hy die leeftyd van 70 jaar bereik: Met dien verstande dat as hy genoemde leeftyd na die eerste dag van 'n maand bereik, hy geag word bedoelde leeftyd op die eerste dag van die eersvolgende maand te bereik.

(10) As dit in die openbare belang is om die Advokaat-generaal in sy amp in diens te hou na die leeftyd waarop hy ooreenkomstig subartikel (9) sy amp moet neerlê, kan die Staatspresident van tyd tot tyd gelas dat hy aldus in diens gehou word, maar nie vir 'n tydperk wat, of tydperke wat altesaam, twee jaar te bowe gaan nie.

(11) Wanneer daar 'n vakature in die amp van Advokaat-generaal ontstaan, moet die Staatspresident, behoudens die bepalings van subartikel (2), iemand anders in daardie amp aanstel.

(12) Die Staatspresident kan van tyd tot tyd, maar behoudens die bepalings van subartikel (2), 'n waarnemende Advokaat-generaal aanstel om die ampspligte van die Advokaat-generaal te vervul wanneer hy om enige rede nie in staat is om sy ampspligte te vervul nie of terwyl die aanstelling van iemand in die amp van Advokaat-generaal hangende is.

(13) (a) Die Staatspresident kan, behoudens die bepalings van subartikel (2), iemand as 'n assistent of twee of meer persone as assistente vir die Advokaat-generaal aanstel om, onderworpe aan die beheer en voorskrifte van die Advokaat-generaal, pligte te verrig en bevoegdhede uit te oefen wat by hierdie Wet die Advokaat-generaal opgelê of aan hom verleen word.

(b) Die bepalings van subartikels (3) tot en met (10) is *mutatis mutandis* ten opsigte van iemand wat kragtens paragraaf (a) aangestel is, en ten opsigte van sy amp, van toepassing.

3. Staff of Advocate-General and expenditure.—

(1) The Advocate-General shall in the performance of his functions under this Act be assisted by—

- (a) persons appointed, with the approval of the State President and after consultation with the Public Service Commission, by the Advocate-General subject to such conditions of service as the Advocate-General may, with the approval of the Minister of Finance, determine in respect of the incumbents of the posts in question;
- (b) officers in the Public Service seconded to the service of the Advocate-General in terms of section 13 (6) of the Public Service Act, 1957 (Act No. 54 of 1957).

(2) The expenditure incidental to the performance of his functions under this Act by the Advocate-General shall be defrayed from money appropriated by Parliament for that purpose.

4. Laying before Advocate-General of certain matters.—(1) If any person has reasonable grounds to suspect that—

- (a) public moneys have been or are being dealt with in a dishonest manner;

[Para. (a) substituted by s. 3 (a) of Act No. 55 of 1983]

- (b) any person either directly or indirectly has been or is being enriched, or has received or is receiving any advantage, in an unlawful or improper manner through or as a result of any act or omission—

- (i) in connection with the affairs of the State or of an institution, a body, an association or an organization referred to in the definition of “public moneys” in section 1;

[Sub-para. (i) substituted by s. 3 (b) of Act No. 55 of 1983.]

- (ii) by any person while he is performing service as an employee of the State or of an institution, a body, an association or an organization referred to in the definition of “public moneys” in section 1; or

[Sub-para. (ii) substituted by s. 3 (b) of Act No. 55 of 1983.]

- (iii) at the expense of the State or of an institution, a body, an association or an organization referred to in the definition of “public moneys” in section 1;

[Sub-para. (iii) substituted by s. 3 (b) of Act No. 55 of 1983.]

- (c) any attempt has been or is being made to perform an act referred to in paragraph (a) or to bring about a situation referred to in paragraph (b);

- (d) subject to the provisions of subsection (3), he or any other person has been or is being prejudiced, either directly or indirectly, in an unlawful or improper manner or as a result of an act or omission referred to in subparagraphs (i) and (ii) of paragraph (b),

3. Personeel van Advokaat-generaal en uitgawes.—

(1) By die verrigting van sy werksaamhede kragtens hierdie Wet word die Advokaat-generaal bygestaan deur—

- (a) persone met die goedkeuring van die Staatspresident en na oorleg met die Staatsdienskommissie deur die Advokaat-generaal aangestel onderworpe aan die diensvoorwaardes wat die Advokaat-generaal, met die goedkeuring van die Minister van Finansies, ten opsigte van die bekleeders van die betrokke poste bepaal;
- (b) beampptes in die Staatsdiens wat tydelik aan die diens van die Advokaat-generaal afgestaan word ingevolge artikel 13 (6) van die Staatsdienswet, 1957 (Wet No. 54 van 1957).

(2) Die uitgawes verbonde aan die verrigting van sy werksaamhede kragtens hierdie Wet deur die Advokaat-generaal, word bestry uit geld wat die Parlement vir dié doel bewillig het.

4. Aanhangingmaking van sekere aangeleenthede by Advokaat-generaal.—(1) Indien iemand redelike gronde het om te vermoed dat—

- (a) daar op 'n oneerlike wyse met publieke geld gehandel is of word;

[Par. (a) vervang by a. 3 (a) van Wet No. 55 van 1983.]

