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GOVERNMENT GAZETTE

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

No. 134. 28 January 1994

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

No. 207 of 1993: Castle Management Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 134. 28 Januarie 1994

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

No. 207 van 1993: Wet op die Bestuur van die Kasteel, 1993.

ACT

To establish the Castle Control Board for the purpose of exercising certain powers and performing certain functions and duties in respect of the land and buildings comprising the Castle; to provide for the purchase of the Castle by the Board; to provide for the employment of staff by the Board; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 14 January 1994.)*

Preamble

WHEREAS the land occupied by the Castle of the Cape of Good Hope, the outworks and certain land beyond the same, together with all and whatever buildings and fortifications are erected thereon ("the Castle"), was granted, in freehold, unto the respective officers of the Ordinance of Victoria, Queen of the United Kingdom of Great Britain and Ireland, by Deed of Grant dated 23 March 1840, given under the hand of George Thomas Napier, Governor of the Cape of Good Hope, and the Public Seal of the Settlement of the Cape of Good Hope;

WHEREAS the Castle is by section 1 of the Defence Endowment Property and Account Act, 1922 (Act No. 33 of 1922), deemed to have been transferred to the Government of the Union of South Africa with effect from 1 December 1921, for use exclusively for the benefit of the defence force organizations and establishments and land defences of the Union of South Africa or to conserve the value thereof for the benefit of the said organizations, establishments and defences, in accordance with that Act, and has since remained the property of the Republic of South Africa for use exclusively for the benefit of, or to conserve its value for the benefit of, the South African Defence Force or any part thereof, and is, furthermore, under the provisions of the National Monuments Act, 1969 (Act No. 28 of 1969), deemed to be a national monument;

AND WHEREAS it is desirable to make further provision to preserve and protect the military and cultural heritage of the Castle, to optimize the tourism potential of the Castle and to maximize the accessibility of the Castle to the public:

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

Definitions

1. In this Act, unless the context otherwise indicates—
- "Board" means the Castle Control Board established by section 2; 5
 - "Civilian Staff" means the Executive Director and other staff referred to in section 13(1);
 - "Conditions" means—
 - (a) any right, obligation, liability or duty, in favour or in respect of the Castle under the original Deed of Grant or any transfer deed (or any endorsement thereon) under which ownership of the Castle is vested in the Government; 10
 - (b) the provisions of the Defence Endowment Property and Account Act, 1922 (Act No. 33 of 1922), or of any other law by which ownership of the Castle is vested in the Government; 15
 - (c) any other obligation or liability referred to in section 1(1) of the Defence Endowment Property and Account Act, 1922, in respect of the Castle; and
 - (d) any servitude granted over the Castle under section 3(2)*bis* of the Defence Endowment Property and Account Act, 1922; 20

WETSONTWERP

Ter instelling van die Kasteelbeheerraad om sekere bevoegdhede uit te oefen en sekere werksaamhede en pligte te verrig met betrekking tot die grond en geboue wat die Kasteel uitmaak; om voorsiening te maak vir die aankoop van die Kasteel deur die Beheerraad; om voorsiening te maak vir die indiensneming van personeel deur die Beheerraad; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 14 Januarie 1994.)*

Aanhef

NADEMAAL die grond waarop die Kasteel van die Kaap die Goeie Hoop geleë is, die buitewerke en sekere grond aan die ander kant daarvan, tesame met alle geboue en fortifikasies wat ook al daarop opgerig is ("die Kasteel"), in volle besit aan die onderskeie offisiere van die Ordonnansie van Victoria, Koningin van die Verenigde Koninkryk van Groot-Brittanje en Ierland, toegeken is by Grondbrief gedateer 23 Maart 1840, onderteken deur George Thomas Napier, Goewerneur van die Kaap die Goeie Hoop, en onder seël van die "Public Seal of the Settlement of the Cape of Good Hope";

NADEMAAL die Kasteel by artikel 1 van die "Verdediging Begiftigings Eigendom en Rekening Wet, 1922" (Wet No. 33 van 1922), geag word vanaf 1 Desember 1921 aan die Regering van die Unie van Suid-Afrika oorgedra te wees, vir gebruik uitsluitlik ten behoeve van verdedigingsmagorganisasies en -inrigtings en landwaartse verdediging van die Unie van Suid-Afrika of ten einde die waarde daarvan te behou ten behoeve van genoemde organisasies, inrigtings en verdediging in ooreenstemming met daardie Wet, en dit sedertdien die eiendom van die Republiek van Suid-Afrika gebly het, vir gebruik uitsluitlik ten behoeve van, of ten einde die waarde daarvan te behou ten behoeve van, die Suid-Afrikaanse Weermag of enige deel daarvan en dit, daarbenewens, kragtens die bepalings van die Wet op Nasionale Gedenkwaardighede, 1969 (Wet No. 28 van 1969), geag word 'n nasionale gedenkwaardigheid te wees;

