



## REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

## STAATSKOERANT

### VAN DIE REPUBLIEK VAN SUID-AFRIKA

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

No. 67 of 1993: Chartered Accountants Designation (Private) Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

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

No. 67 van 1993: Private Wet op die Benaming van Geoktrooieerde Rekenmeesters, 1993.

# PRIVATE ACT

**To permit, regulate and restrict the use of certain designations relating to chartered accountants; and to provide for incidental matters.**

*(English text signed by the State President.)  
(Assented to 17 June 1993.)*

## **Preamble**

WHEREAS the Chartered Accountants Designation (Private) Act, 1927 (Act No. 13 of 1927), as amended by the Chartered Accountants Designation Amendment (Private) Act, 1971 (Act No. 97 of 1971), provides for the use of certain designations by members of specified associations of chartered accountants only, and restricts the use of certain designations by foreign chartered accountants;

AND WHEREAS it has become necessary to revise the provisions of the said Act, as so amended, in the light of present-day circumstances and requirements;

AND WHEREAS a revision requires the deletion of obsolete provisions, the redrafting or amendment of inadequate or inappropriate provisions, and the insertion of new provisions permitting, regulating and restricting the use of the said designations by companies, close corporations or other bodies;

AND WHEREAS such a revision may best be effected by the repeal of the said Acts and the adoption of a new measure embodying the redrafted, amended and new provisions;

AND WHEREAS it is expedient to provide for incidental matters:

**B**E IT THEREFORE ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

### **Use of designation “Chartered Accountant” and related designations**

**1.** (1) Every member of The South African Institute of Chartered Accountants or of any successor in title to that Institute and every member of The Cape Society of Chartered Accountants or The Natal Society of Chartered Accountants or The Orange Free State Society of Chartered Accountants or The Transvaal Society of Chartered Accountants, or of any successor in title to any of the aforementioned Societies, shall be entitled to use the designation “Chartered Accountant”, “Geoktrooieerde Rekenmeester”, “Chartered Accountant (South Africa)”, “Geoktrooieerde Rekenmeester (Suid-Afrika)”, “Chartered Accountant (S.A.)” or “Geoktrooieerde Rekenmeester (S.A.)”, or the initials “F.C.A. (S.A.)”, “A.C.A. (S.A.)”, “C.A.”, “G.R.”, “C.A. (S.A.)” or “G.R. (S.A.)”.

(2) Any company, close corporation or other body, firm or partnership which engages in public practice as accountants and auditors and of which every shareholder, every director, every member or every partner, as the case may be, is a member of the Institute or of one of the Societies referred to in subsection (1), shall be entitled to use the designations or initials referred to in that subsection.

# PRIVATE WET

**Om die gebruik van sekere benamings met betrekking tot geoktropoeerde rekenmeesters toe te laat, te reël en te beperk; en om vir bykomstige aangeleenthede voorsiening te maak.**

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 17 Junie 1993.)*

## Aanhef

NADEMAAL die Geoktropoeerde Rekenmeesters Benaming (Private) Wet, 1927 (Wet No. 13 van 1927), soos gewysig deur die Private Wysigingswet op die Benaming van Geoktropoeerde Rekenmeesters, 1971 (Wet No. 97 van 1971), voorsiening maak vir die gebruik van sekere benamings slegs deur lede van vermelde genootskappe van geoktropoeerde rekenmeesters, en die gebruik van sekere benamings deur buitelandse geoktropoeerde rekenmeesters beperk;

EN NADEMAAL dit nodig geword het om die bepalings van genoemde Wet, soos aldus gewysig, met die oog op hedendaagse omstandighede en vereistes te hersien;

EN NADEMAAL 'n hersiening vereis dat verouderde bepalings geskrap word, ontoereikende of ongepaste bepalings herformuleer of gewysig word, en nuwe bepalings ingevoeg word wat die gebruik van genoemde benamings deur maatskappye, beslote korporasies of ander liggame toelaat, reël en beperk;

EN NADEMAAL so 'n hersiening die beste uitgevoer kan word deur genoemde Wette te herroep en 'n nuwe maatreël aan te neem waarin die herformuleerde, gewysigde en nuwe bepalings beliggaam is;

EN NADEMAAL dit dienstig is om vir bykomstige aangeleenthede voorsiening te maak:

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

### Gebruik van benaming "Geoktropoeerde Rekenmeester" en verwante benamings

1. (1) Elke lid van Die Suid-Afrikaanse Instituut van Geoktropoeerde Rekenmeesters of van 'n opvolger in regte van dié Instituut en elke lid van Die Kaapse Genootskap van Geoktropoeerde Rekenmeesters of Die Natalse Genootskap van Geoktropoeerde Rekenmeesters of Die Genootskap van Geoktropoeerde Rekenmeesters van die Oranje-Vrystaat of Die Transvaliese Genootskap van Geoktropoeerde Rekenmeesters, of van 'n opvolger in regte van enige van voormalde Genootskappe, is geregtig om die benaming "Geoktropoeerde Rekenmeester", "Chartered Accountant", "Geoktropoeerde Rekenmeester (Suid-Afrika)", "Chartered Accountant (South Africa)", "Geoktropoeerde Rekenmeester (S.A.)" of "Chartered Accountant (S.A.)", of die voorletters "F.C.A. (S.A.)", "A.C.A. (S.A.)", "G.R.", "C.A.", "G.R. (S.A.)" of "C.A. (S.A.)", te gebruik.
2. (2) 'n Maatskappy, beslote korporasie of ander liggaam, firma of vennootskap wat openbare praktyk as rekenmeesters en ouditeurs beoefen en waarvan elke aandeelhouer, elke direkteur, elke lid of elke vennoot, na gelang van die geval, 'n lid is van die Instituut of van een van die Genootskappe in subartikel (1) vermeld, is geregtig om die benamings of voorletters in daardie subartikel vermeld, te gebruik.

**Member of a body of chartered accountants established outside the Republic**

2. A member of a body of chartered accountants established outside the Republic of South Africa may use the designation or initials which he is entitled to use by virtue of his membership of that body, provided the country where the qualification was obtained is clearly indicated in or after the designation or initials.

**Prohibition relating to name or business style of company, close corporation or other body**

**3.** No person, whether or not he is entitled to use any designation or initials referred to in section 1 (1) or 2, may use, or permit the use of, such designation or initials in the name or business style of any company, close corporation or other body, firm or partnership which does not engage in public practice as accountants and auditors.

### **Penalties**

4. (1) Any person who uses any designation or initials referred to in section 1 (1), either alone or in combination with any other words or initials or any name, title or description, shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 unless he proves that he is a member of the Institute or one of the Societies referred to in that section.

(2) Any person who permits a company, close corporation or other body, firm or partnership to use any designation or initials referred to in section 1 (1), either alone or in combination with any other words or initials or any name, title or description, when any shareholder, director, member or partner of such company, close corporation or other body, firm or partnership is not entitled to use such designation or initials, shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000.

(3) Any person who contravenes the provisions of section 2 or 3 shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000.

## **Repeal of laws, and saving**

5. (1) The Chartered Accountants Designation (Private) Act, 1927 (Act No. 13 of 1927), and the Chartered Accountants Designation Amendment (Private) Act, 30 1971 (Act No. 97 of 1971), are hereby repealed.

(2) Nothing in this Act contained shall be construed as prohibiting any person who, immediately prior to its commencement, lawfully used any designation or initials referred to in section 1 (1) or 2, from so using such designation or initials.

### **Short title**

**6.** This Act shall be called the Chartered Accountants Designation (Private) Act, 1993.

**Lid van 'n ligaam geoktrooieerde rekenmeesters buite die Republiek ingestel**

**2.** 'n Lid van 'n liggaam geoktrooieerde rekenmeesters wat buite die Republiek van Suid-Afrika ingestel is, kan die benaming of voorletters gebruik wat hy uit hoofde van sy lidmaatskap van daardie liggaam geregtig is om te gebruik,  
5 mits die land waar die kwalifikasie verkry is duidelik in of na die benaming of voorletters aangedui word.

**Verbod met betrekking tot naam of handelsnaam van maatskappy, beslote korporasie of ander liggaa**

3. Niemand, hetsy hy geregtig is of nie om enige benaming of voorletters  
vermeld in artikel 1 (1) of 2 te gebruik, kan sodanige benaming of voorletters  
gebruik, of toelaat dat dit gebruik word, in die naam of handelsnaam van enige  
maatskappy, beslote korporasie of ander liggaam, firma of vennootskap wat nie  
openbare praktyk as rekenmeesters en ouditeurs beoefen nie.