- (b) 'n persoon op onwettige of onbehoorlike wyse, hetsy direk of indirek, verryk of bevoordeel is of word deur of as gevolg van 'n handeling of versuim—

- (i) in verband met die sake van die Staat of van 'n instelling, liggaam, vereniging of organisasie in die omskrywing van “publieke geld” in artikel 1 bedoel;

[Sub-para. (i) vervang by a. 3 (b) van Wet No. 55 van 1983.]

- (ii) deur iemand terwyl hy diens verrig as werknemer van die Staat of van 'n instelling, liggaam, vereniging of organisasie in die omskrywing van “publieke geld” in artikel 1 bedoel; of

[Sub-para. (ii) vervang by a. 3 (b) van Wet No. 55 van 1983.]

- (iii) ten koste van die Staat of van 'n instelling, liggaam, vereniging of organisasie in die omskrywing van “publieke geld” in artikel 1 bedoel;

[Sub-para. (iii) verang by a. 3 (b) van Wet No. 55 van 1983.]

- (c) gepoog is of word om 'n handeling bedoel in paragraaf (a) te verrig of 'n toestand bedoel in paragraaf (b) teweeg te bring.

- (d) behoudens die bepalings van subartikel (3), hy of 'n ander persoon op 'n onwettige of onbehoorlike wyse, hetsy direk of indirek, benadeel is of word deur of as gevolg van 'n handeling of versuim in subparagraawe (i) en (ii) van paragraaf (b) bedoel,

he may lay the matter in question in accordance with the provisions of subsection (2) before the Advocate-General, and after such matter has been so laid before him, the Advocate-General shall take such steps in respect thereof as he is required to take and may take such steps in respect thereof as he is permitted to take in terms of the provisions of this Act.

(2) Any person wishing to lay a matter referred to in subsection (1) before the Advocate-General, shall do so by means of an affidavit or affirmed declaration specifying—

- (a) the nature of the suspicion;
- (b) the grounds on which the suspicion is based; and
[Para. (b) substituted by s. 3 (c) of Act No. 55 of 1983.]
- (c) all other relevant information known to the declarant.

(3) If the Advocate-General is of the opinion that the person, who according to the relevant affidavit, is presumed to have been prejudiced, has legal remedies at his disposal, conferred upon him by or under any law and that person has not exhausted those legal remedies, the Advocate-General may refuse to enquire into the matter until those legal remedies have been exhausted: Provided that where the allegation of unlawful or improper prejudice arises from the employment relationship of an officer in the service of the State, the Advocate-General shall only investigate the allegation if he is satisfied that the person concerned has made use of all the legal remedies conferred on him under the Public Service Act, 1984 (Act No. 111 of 1984), or any other law which controls his contract of service.

5. Duties and powers of Advocate-General.—(1) The Advocate-General shall, in respect of **[inquire forthwith into]** a matter laid before him in terms of section 4, establish whether **[or not]** the suspicion in question is well-founded and, if so, inquire forthwith into it and hand a report on his findings and on such recommendations, if any, as he may wish to make, to the **[Leader of the House of Assembly]**, Speaker of Parliament for handing over to the Minister of Justice who shall, within **[seven]** 14 days after it has been handed to him, lay the report upon the Table in **[the House of Assembly]** Parliament if Parliament is then in session or, if Parliament is not then in session, **[hand, within the said seven days, such report to the Speaker of the House of Assembly for such laying upon the Table by the Leader of the House of Assembly]** within **[seven]** 14 days after the commencement of the next ensuing session of Parliament:

kan hy die betrokke aangeleentheid ooreenkomstig die bepaling van subartikel (2) by die Advokaat-generaal aanhangig maak, en nadat daardie aangeleentheid aldus by hom aanhangig gemaak is, moet die Advokaat-generaal ten opsigte daarvan die stappe doen en kan die Advokaat-generaal ten opsigte daarvan die stappe doen wat hy ingevolge die bepaling van hierdie Wet moet of kan doen.

(2) Iemand wat 'n aangeleentheid bedoel in subartikel (1) by die Advokaat-generaal aanhangig wil maak, moet dit doen by wyse van 'n beëdigde of bevestigde verklaring waarin vermeld word—

- (a) die aard van die vermoede;
- (b) die gronde waarop die vermoede berus; en
[Par. (b) vervang by a. 3 (c) van Wet No. 55 van 1983.]
- (c) alle ander ter sake dienende inligting wat aan die deklaratant bekend is.

(3) Indien die Advokaat-generaal van mening is dat die persoon wat volgens die betrokke beëdigde verklaring vermoed word benadeel te wees, regsmiddele wat ten opsigte van die betrokke aangeleentheid by of kragtens enige wet aan hom verleen word, tot sy beskikking het, en daardie persoon nog nie daardie regsmiddele uitgeput het nie, kan die Advokaat-generaal weier om die aangeleentheid te ondersoek totdat daardie regsmiddele uitgeput is: Met dien verstande dat waar die bewering van onwettige of onbehoorlike benadeling spruit uit die diensverhouding van 'n beampte in diens van die Staat, die Advokaat-generaal slegs die bewering sal ondersoek indien hy tevrede is dat die betrokke persoon van al die regsmiddele kragtens die Staatsdienswet, 1984 (Wet No. 111 van 1984), of enige ander wet wat sy dienskontrak beheer, aan hom verleen, gebruik gemaak het.