EN NADEMAAL dit wenslik is om verdere voorsiening te maak om die militêre erfenis en kultuurerfenis van die Kasteel te bewaar en te beskerm, die toerismepotensiaal van die Kasteel te optimaliseer en toegang van die publiek tot die Kasteel te maksimaliseer:

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- 5 "Beheerraad" die Kasteelbeheerraad ingestel by artikel 2;
- "Burgerlike Personeel" die Uitvoerende Direkteur en ander personeel bedoel in artikel 13(1);
- "die Kasteel" die eiendom waarna verwys word in Items Nommers 32 en 72 van die Bylae by die "Verdediging Begiftigings Eigendom en Rekening Wet, 1922" (Wet
- 10 No. 33 van 1922), met inbegrip van enige gebou of gedeelte van 'n gebou daarop;
- "lid" ook die voorsitter en 'n plaasvervangende lid bedoel in artikel 4(3);
- "Minister" die Minister van Verdediging of, na aankoop deur die Beheerraad van die Kasteel soos beoog in artikel 14(1)(k), die Minister van Nasionale Opvoeding;
- 15 "raad" die raad ingestel kragtens artikel 2 van die Wet op Nasionale Gedenkwaardighede, 1969 (Wet No. 28 van 1969);

"council" means the council established by section 2 of the National Monuments Act, 1969 (Act No. 28 of 1969);

"Executive Director" means the Executive Director appointed in terms of section 13(1);

"member" includes the chairperson and an alternate member referred to in section 4(3); 5

"Minister" means the Minister of Defence or, upon the Board having purchased the Castle as contemplated in section 14(1)(k), the Minister of National Education; and

"the Castle" means the property referred to in Items Numbers 32 and 72 of the Schedule to the Defence Endowment Property and Account Act, 1922, and includes any building or portion of a building thereon. 10

Establishment of Castle Control Board

2. There is hereby established a juristic person to be known as the Castle Control Board, which shall exercise the powers and perform the functions and duties conferred and imposed upon it by this Act. 15

Objects of Board

3. The objects of the Board shall, subject to the Conditions and the provisions of this Act, be to—

- (a) preserve and protect the military and cultural heritage of the Castle; 20
- (b) optimize the tourism potential of the Castle; and
- (c) maximize the accessibility to the public of the whole or any part, as the case may be, of that part of the Castle which is not used by the South African Defence Force or any part thereof.

Constitution of Board

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4. (1) The Board shall consist of the following members:

- (a) A representative of the South African Defence Force appointed by the Minister of Defence;
- (b) the officer commanding of the Western Province Command of the South African Defence Force; 30
- (c) a representative of the City Council of Cape Town appointed by that Council;
- (d) a representative of the Council of the William Fehr Collection established by section 7 of the Cultural Institutions Act (House of Assembly), 1989 (Act No. 66 of 1989), appointed by that Council; 35
- (e) a representative of the Department of Public Works appointed by the Minister of Public Works;
- (f) the Executive Director;
- (g) a representative of the council appointed by the council;
- (h) a representative of the Cape Town Chamber of Commerce appointed by that Chamber or its successor in title; 40
- (i) a representative of the South African tourism industry appointed by the South African Tourism Board established by section 2 of the Tourism Act, 1993 (Act No. 72 of 1993);
- (j) two persons appointed by the Minister, after consultation with the Minister of National Education, on account of their respective knowledge of the military history of South Africa and of the management of museums; and 45
- (k) a representative of the provincial legislature for the Province of the Western Cape appointed by that legislature. 50

(2) A chairperson shall be appointed by the council from the members referred to in subsection (1) except the members mentioned in paragraphs (b) and (f) thereof.

(3) Every person who or body which appoints a member under subparagraph (a), (c), (d), (e), (g), (h), (i), (j) or (k) of subsection (1), and each of the members mentioned in subparagraphs (b) and (f) of that subsection, shall appoint an 55

“Uitvoerende Direkteur” die Uitvoerende Direkteur aangestel ingevolge artikel 13(1); en

“Voorwaardes”—

- 5 (a) enige reg, verpligting, las of plig ten gunste van of in verband met die Kasteel kragtens die oorspronklike Grondbrief of enige transportakte (of enige endossement daarop) waarkragtens die eiendomsreg van die Kasteel in die Regering vestig;
- 10 (b) die bepalings van die “Verdediging Begiftigings Eigendom en Rekening Wet, 1922” of van enige ander wet waardeur die eiendomsreg van die Kasteel in die Regering vestig;
- (c) enige ander verpligting of skuld bedoel in artikel 1(1) van die “Verdediging Begiftigings Eigendom en Rekening Wet, 1922” in verband met die Kasteel; en
- 15 (d) enige serwituut oor die Kasteel verleen kragtens artikel 3(2)*bis* van die “Verdediging Begiftigings Eigendom en Rekening Wet, 1922”.