Strawwe

15 4. (1) Iemand wat enige benaming of voorletters vermeld in artikel 1(1) gebruik, óf alleen óf saam met ander woorde of voorletters of enige naam, titel of beskrywing, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R20 000 tensy hy bewys dat hy 'n lid is van die Instituut of een van die Genootskappe in daardie artikel vermeld.

20 (2) Iemand wat 'n maatskappy, beslote korporasie of ander liggaam, firma of venootskap toelaat om enige benaming of voorletters bedoel in artikel 1 (1) te gebruik, óf alleen óf saam met ander woorde of voorletters of enige naam, titel of beskrywing, wanneer enige aandeelhouer, direkteur, lid of vennoot van daardie maatskappy, beslote korporasie of ander liggaam, firma of venootskap  
25 nie geregtig is om dié benaming of voorletters te gebruik nie, is aan 'n misdryf

(3) Iemand wat die bepalings van artikel 2 of 3 oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R20 000.

## **Herroeping van wette, en voorbehoud**

30 5. (1) Die Geoktrooieerde Rekenmeesters Benaming (Private) Wet, 1927 (Wet No. 13 van 1927), en die Private Wysigingswet op die Benaming van Geoktrooieerde Rekenmeesters, 1971 (Wet No. 97 van 1971), word hierby herroep.

(2) Niks in hierdie Wet vervat, word uitgelê as sou dit iemand wat onmiddellik voor die inwerkingtreding daarvan enige benaming of voorletters in artikel 1 (1) of 2 vermeld wettig gebruik het, verbied om dié benaming of voorletters aldus te gebruik nie.

## Kort titel

**6.** Hierdie Wet heet die Private Wet op die Benaming van Geoktrooieerde Rekenmeesters, 1993.

In view of the present financial困难, it is proposed to defer the payment of this Revenue Trust Fund.

It is proposed that a bill be introduced into Parliament to provide for the deferral of the payment of the Revenue Trust Fund for a period of one year from the date of the introduction of the bill.

Having had reference to the want of information for purposes of information, before  
proceeding to make regulations

(1) Notwithstanding section 1(1) of the Revenue Trust Fund Act, no amount of money received by the Collectorate of the Revenue Trust Fund in respect of the collection of debts or taxes or other amounts due to the State or to any local authority or corporation or any other person or persons by reason of any law or regulation or by virtue of any contract or agreement or otherwise shall be paid into the Revenue Trust Fund until such time as the same has been recovered or otherwise disposed of.

## SCHEDULE

(1) Notwithstanding section 1(1) of the Revenue Trust Fund Act, no amount of money received by the Collectorate of the Revenue Trust Fund in respect of the collection of debts or taxes or other amounts due to the State or to any local authority or corporation or any other person or persons by reason of any law or regulation or by virtue of any contract or agreement or otherwise shall be paid into the Revenue Trust Fund until such time as the same has been recovered or otherwise disposed of.

(2) Notwithstanding section 1(1) of the Revenue Trust Fund Act, no amount of money received by the Collectorate of the Revenue Trust Fund in respect of the collection of debts or taxes or other amounts due to the State or to any local authority or corporation or any other person or persons by reason of any law or regulation or by virtue of any contract or agreement or otherwise shall be paid into the Revenue Trust Fund until such time as the same has been recovered or otherwise disposed of.

(3) Notwithstanding section 1(1) of the Revenue Trust Fund Act, no amount of money received by the Collectorate of the Revenue Trust Fund in respect of the collection of debts or taxes or other amounts due to the State or to any local authority or corporation or any other person or persons by reason of any law or regulation or by virtue of any contract or agreement or otherwise shall be paid into the Revenue Trust Fund until such time as the same has been recovered or otherwise disposed of.

## HOLDING OF THE REVENUE TRUST FUND

(1) The Collectorate of the Revenue Trust Fund may hold the Revenue Trust Fund in trust for the State for a period of three years (see section 1(1) of the Revenue Trust Fund Act).

(2) Notwithstanding section 1(1) of the Revenue Trust Fund Act, the Collectorate of the Revenue Trust Fund may hold the Revenue Trust Fund in trust for the State for a period of three years (see section 1(1) of the Revenue Trust Fund Act).

## KOSTRIJK

(1) The Collectorate of the Revenue Trust Fund may hold the Revenue Trust Fund in trust for the State for a period of three years (see section 1(1) of the Revenue Trust Fund Act).