5. Pligte en bevoegdhede van Advokaat-generaal.—(1) Die Advokaat-generaal moet, ten opsigte van 'n aangeleentheid wat ingevolge artikel 4 by hom aanhangig gemaak is, **[onverwyld ondersoek,]** bepaal of die betrokke vermoede gegrond is **[al dan nie]** en, indien wel, dit onverwyld ondersoek en 'n verslag aangaande sy bevindinge en aangaande die aanbevelings, as daar is, wat hy verlang om te doen, oorhandig aan die **[Leier van die Volksraad]** Speaker van die Parlement vir oorhandiging aan die Minister van Justisie wat die verslag binne **[sewe]** 14 dae nadat dit aan hom oorhandig is, in die **[Volksraad]** Parlement ter Tafel moet lê as die Parlement dan in sessie is of, as die Parlement nie dan in sessie is nie, **[binne bedoelde sewe dae aan die Speaker van die Volksraad moet oorhandig vir sodanige tertaafellegging deur die Leier van die Volksraad]** binne **[sewe]** 14 dae na die aanvang van die eersvolgende sessie van die Parlement: Met dien verstande dat vir die doeleindes van die publikasie van die inhoud van

Provided that for the purposes of the publication of the contents of the said report such handing over to the **[Speaker of the House of Assembly]** Minister of Justice if Parliament is not then in session shall, subject to the provisions of subsection (2), be deemed to constitute such laying upon the Table.

(2) Notwithstanding the provisions of subsection (1) the Advocate-General shall, if in connection with a matter inquired into by him in terms of subsection (1) he is of the opinion that the publication of the contents of his report will not be in the interest of the security of the State, recommend in the report referred to in subsection (1) that such publication be prohibited, and a report in which such recommendation is contained shall, within **[seven]** 14 days after it has been handed to him, be laid upon the Table **[of the House of Assembly]** by the **[Leader of the House of Assembly]** Minister of Justice as a confidential paper in terms of the Standing **[Orders]** Rules of **[the House of Assembly]** Parliament if Parliament is then in session or, if Parliament is not then in session, **[be handed,]** within the said **[seven]** 14 days, **[by him to the Speaker of the House of Assembly,]** after the commencement of the next ensuing session of Parliament, in both cases for submission to, and consideration of the said recommendation and the making of a report to **[the House of Assembly]** Parliament by, **[a select]** the Joint Committee of **[the House of Assembly]** Parliament as referred to in subsection (1B) **[appointed for that purpose.].**

(3) A **[select]** Committee referred to in subsection (2) may, for the purposes of this Act, be authorized by resolution of **[the House of Assembly]** Parliament to continue its functions notwithstanding any prorogation of Parliament.

(4) The Advocate-General may, whether or not he institutes an inquiry referred to in subsection (1), and, if he does in fact institute an inquiry, at any time prior to, during or after the holding of such an inquiry—

- (a) if he is of the opinion that the facts disclose the commission of an offence by any person, bring the matter to the notice of the relevant authority charged with prosecutions;
- (b) if he deems it advisable, refer any matter which has a bearing on mismanagement to the institution, body, association or organization concerned or make an appropriate recommendation regarding the redress of the prejudice referred to in section 4 (1) (d) or make any other recommendation which he deems expedient to the institution, body, association or organization concerned.

(5) If the Advocate-General has reason to suspect that any circumstance referred to in section 4 (1) exists, he may inquire into the matter in question in accordance with the provisions of this Act as if it had been laid before him in terms of section 4 (2).

bedoelde verslag sodanige oorhandiging aan die **[Speaker van die Volksraad]** Minister van Justisie as die Parlement nie dan in sessie is nie, behoudens die bepalings van subartikel (2) geag word sodanige tertaaflegging uit te maak.

(2) Ondanks die bepalings van subartikel (1) moet die Advokaat-generaal, indien hy in verband met 'n aangeleentheid wat ingevolge subartikel (1) deur hom ondersoek is, van oordeel is dat die publikasie van die inhoud van sy verslag nie in belang van die veiligheid van die Staat is nie, in die verslag bedoel in subartikel (1) aanbeveel dat sodanige publikasie verbied word, en 'n verslag waarin so 'n aanbeveling vervat is, moet binne **[sewe]** 14 dae nadat dit aan hom oorhandig is, deur die **[Leier van die Volksraad]** Minister van Justisie ingevolge die Reglement **[van Orde]** van die **[Volksraad]** Parlement as 'n vertroulike dokument **[in die Volksraad]** ter Tafel gelê word as die Parlement dan in sessie is of, as die Parlement nie dan in sessie is nie, binne bedoelde **[sewe]** 14 dae **[aan die Speaker van die Volksraad oorhandig word,]** na die aanvang van die eersvolgende sessie van die Parlement, in albei gevalle vir voorlegging aan, en oorweging van bedoelde aanbeveling en verslagdoening aan die **[Volksraad]** Parlement deur 'n **[gekose]** Gesamentlike Komitee van die **[Volksraad]** Parlement **[wat vir dié doel aangestel is].**

(3) 'n **[Gekose]** Komitee bedoel in subartikel (2) kan vir die doeleindes van hierdie Wet by besluit deur die **[Volksraad]** Parlement gemagtig word om sy werksaamhede voort te sit ondanks 'n prorogasie van die Parlement.