Instelling van Kasteelbeheerraad

2. Daar word hierby ’n regs persoon wat die Kasteelbeheerraad heet, ingestel, wat die bevoegdhede uitoefen en die werksaamhede en pligte verrig wat deur hierdie Wet daaraan verleen of opgelê word.

20 Oogmerke van Beheerraad

3. Behoudens die Voorwaardes en die bepalings van hierdie Wet is die oogmerke van die Beheerraad om—

- (a) die militêre erfenis en kultuurerfenis van die Kasteel te bewaar en te beskerm;
- 25 (b) die toerismepotensiaal van die Kasteel te optimaliseer; en
- (c) die toeganklikheid vir die publiek van die geheel of enige deel, na gelang van die geval, van daardie deel van die Kasteel wat nie deur die Suid-Afrikaanse Weermag of enige deel daarvan gebruik word nie, te maksimaliseer.

30 Samestelling van Beheerraad

4. (1) Die Beheerraad bestaan uit die volgende lede:

- (a) ’n Verteenwoordiger van die Suid-Afrikaanse Weermag aangestel deur die Minister van Verdediging;
- 35 (b) die bevelvoerder van die Kommandement Westelike Provinsie van die Suid-Afrikaanse Weermag;
- (c) ’n verteenwoordiger van die Stadsraad van Kaapstad aangestel deur daardie Raad;
- (d) ’n verteenwoordiger van die Raad van die William Fehrversameling ingestel by artikel 7 van die Wet op Kulturele Instellings (Volksraad), 1989 (Wet No. 66 van 1989), aangestel deur daardie Raad;
- 40 (e) ’n verteenwoordiger van die Departement van Openbare Werke aangestel deur die Minister van Openbare Werke;
- (f) die Uitvoerende Direkteur;
- (g) ’n verteenwoordiger van die raad aangestel deur die raad;
- 45 (h) ’n verteenwoordiger van die “Cape Town Chamber of Commerce” aangestel deur daardie “Chamber” of sy regsopvolger in titel;
- (i) ’n verteenwoordiger van die Suid-Afrikaanse toerismebedryf aangestel deur die Suid-Afrikaanse Toerismeraad ingestel kragtens artikel 2 van die Wet op Toerisme, 1993 (Wet No. 72 van 1993);
- 50 (j) twee persone aangestel deur die Minister, na oorleg met die Minister van Nasionale Opvoeding, op grond van hul onderskeie kennis van die militêre geskiedenis van Suid-Afrika en van die bestuur van museums; en
- (k) ’n verteenwoordiger van die provinsiale wetgewer vir die Provinsie Wes-Kaap aangestel deur daardie wetgewer.

55 (2) ’n Voorsitter word aangestel deur die raad uit die lede bedoel in subartikel (1) uitgesonderd die lede in paragrawe (b) en (f) daarvan vermeld.

(3) Elke persoon of liggaam wat kragtens paragrawe (a), (c), (d), (e), (g), (h), (i), (j) of (k) van subartikel (1) ’n lid aanstel, en elk van die lede vermeld in paragrawe (b) en (f) van daardie subartikel, moet ’n plaasvervangende lid

alternate member to act in the place, and exercise all the powers and perform all the functions and duties, of such member at any meeting of the Board which such member is unable to attend.

(4) The appointments of members, except those members mentioned in paragraph (b) or (f) of subsection (1), and of alternate members shall take effect simultaneously with the appointment of the chairperson in terms of subsection (2), and shall be for a period of two years. 5

(5) The members mentioned in paragraphs (b) and (f) of section (1) shall serve as such members for as long as they serve in their respective capacities mentioned in those paragraphs. 10

(6) The members shall at the first meeting of the Board, by resolution, elect from among their number a vice-chairperson to exercise the powers and perform the functions and duties of the chairperson at any meeting of the Board which the chairperson is unable to attend.

(7) A member referred to in paragraph (a), (c), (d), (e), (g), (h), (i), (j) or (k) of subsection (1), or an alternate member, may, at any time, upon at least two months' written notice tendered to the Board, and to the person who or body which has appointed him or her, resign from the Board. 15

Meetings of Board

5. (1) A quorum at a meeting of the Board shall be the chairperson or vice-chairperson and at least six other members. 20

(2) In the event of an equality of votes the chairperson or vice-chairperson, as the case may be, shall have a casting vote.

(3) The meetings of the Board shall be held at such times and places as may be determined by resolution of the Board, or by the chairperson on a written request of any three members of the Board: Provided that the first meeting of the Board shall take place within one month of the appointment of the members, at such time and place as the chairperson may determine. 25

(4) Save as otherwise provided in this Act, the Board shall determine its own procedures. 30

Secretary of Board

6. The Executive Director shall act as secretary of the Board and shall, in that capacity, be responsible for the keeping of minutes of meetings of the Board, including the preservation in perpetuity of minutes which have been duly accepted by the Board and certified and signed by the chairperson and one other member. 35

Persons disqualified from being members of Board

7. No person shall be appointed or remain a member of the Board if such person—

- (a) is not a citizen of, and not permanently resident in, the Republic;
- (b) except in the case of a member mentioned in section 4(1)(b) or (f) acting in his or her respective official capacity, has, whether personally or through his or her association with any other person, a direct or indirect financial interest in the renovation, upkeep or running of the Castle or in any museum, display, exhibition, business, enterprise or function in or in connection with the Castle; 40
- (c) is an unrehabilitated insolvent or is under any form of judicial administration; 45
- (d) is subject to an order of a competent court declaring such person to be mentally ill or disordered;
- (e) has been convicted, whether in the Republic or elsewhere, of any offence involving dishonesty or for which such person has been sentenced to imprisonment without the option of a fine, irrespective of whether such sentence has been fully or partly suspended; 50

aanstel om in die plek van sodanige lid op te tree en al die bevoegdhede van sodanige lid uit te oefen en die werksaamhede en pligte van sodanige lid te verrig by enige vergadering van die Beheerraad wat sodanige lid nie kan bywoon nie.

- (4) Die aanstellings van lede, uitgesonderd daardie lede vermeld in paragraaf 5 (b) of (f) van subartikel (1), en van plaasvervangende lede tree gelyktydig met die aanstelling van die voorsitter ingevolge subartikel (2) in werking en is vir 'n tydperk van twee jaar.

- (5) Die lede vermeld in paragrawe (b) en (f) van subartikel (1) dien as sodanige lede vir so lank as wat hulle in hul onderskeie ampte in daardie 10 paragrawe vermeld, dien.

(6) Die lede wys by die eerste vergadering van die Beheerraad, by besluit, uit hul geledere 'n ondervoorsitter aan om die bevoegdhede van die voorsitter uit te oefen en die werksaamhede en pligte van die voorsitter te verrig by enige vergadering van die Beheerraad wat die voorsitter nie kan bywoon nie.

- 15 (7) 'n Lid bedoel in paragraaf (a), (c), (d), (e), (g), (h), (i), (j) of (k) van subartikel (1), of 'n plaasvervangende lid, kan te eniger tyd na skriftelike kennisgewing van minstens twee maande aan die Beheerraad, asook aan die persoon of liggaam wat hom of haar aangestel het, uit die Beheerraad bedank.

Vergaderings van Beheerraad

- 20 5. (1) 'n Korum by 'n vergadering van die Beheerraad bestaan uit die voorsitter of ondervoorsitter en minstens ses ander lede.

(2) In die geval van 'n staking van stemme het die voorsitter of die ondervoorsitter, na gelang van die geval, 'n beslissende stem.

- 25 (3) Die vergaderings van die Beheerraad word op sodanige tye en plekke gehou as wat bepaal word by besluit van die Beheerraad, of deur die voorsitter op skriftelike versoek van enige drie lede van die Beheerraad: Met dien verstande dat die eerste vergadering van die Beheerraad binne een maand na die aanstelling van die lede geskied op sodanige tyd en plek as wat die voorsitter mag bepaal.

- 30 (4) Behalwe soos anders by hierdie Wet bepaal, bepaal die Beheerraad sy eie prosedure.

Sekretaris van Beheerraad

- 35 6. Die Uitvoerende Direkteur tree op as sekretaris van die Beheerraad en is in daardie hoedanigheid verantwoordelik vir die hou van notules van die vergaderings van die Beheerraad, met inbegrip van die bewaring in ewigheid van notules wat na behore deur die Beheerraad aanvaar is en deur die voorsitter en een ander lid gesertifiseer en onderteken is.