(4) Die Advokaat-generaal kan, hetsy hy 'n ondersoek soos bedoel in subartikel (1) instel of nie, en, indien hy wel 'n ondersoek instel, te eniger tyd voor, tydens of na die hou van so 'n ondersoek—

- (a) indien hy van oordeel is dat die feite die pleging van 'n misdryf deur die een of ander persoon openbaar, die betrokke gesag wat met vervolgings belas is, daarvan verwittig;
- (b) indien hy dit gerade ag, enige aangeleentheid wat met wanbestuur verband hou na die betrokke instelling, liggaam, vereniging of organisasie verwys of 'n gepaste aanbeveling oor regstelling van die benadeling in artikel 4 (1) (d) bedoel of enige ander aanbeveling wat hy dienstig ag aan die betrokke instelling, liggaam, vereniging of organisasie maak.

(5) Indien die Advokaat-generaal rede het om te vermoed dat 'n omstandigheid bedoel in artikel 4 (1) bestaan, kan hy die betrokke aangeleentheid ooreenkomstig die bepalings van hierdie Wet ondersoek asof dit ingevolge artikel 4 (2) by hom aanhangig gemaak is.

(6) A report handed over by the Advocate-General in terms of this section shall be accompanied by the record of the evidence given before the Advocate-General in connection with the matter in question, excluding the record of that part of the said evidence the disclosing of which will, in the opinion of the Advocate-General, not be in the interest of the security of the State: Provided that if required to do so by the **[select]** Joint Committee referred to in subsection (2), the Advocate-General shall furnish the said **[select]** committee with the last-mentioned record.

(7) The Advocate-General may, if he decides to institute an inquiry referred to in subsection (1), at any time prior to or during the holding of the inquiry—

- (a) request any person in the employment of the State, or in the employment of a fund, institution, body, association or organization referred to in section 1, or in the employment of a government, body or institution referred to in section 1A, to assist him, under his supervision and control, in the performance of his functions;
- (b) designate any person to conduct an inquiry referred to in section 7 on his behalf and to report to him, and such a person shall for these purposes have the same powers which are entrusted to the Advocate-General in terms of section 7 and the provisions of sections 8 and 9 shall apply *mutatis mutandis* to such a person.

(8) The provisions of the instructions in respect of Commissions and Committees of Inquiry which have been issued by the Treasury under section 39 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), shall apply *mutatis mutandis* to a person referred to in paragraph (b) of subsection (7).

6. Procedure at and nature of proceedings.—(1) The procedure to be followed in conducting an inquiry shall be determined by the Advocate-General at his discretion with due regard to the circumstances of each case, and the Advocate-General may in his discretion direct that any category of persons or all persons whose presence is, in his opinion, not necessary or desirable, shall not be present at the proceedings at the inquiry or any part thereof.

(2) If the matter being inquired into relates to moneys with which the Secret Services Account established by section 1 of the Secret Services Account Act, 1978 (Act No. 56 of 1978), has been credited, no person shall be present at the proceedings at the inquiry unless such person's presence is necessary in connection with such proceedings or is authorized by the Advocate-General.

(6) 'n Verslag wat ingevolge hierdie artikel deur die Advokaat-generaal oorhandig word, gaan vergesel van die oorkonde van die getuienis wat in verband met die betrokke aangeleentheid voor die Advokaat-generaal afgelê is, uitgesonderd die oorkonde van daardie deel van bedoelde getuienis waarvan die openbaarmaking na die oordeel van die Advokaat-generaal nie in belang van die veiligheid van die Staat is nie: Met dien verstande dat indien die **[gekose]** Gesamentlike Komitee bedoel in subartikel (2) dit van hom vereis die Advokaat-generaal laasgenoemde oorkonde aan bedoelde **[gekose]** komitee moet verstrek.

(7) Die Advokaat-generaal kan, indien hy besluit om 'n ondersoek soos in subartikel (1) bedoel, in te stel, te eniger tyd voor of tydens die hou van die ondersoek—

- (a) enige persoon in diens van die Staat of in diens van 'n fonds, instelling, liggaam, vereniging of organisasie in artikel 1 bedoel, of in diens van 'n regering, liggaam of instelling in artikel 1A bedoel, versoek om hom onder sy toesig en beheer by die verrigting van sy werksaamhede behulpzaam te wees;
- (b) enigiemand benoem om namens hom die ondersoek in artikel 7 bedoel, te onderneem en aan hom verslag te doen, en vir hierdie doeleindes beskik daardie persoon oor dieselfde bevoegdhede wat ingevolge artikel 7 aan die Advokaat-generaal opgedra is en is die bepalings van artikels 8 en 9 *mutatis mutandis* op so 'n persoon van toepassing.