Persone wat onbevoeg is om lede van Beheerraad te wees

- 40 7. (1) Geen persoon word aangestel of bly aan as lid van die Beheerraad nie indien so 'n persoon—

- (a) nie 'n burger van die Republiek is nie en nie permanent daarin woonagtig is nie;
- 45 (b) behalwe in die geval van 'n lid vermeld in artikel 4(1)(b) of (f) wat in sy of haar amptelike hoedanigheid optree, hetsy persoonlik of deur sy of haar verbintenis met enige ander persoon 'n regstreekse of onregstreekse finansiële belang het in die renovasie, instandhouding of bedryf van die Kasteel of in enige museum, vertoning, uitstalling, besigheid, onderneming of funksie in of in verband met die Kasteel;
- 50 (c) 'n ongerehabiliteerde insolvent is of onder enige vorm van geregtelike administrasie verkeer;
- (d) onder bevel staan van 'n bevoegde hof waarby verklaar word dat sodanige persoon sielsiek of geestelik versteurd is;
- 55 (e) skuldig bevind is, hetsy in die Republiek of elders, aan enige misdryf waarby oneerlikheid betrokke is of waarvoor sodanige persoon gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete, ongeag of sodanige vonnis in die geheel of gedeeltelik opgeskort is;

- (f) has reached the age of 70 years;
- (g) at the relevant time is, or during the preceding six months has been, an office-bearer or employee of any party, movement, organization or body of a political nature; or
- (h) has in terms of any law been nominated as a candidate for election as a member of any legislative body or has under any law been appointed or designated as such member.

Removal from office

8. Notwithstanding the provisions of section 4(4), a member, except a member mentioned in paragraph (b) or (f) of section 4(1), may, with due regard to the requirements of the rules of natural justice, be removed from office by the Board or, upon application by any body or person having *locus standi*, by any competent court on account of misconduct or unwillingness or inability to efficiently perform the duties of his or her office or, except in the case of the member appointed as chairperson in terms of section 4(2), by reason of his or her absence from two consecutive meetings of the Board without prior permission of the chairperson, except on good cause shown.

Vacancies on Board

9. A vacancy on the Board occasioned by a member except a member mentioned in paragraph (b) or (f) of section 4(1)—

- (a) becoming disqualified under section 7;
- (b) tendering his or her resignation in terms of section 4(7);
- (c) being removed from office in terms of section 8; or
- (d) dying in office, or on account of physical disablement being incapable of performing the duties of his or her office for a period exceeding four months,

shall be filled by the appointment as soon as possible, for the unexpired period of his or her term of office, of another person in accordance with the provisions of section 4(1).

Allowances

10. The chairperson, members and alternate members, respectively, shall receive such allowances in respect of expenses incurred by them in the exercise of their powers or the performance of their functions or duties as may be approved by the Minister in concurrence with the Minister of State Expenditure.

Disclosure of conflict of interests

11. (1) Subject to the provisions of subsection (2), no member shall vote or in any other manner participate in or be present at the proceedings of a meeting of the Board if, in respect of any matter before the Board, he or she has an interest which precludes him or her from exercising his or her powers or performing his or her functions or duties as such member in a proper manner.

(2) If at any stage during the course of any proceedings of the Board it appears that a member has or may have any interest which may cause a conflict of interests to arise on his or her part with regard to the business at hand before the Board—

- (a) such member shall forthwith fully disclose the nature of his or her interest and leave the meeting so as to enable the remaining members to decide whether such member is precluded from participating in such meeting by reason of his or her conflicting interests; and
- (b) such disclosure and decision shall be recorded in the minutes of that meeting.

(3) Any discussion of or resolution by the Board taken or passed in breach of the provisions of this section, shall, subject to the provisions of section 12, be void and of no effect.

- (f) die ouderdom van 70 jaar bereik het;
- (g) op die betrokke tydstip, of gedurende die voorafgaande ses maande, 'n ampsdraer of werknemer is of was van enige party, beweging, organisasie of liggaam van 'n politieke aard; of
- 5 (h) kragtens enige wet genomineer is as 'n kandidaat vir verkiesing as 'n lid van enige wetgewende liggaam, of kragtens enige wet as sodanige lid aangestel of aangewys is.

Ampsontheffing

8. Ondanks die bepalings van artikel 4(4) kan 'n lid, uitgesonderd 'n lid in
- 10 paragraaf (b) of (f) van artikel 4(1) vermeld, met behoorlike inagneming van die reëls van natuurlike geregtigheid, deur die Beheerraad of, op aansoek van enige liggaam of persoon wat oor *locus standi* beskik, deur enige bevoegde hof van sy of haar amp onthef word op grond van wangedrag of onwilligheid of onvermoë om die pligte van sy of haar amp na behore te verrig of, behalwe in die geval van
- 15 die lid wat ingevolge artikel 4(2) as voorsitter aangestel is, weens sy of haar afwesigheid van twee agtereenvolgende vergaderings van die Beheerraad sonder die voorafgaande toestemming van die voorsitter, tensy gegronde redes aangevoer word.

Vakatures in Beheerraad

- 20 9. 'n Vakature in die Beheerraad wat veroorsaak word deurdat 'n lid, uitgesonderd 'n lid in paragraaf (b) of (f) van artikel 4(1) vermeld—
- (a) ingevolge artikel 7 onbevoeg raak;
 - (b) sy of haar bedanking ingevolge artikel 4(7) indien;
 - (c) ingevolge artikel 8 van sy amp onthef word; of
 - 25 (d) afsterwe of weens fisiese ongeskiktheid vir 'n tydperk van langer as vier maande nie in staat is om sy of haar ampspligte uit te voer nie,
- word gevul deur die aanstelling, so gou as doenlik, in ooreenstemming met die bepalings van artikel 4(1), van 'n ander persoon vir die onverstreke gedeelte van sy of haar ampstermyn.

30 Toelaes

10. Die voorsitter, lede en plaasvervangende lede, onderskeidelik, ontvang sodanige toelaes in verband met uitgawes deur hul aangegaan in die uitoefening van hul bevoegdhede of die verrigting van hul werksaamhede of pligte as wat deur die Minister in oorleg met die Minister vir Staatsbesteding goedgekeur mag
- 35 word.

Openbaarmaking van belangebotsing

11. (1) Behoudens die bepalings van subartikel (2) mag 'n lid nie stem of op enige ander wyse deelneem aan, of teenwoordig wees by, die verrigtings van enige vergadering van die Beheerraad nie indien hy of sy met betrekking tot
- 40 enige aangeleentheid voor die Beheerraad, enige belang het wat hom of haar verhoor om sy of haar bevoegdhede as sodanige lid behoorlik uit te oefen of sy of haar werksaamhede of pligte as sodanige lid op 'n behoorlike wyse te verrig.

- (2) Indien dit in enige stadium in die loop van enige verrigtinge van die
- 45 Beheerraad blyk dat 'n lid enige belang het of mag hê wat vir hom of haar 'n belangebotsing mag meebring in verband met 'n aangeleentheid voor die Beheerraad—

- (a) moet sodanige lid onverwyld die aard van sy of haar belang ten volle openbaar en die vergadering verlaat ten einde die oorblywende lede in
- 50 staat te stel om te bepaal of sodanige lid op grond van sy of haar botsende belange uitgesluit is van deelname aan sodanige vergadering; en
- (b) word sodanige openbaarmaking en besluit opgeneem in die notule van die betrokke vergadering.

- (3) Enige bespreking van, of besluit deur, die Beheerraad gedoen of geneem
- 55 in stryd met die bepalings van hierdie artikel, is, behoudens die bepalings van artikel 12, nietig en sonder gevolg.

Proceedings not invalid under certain circumstances

12. Notwithstanding the provisions of section 11, a decision taken or a resolution passed by the Board shall not be invalid merely by reason of an irregularity in the appointment of a member to, or a vacancy in, the Board or the fact that any person not entitled to act as a member, participated as such at a meeting of the Board when such decision or resolution was taken or passed, if such decision was taken or such resolution was passed by a majority of the members present at the time and entitled so to act, and the members at the time constituted a quorum. 5

Civilian Staff for Castle 10

13. (1) (a) The Board shall appoint a suitably qualified and experienced person as Executive Director of the Civilian Staff and Administration for the Castle to assist the Board, subject to its direction and control, in the performance of all financial, administrative and clerical functions and work arising from the application of this Act. 15

(b) The Board shall authorize the Executive Director to appoint such other staff as it deems necessary.

(2) The Civilian Staff shall receive such remuneration, allowances, subsidies and other employment benefits and shall be appointed on such terms and conditions and for such periods as the Board may from time to time determine: Provided that a person who immediately prior to the commencement of this Act was an officer or employee appointed, or deemed to have been appointed, in terms of the Public Service Act, 1984 (Act No. 111 of 1984), and who is at that time serving as a staff member in the Castle, shall, unless such person is unwilling or unable to continue to perform the functions and duties attached to such appointment, be deemed to have been appointed as contemplated in subsection (1)(b) on such terms and conditions of service as may be determined. 20 25

(3) In making a determination referred to in subsection (2), the Board shall take care not to exceed the limits of its estimated income and expenditure referred to in section 18(5). 30

(4) Notwithstanding anything to the contrary contained in the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), the Civilian Staff shall, for the purposes of that Act, be deemed to constitute an associated institution as contemplated in that Act.