(8) Die bepalings van die instruksies ten aansien van Kommissies en Komitees van Onderzoek wat kragtens artikel 39 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), deur die Tesourie uitgereik is, is *mutatis mutandis* van toepassing op 'n persoon in paragraaf (b) van subartikel (7) bedoel.

6. Prosedure by en aard van verrigtinge.—(1) Die prosedure wat by die hou van 'n ondersoek gevolg moet word, word na goeëdunke deur die Advokaat-generaal bepaal met inagneming van die omstandighede van elke geval, en die Advokaat-generaal kan na goeëdunke gelas dat die een of ander kategorie persone of alle persone wie se teenwoordigheid na sy oordeel nie nodig of wenslik is nie, nie by die verrigtinge by die ondersoek of enige deel daarvan teenwoordig mag wees nie.

(2) Indien die aangeleentheid wat ondersoek word, betrekking het op geld waarmee die Rekening vir Geheime Dienste ingestel by artikel 1 van die Wet op die Rekening vir Geheime Dienste, 1978 (Wet No. 56 van 1978), gekrediteer is, mag niemand by die verrigtinge by die ondersoek teenwoordig wees nie tensy so iemand se teenwoordigheid in verband met bedoelde verrigtinge noodsaaklik is of deur die Advokaat-generaal gemagtig is.

(3) Notwithstanding anything to the contrary contained in any law no person shall without the permission of the Advocate-General disclose to any other person the contents of any document in the possession of the Advocate-General or of an assistant to or a member of the staff of the Advocate-General, or the record of any evidence given before the Advocate-General or an assistant to the Advocate-General during an inquiry.

(4) Any person who contravenes subsection (3) shall be guilty of an offence.

7. Inquiry into matter by Advocate-General.—(1) For the purposes of conducting an inquiry the Advocate-General may direct any person to appear before him to—

- (a) give evidence; or
- (b) produce any document in his possession or under his control,

which, in the opinion of the Advocate-General, has a bearing on the matter being inquired into by the Advocate-General, and may examine such person.

(2) Such direction shall be by way of a subpoena containing particulars of the matter in connection with which the person subpoenaed is required to appear before the Advocate-General and signed by the Advocate-General and served on the person subpoenaed either by a registered letter sent through the post or by delivery by a person authorized thereto by the Advocate-General.

(3) When the Advocate-General considers it necessary to do so, he may require any person appearing as a witness before him under subsection (1) to give evidence on oath or after having made an affirmation, and such person shall enjoy the same privilege as a witness testifying in a criminal proceeding before a division of the Supreme Court of South Africa.

(4) The Advocate-General may administer an oath to, or accept an affirmation from, any such person.

(5) Any person appearing before the Advocate-General by virtue of the provisions of subsection (1) may be assisted at his examination by an advocate of the Supreme Court of South Africa or any person duly admitted to practise as an attorney in any part of the Republic, and shall be entitled to peruse such of the documents referred to in section 6 (3) as in the opinion of the Advocate-General are necessary to enable such person to refresh his memory.

(6) (a) If it appears to the Advocate-General during the course of an inquiry that any person is being implicated in the matter being inquired into, the Advocate-General shall afford such person an opportunity to be heard in connection therewith by way of the giving of evidence, and such person or his legal representative

(3) Ondanks andersluidende wetsbepalings mag niemand sonder die toestemming van die Advokaat-generaal die inhoud van enige stuk in besit van die Advokaat-generaal of van 'n assistent of lid van die personeel van die Advokaat-generaal, of die notule van enige getuie wat tydens 'n ondersoek voor die Advokaat-generaal of 'n assistent van die Advokaat-generaal afgelê is, aan iemand openbaar maak nie.

(4) Iemand wat subartikel (3) oortree, is aan 'n misdryf skuldig.

7. Ondersoek van aangeleentheid deur Advokaat-generaal.—(1) Vir die doeleindes van die hou van 'n ondersoek kan die Advokaat-generaal enigiemand gelas om voor hom te verskyn om—

- (a) getuie af te lê; of
- (b) 'n stuk wat in sy besit of onder sy beheer is, voor te lê;

wat, na die oordeel van die Advokaat-generaal, betrekking het op die aangeleentheid wat deur die Advokaat-generaal ondersoek word, en so iemand ondervra.

(2) Bedoelde lasgewing geskied by wyse van 'n dagvaarding bevattende besonderhede van die aangeleentheid in verband waarmee die gedagvaarde verlang word om voor die Advokaat-generaal te verskyn en wat deur die Advokaat-generaal onderteken is en aan die gedagvaarde bestel word of per aangetekende brief deur die pos versend of deur aflewering deur iemand wat die Advokaat-generaal daartoe gemagtig het.