Powers and functions of Board 35

14. (1) The Board may, subject to the Conditions and in order to achieve its object referred to in section 3—

- (a) charge or authorize the charging of entrance fees to the Castle or to any part thereof;
- (b) undertake or authorize the undertaking of general or specialized public tours of the Castle or any part thereof; 40
- (c) demarcate areas of the Castle to which the public may or may not have access;
- (d) operate or, subject to any condition which it may impose, authorize the operation of book, souvenir or other shops in the Castle; 45
- (e) enter into contracts for the promotion of the Castle as a tourist attraction or for the display of advertisements in, or concerning, the Castle;
- (f) arrange, in consultation with, and subject to the consent of, the South African Defence Force or a Citizen Force Regiment, for visits of a specialized nature by specific persons or groups of persons to areas of the Castle occupied by that Force or Citizen Force Regiment; 50
- (g) enter into contracts with the South African Defence Force, against

Verrigtinge nie ongeldig in bepaalde omstandighede

12. Ondanks die bepalings van artikel 11 is 'n beslissing of besluit geneem deur die Beheerraad nie ongeldig nie bloot vanweë enige onreëlmatigheid in die aanstelling van 'n lid tot, of 'n vakature in, die Beheerraad of die feit dat enige
- 5 persoon wat nie geregtig is om as 'n lid op te tree nie, as sodanige lid deelgeneem het aan 'n vergadering van die Beheerraad ten tyde waarvan so 'n beslissing of besluit geneem is, indien sodanige beslissing of besluit geneem is deur 'n meerderheid van die lede wat op daardie tydstip teenwoordig was en geregtig was om aldus op te tree, en die lede op daardie tydstip 'n kworum uitgemaak
- 10 het.

Burgerlike Personeel vir Kasteel

13. (1) (a) Die Beheerraad stel 'n persoon wat oor gepaste kwalifikasies en ervaring beskik aan as Uitvoerende Direkteur van die Burgerlike Personeel en Administrasie vir die Kasteel om die Beheerraad by te staan, onderworpe aan sy
- 15 voorskrifte en beheer, by die uitvoering van alle finansiële, administratiewe en klerklike werksaamhede en werk wat uit die toepassing van hierdie Wet voortspruit.

(b) Die Beheerraad magtig die Uitvoerende Direkteur om sodanige ander personeel aan te stel as wat die Beheerraad nodig ag.

- 20 (2) Die Burgerlike Personeel ontvang sodanige vergoeding, toelaes, subsidies en ander diensvoordele en word aangestel op sodanige bedinge en voorwaardes en vir sodanige tydperke as wat die Beheerraad van tyd tot tyd mag bepaal: Met dien verstande dat 'n persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n beampte of werknemer was wat aangestel is, of geag word
- 25 aangestel te wees, kragtens die Staatsdienswet, 1984 (Wet No. 111 van 1984), en wat op daardie tydstip dien as 'n personeellid in die Kasteel, tensy sodanige persoon onwillig is of nie in staat is om voort te gaan om die werksaamhede en pligte verbonde aan so 'n aanstelling te verrig nie, geag word aangestel te wees soos beoog word in subartikel (1)(b), op sodanige bedinge en voorwaardes as
- 30 wat bepaal mag word.

(3) By 'n bepaling in subartikel (2) bedoel, dra die Beheerraad sorg om nie die perke van sy geraamde inkomste en uitgawes bedoel in artikel 18(5), te oorskry nie.

- (4) Ondanks enige andersluidende bepalings van die Wet op die Pensioen-
- 35 fonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), word die Burgerlike Personeel vir die doeleindes van daardie Wet geag 'n geassosieerde inrigting soos in daardie Wet beoog, uit te maak.

Bevoegdhede en werksaamhede van Beheerraad

14. (1) Ten einde sy oogmerke genoem in artikel 3 te verwesenlik, kan die
- 40 Beheerraad, behoudens die Voorwaardes—

- (a) toegangsgelde tot die Kasteel of enige deel daarvan hef of die heffing daarvan magtig;
- (b) die onderneming van algemene of gespesialiseerde openbare toere van die Kasteel of enige deel daarvan magtig of dit self onderneem;
- 45 (c) gebiede van die Kasteel waartoe die publiek toegang mag hê of nie mag hê nie, afbaken;
- (d) boek-, aandenkings- of ander winkels in die Kasteel bedryf of, onderhewig aan enige voorwaarde wat hy mag opleë, die bedryf daarvan magtig;
- 50 (e) kontrakte sluit vir die bevordering van die Kasteel as 'n toeriste-aantreklikheid of vir die vertoon van advertensies in, of in verband met, die Kasteel;
- (f) in oorleg met, en onderhewig aan die toestemming van die Suid-Afrikaanse Weermag of 'n Burgermagregiment, reël vir besoeke van 'n
- 55 gespesialiseerde aard deur bepaalde persone of groepe persone aan gedeeltes van die Kasteel wat geokkupeer word deur daardie Mag of Burgermagregiment;
- (g) kontrakte sluit met die Suid-Afrikaanse Weermag, teen betaling deur

payment by the Board or any other specified party, for the rendering of a ceremonial or any other service or function by that Force in, or with regard to, the Castle;