[Sub-a. (2) vervang by a. 4 van Wet No. 55 van 1983.]

(3) Wanneer die Advokaat-generaal dit nodig ag, kan hy van iemand wat kragtens subartikel (1) voor hom as getuie verskyn, vereis dat hy getuie onder eed of na die doen van 'n bevestiging aflê, en so iemand geniet dieselfde privilegie as 'n getuie in 'n strafgeding voor 'n afdeling van die Hooggeregshof van Suid-Afrika.

(4) Die Advokaat-generaal kan so iemand 'n eed oplê of van hom 'n bevestiging aanneem.

(5) Iemand wat uit hoofde van die bepaling van subartikel (1) voor die Advokaat-generaal verskyn, kan by sy ondervraging bygestaan word deur 'n advokaat van die Hooggeregshof van Suid-Afrika of iemand wat behoorlik toegelaat is om in enige deel van die Republiek as prokureur te praktiseer, en is geregtig op insae in daardie stukke bedoel in artikel 6 (3) wat na die oordeel van die Advokaat-generaal nodig is ten einde so iemand in staat te stel om sy geheue te verfris.

(6) (a) Indien dit in die loop van 'n ondersoek vir die Advokaat-generaal voorkom dat iemand betrek word by die aangeleentheid wat ondersoek word, moet die Advokaat-generaal aan so iemand die geleentheid bied om in verband daarmee by wyse van die aflê van getuie aangehoor te word, en so iemand of sy regs verteen-

shall be entitled, through the Advocate-General, to question other witnesses, determined by the Advocate-General, who have appeared before the Advocate-General in terms of this section.

(b) The provisions of this section shall be applicable to any person referred to in paragraph (a).

(7) Any person who refuses or fails to comply with a direction under subsection (1) or who refuses to answer any question put to him under that subsection or gives to such question an answer which to his knowledge is false, or refuses to take the oath or to make an affirmation at the request of the Advocate-General in terms of subsection (3), shall be guilty of an offence.

Entering of premises by Advocate-General

7A. The Advocate-General, or any person authorized thereto by him in writing, may in the performance of his functions in terms of this act at any time and without prior notice or with such notice as he may deem sufficient or appropriate, enter any building or premises and there make such investigation and inquiry as he may deem necessary, and seize anything on those premises which in his opinion has a bearing on the purpose of the investigation, or make extracts from documents or copies thereof, and require any person whom he suspects of having the necessary information, to give an explanation of anything contained in such a document.

Advocate-General not competent or obliged to answer questions

7B. The Advocate-General or his assistant or any member of his staff or any person referred to in subsection (7) of section 5, shall not be competent or compelled to answer questions in any proceedings in a court of law or before any body or institution established under or by any law or before a commissioner contemplated to in the Commission Act, 1947 (Act No. 8 of 1947), in connection with any information which in the course of his inquiry in terms of this Act has come to his knowledge.

Compensation regarding expenses or costs

7C. The Advocate-General may, if he deems it advisable, with the concurrence of the Treasury, order that the expenses or the costs or a portion of the expenses or the costs incurred by any person in the course of or in connection with an inquiry by the Advocate-General, be paid from State funds to that person.

woordiger is daarop geregtig om deur die Advokaat-generaal in verband met die betrokke aangeleentheid vrae te stel aan ander getuies, deur die Advokaat-generaal bepaal, wat ingevolge hierdie artikel voor die Advokaat-generaal verskyn het.

(b) Die bepalings van hierdie artikel is van toepassing op iemand bedoel in paragraaf (a).

(7) Iemand wat weier of versuim om aan 'n lasgewing kragtens subartikel (1) te voldoen of wat weier om op 'n vraag aan hom kragtens daardie subartikel gestel, 'n antwoord te verstrek of op so 'n vraag 'n antwoord verstrek wat na sy wete onjuis is, of weier om op versoek van die Advokaat-generaal ingevolge subartikel (3) die eed af te lê of 'n bevestiging te doen, is aan 'n misdryf skuldig.

Betreding van perseel deur Advokaat-generaal

7A. Die Advokaat-generaal, of enige persoon skriftelik deur hom daartoe gemagtig, kan by die verrigting van sy werksaamhede ingevolge hierdie Wet te eniger tyd en sonder voorafgaande kennisgewing of met dié kennisgewing wat hy voldoende of geskik ag enige gebou of perseel betree en daar die ondersoek instel en die navraag doen wat hy nodig ag, en op enigiets op daardie perseel wat na sy mening betrekking het op die doel van die ondersoek beslag lê, of uittreksels uit dokumente of afskrifte daarvan maak, en van enigiemand, wat, na hy vermoed, oor die nodige inligting beskik, 'n verduideliking vereis van enigiets in so 'n dokument vervat.

Advokaat-generaal nie bevoeg of verplig om vrae te antwoord nie

7B. Die Advokaat-generaal of sy assistent of enige lid van sy personeel of enige persoon in subartikel (7) van artikel 5 bedoel, is nie bevoeg of verplig om in enige verrigtinge in 'n geregshof of voor 'n kragtens by wet ingestelde liggaam of instelling of voor 'n kommissaris beoog in die Kommissiewet, 1947 (Wet No. 8 van 1947), vrae te beantwoord in verband met enige inligting wat in die loop van sy ondersoek ingevolge hierdie Wet tot sy kennis gekom het nie.

Vergoeding ten aansien van uitgawes of koste

7C. Die Advokaat-generaal kan, met die instemming van die Tesourie, na goeddunke gelas dat die uitgawes of die koste of 'n gedeelte van die uitgawes of die koste wat deur enigiemand in die loop van of in verband met 'n ondersoek deur die Advokaat-generaal, aangegaan is, uit Staatsfondse aan daardie persoon vergoed word.

8. **Contempt of Advocate-General.**—(1) No person shall—

- (a) insult, disparage or belittle the Advocate-General or an assistant to the Advocate-General, or anticipate the proceedings at an inquiry or the findings of the Advocate-General in a manner calculated to influence such proceedings or findings;
- (b) wilfully interrupt the proceedings at an inquiry or misbehave himself in any other manner in the place where an inquiry is being held;
- (c) in connection with an inquiry do anything which, if done in connection with a court of law, would have constituted contempt of court:

Provided that the provisions of this paragraph shall not prohibit discussion in the [Senate or the House of Assembly] Parliament [or any provincial council] of any matter being inquired into by the Advocate-General.

(2) Any person who contravenes a provision of subsection (1) shall be guilty of an offence.

(3) If any person contravenes the provisions of subsection (1) (b) or at the holding of an inquiry contravenes the provisions of subsection 1 (c), the Advocate-General may summarily impose upon such person a penalty prescribed in section 11.

(4) . . .

[Sub-s. (4) deleted by s. 5 of Act No. 55 of 1983.]

9. **Prohibition of improper influencing.**—(1) No person shall do anything calculated improperly to influence the Advocate-General or an assistant to the Advocate-General in respect of any matter being or to be considered by the Advocate-General or an assistant to the Advocate-General with regard to an inquiry: Provided that the provisions of this subsection shall not be construed as prohibiting any person from performing any act under the provisions of this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

Limitation of liability

9A. The Advocate-General, or his assistant or any member of his staff or any person referred to in subsection (7) of section 5, shall not be liable in respect of anything done in good faith under any provision of this Act.

10. **Regulations.**—(1) The State President may by proclamation in the *Gazette* make regulations—

- (a) relating to the recording of the proceedings at an inquiry;

8. **Minagting van Advokaat-generaal.**—(1) Niemand mag—

- (a) die Advokaat-generaal of 'n assistent van die Advokaat-generaal beledig, neerhaal of verkleineer, of die verrigtinge by 'n ondersoek of die bevindinge van die Advokaat-generaal vooruitloop op 'n wyse wat bereken is om dit te beïnvloed nie;
- (b) opsetlik die verrigtinge by 'n ondersoek onderbreek of hom op 'n ander wyse in die plek waar 'n ondersoek gehou word, misdra nie;
- (c) in verband met 'n ondersoek iets doen nie wat, indien bedoelde ondersoek verrigtinge in 'n gereghof was, minagting van die hof sou uitmaak het:

Met dien verstande dat die bepalings van hierdie paragraaf nie bespreking in die [Senaat of die Volksraad] Parlement [of 'n provinsiale raad] van 'n aangeleentheid wat deur die Advokaat-generaal ondersoek word, belet nie.

(2) Iemand wat 'n bepaling van subartikel (1) oortree, is aan 'n misdryf skuldig.

(3) Indien iemand die bepalings van subartikel (1) (b) oortree of by die hou van 'n ondersoek die bepalings van subartikel (1) (c) oortree, kan die Advokaat-generaal die betrokke persoon op staande voet 'n straf voorgeskryf in artikel 11 opleë.

(4) . . .

[Sub-a. (4) geskrap by a. 5 van Wet No. 55 van 1983.]

9. **Verbod op onbehoorlike beïnvloeding.**—(1) Niemand mag enigiets doen nie wat daarop bereken is om die Advokaat-generaal of 'n assistent van die Advokaat-generaal onbehoorlik te beïnvloed ten opsigte van enige aangeleentheid wat deur die Advokaat-generaal of 'n assistent van die Advokaat-generaal met betrekking tot 'n ondersoek oorweeg word of gaan word: Met dien verstande dat die bepalings van hierdie subartikel nie uitgelê word nie as sou dit iemand belet om 'n handeling kragtens die bepalings van hierdie Wet te verrig.

(2) Iemand wat subartikel (1) oortree, is aan 'n misdryf skuldig.

Beperking van aanspreeklikheid

9A. Die Advokaat-generaal, of sy assistent of enige lid van sy personeel of enige persoon in subartikel (7) van artikel 5 bedoel, is nie aanspreeklik ten opsigte van iets wat te goeder trou kragtens 'n bepaling van hierdie Wet gedoen is nie.

10. **Regulasies.**—(1) Die Staatspresident kan by proklamasie in die *Staatskoerant* regulasies uitvaardig—

- (a) betreffende die notulering van die verrigtinge by 'n ondersoek;

- (b) providing for the preservation of secrecy;
- (c) relating to any other matter which may or is required to be prescribed under this act,
- and generally better to achieve the objects and purposes of this Act.

(2) Regulations made under subsection (1) (b) may prescribe for a contravention thereof penalties not exceeding a fine of R500 or imprisonment for a period of six months.

11. **Penalties.**—Any person convicted of an offence referred to in section 6 (4), 7 (7), 8 (2) or 9 (2), shall be liable to a fine not exceeding **[five hundred rand]** R-4 000 or imprisonment for a period not exceeding **[six]** 12 months or to both such fine and such imprisonment.

12. **Application of Act.**—The provisions of this Act shall not affect any inquiry under, or the performance or exercise of any duty or power imposed or conferred by or under, any law.

13. **Short title.**—This Act shall be called the Advocate-General Act, 1979.

- (b) wat voorsiening maak vir geheimhouding;
- (c) betreffende enige ander aangeleentheid wat kragtens hierdie Wet voorgeskryf moet of kan word,
- en in die algemeen om die oogmerke en doeleindes van hierdie Wet beter te verwesenlik.

(2) Regulasies kragtens subartikel (1) (b) uitgevaardig, kan vir 'n oortreding daarvan strawwe voorskryf wat 'n boete van R500 of gevangenisstraf vir 'n tydperk van ses maande nie te bowe gaan nie.

11. **Strawwe.**—Iemand wat skuldig bevind word aan 'n misdryf bedoel in artikel 6 (4), 7 (7), 8 (2) of 9 (2), is strafbaar met 'n boete van hoogstens **[vyfhonderd rand]** R4 000 of gevangenisstraf vir 'n tydperk van hoogstens **[ses]** 12 maande of met daardie boete sowel as daardie gevangenisstraf.

12. **Toepassing van Wet.**—Die bepalings van hierdie Wet raak nie enige ondersoek kragtens, of die nakoeming of uitoefening van enige plig of bevoegdheid opgelê of verleen by of kragtens, die een of ander wet nie.

13. **Kort titel.**—Hierdie Wet heet die Wet op die Advokaat-generaal, 1979.

THE FLOWERING PLANTS OF AFRICA

This publication is issued as an illustrated serial, much on the same lines as Curtis's Botanical Magazine, and for imitating which no apology need be tendered.

The desire and object of the promoters of the publication will be achieved if it stimulates further interest in the study and cultivation of our indigenous plants.

The illustrations are prepared mainly by the artists at the Botanical Research Institute, but the Editor welcomes contributions of suitable artistic and scientific merit from kindred institutions.

Each part contains 10 plates. Two parts are published in one cover and costs R15 per issue of two parts (other countries R16 per issue). Two, three or four parts may be published annually, depending on the availability of illustrations. A volume consists of four parts. From Volume 27, the price per volume is: Rexine binding, R40; de luxe binding R45 (other countries, rexine binding R45; de luxe binding R50).

Obtainable from the Director, Division of Agricultural Information, Private Bag X144, Pretoria.

Sales tax must accompany inland orders.

DIE BLOMPLANTE VAN AFRIKA

Hierdie publikasie word uitgegee as 'n geïllustreerde reeks, baie na die aard van Curtis se "Botanical Magazine". Die doel van die werk is om die skoonheid en variasie van vorm van die flora van Afrika aan die leser bekend te stel, om belangstelling in die studie en kweek van die inheemse plante op te wek, en om plantkunde in die algemeen te bevorder.

Die meeste van die illustrasies word deur kunstenaars van die Navorsingsinstituut vir Plantkunde gemaak, dog die Redakteur verwelkom geskikte bydraes van 'n wetenskaplike en kunsstandaard afkomstig van verwante inrigtings.

Onder huidige omstandighede word twee dele van die werk in een omslag gepubliseer, maar met onreëlmatige tussenpose; elke deel bevat 10 kleurplate. Intekengeld bedra R15 per uitgawe van twee dele (buitelands R16 per uitgawe): Vier dele per band. Vanaf band 27 is die prys per band in rexine gebind R40; in luukse rexine gebind R45. (Buitelands, rexine gebind R45; luukse band R50).

Verkrygbaar van die Direkteur, Afdeling Landbouinligting, Privaatsak X144, Pretoria.

Verkoopbelasting moet by binnelandse bestellings ingesluit word.

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1988 to 30 September 1989, English is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Acts of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. ***It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.***

— o o —

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1988 tot 30 September 1989 word Engels EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. ***Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.***

CONTENTS			INHOUD		
No.		Page No.	No.		Bladsy No. Koerant No.
GENERAL NOTICE			ALGEMENE KENNISGEWING		
Justice, Department of			Justisie, Departement van		
General Notice			Algemene Kennisgewing		
1034	Advocate-General Amendment Bill: Proposed amendments	1 12060	1034	Wysigingswetsontwerp op die Advokaat- generaal: Voorgestelde wysigings	1 12060