- (h) subject to any applicable law, enter into contracts with the South African Defence Force, against payment by the Board or any other specified party, for the operation of a restaurant, cafe or bar in the Castle during hours agreed upon between the Board and that Force; 5
- (i) invest surplus funds and open accounts at any deposit-taking or financial institution;
- (j) obtain legal advice, instruct legal representatives and institute or defend any legal action; 10
- (k) notwithstanding the fact that the Castle is at any time or may at any time be required for the purposes of the South African Defence Force or any Citizen Force Regiment contemplated in the Defence Endowment Property and Account Act, 1922, purchase the Castle for an amount being the larger of— 15
 - (i) the amount determined by the Minister of Public Works, in consultation with the Minister of Defence and the Minister of State Expenditure, as being equal to the market value of the land on which it is situated, no value whatsoever being attached to any buildings erected thereon; or 20
 - (ii) the amount required to construct a complete command headquarters with equipment, amenities, roads and fences: 25
- Provided that the Board shall not be obliged to purchase the Castle until it has sufficient funds for the purchase; 25
- (l) undertake or, on such terms and conditions as it may determine, authorize the undertaking for profit of craft shops and industries and other businesses in unused spaces in the Castle;
- (m) impose conditions and restrictions on entry by any member of the public, or the public in general, to the Castle; 30
- (n) purchase, hire, possess or otherwise acquire movable property and, subject to the provisions of section 16, encumber or alienate such property;
- (o) in pursuance of its objects in terms of this Act, hire or let services;
- (p) perform or exercise any function or power entrusted to or conferred upon it in terms of any other law; 35
- (q) with the approval of the Minister, acting with the concurrence of the Minister of Finance, borrow money on such terms and conditions as the Board may approve, by way of loans from any source and, subject to the provisions of section 16, against the security which the Board may deem fit; and 40
- (r) do everything that is conducive to the achievement of its objects or is calculated, directly or indirectly, to enhance the value or profitability of the property or rights of the Board: 45

Provided that the Board may do nothing which will affect the rights which any trust or body, the South African Defence Force or any Citizen Force Regiment enjoyed with respect to the occupation and use of any part of the Castle immediately prior to the commencement of this Act, except in so far as may be necessary to give effect to the provisions of this Act. 50

(2) The amount accruing to the State Revenue Fund out of the sale of the Castle to the Board, as contemplated in paragraph (k) of subsection (1), shall be employed for the provision of the suitable permanent accommodation contemplated in section 15(2). 50

Transfer of Castle

15. (1) The Registrar of Deeds in charge of the deeds registry in which is registered any title deed relating to the Castle shall, in the event of the Board having purchased the Castle under section 14(1)(k), by endorsement on such deed, record the transfer of the Castle to the Board and make such entries as may be required in consequence thereof. 55

die Beheerraad of enige ander bepaalde instansie, vir die verskaffing van 'n seremoniële of enige ander diens of werksaamheid deur daardie Mag in of in verband met die Kasteel;

- 5 (h) onderworpe aan enige toepaslike wet, kontrakte sluit met die Suid-Afrikaanse Weermag, teen betaling deur die Beheerraad of enige ander bepaalde instansie, vir die bedryf van 'n restaurant, kafee of kroeg in die Kasteel tydens die ure ooreengekom tussen die Beheerraad en daardie Mag;
- 10 (i) surplusfondse belê en rekeninge open by enige deponisemende of finansiële instelling;
- (j) regsadvies verkry, regsverteenwoordigers opdrag gee en enige regsge-
ding instel of verdedig;
- 15 (k) ondanks die feit dat die Kasteel te eniger tyd benodig word of benodig mag word vir die doeleindes van die Suid-Afrikaanse Weermag of enige Burgermagregiment beoog in die "Verdediging Begiftigings Eigendom en Rekening Wet, 1922", die Kasteel koop teen 'n bedrag synde die grootste van—
 - (i) die bedrag bepaal deur die Minister van Openbare Werke met die instemming van die Minister van Verdediging en die Minister van Staatsbesteding, as gelyk aan die markwaarde van die grond waarop dit geleë is sonder dat enige waarde ten opsigte van enige geboue daarop enigsins bygereken word; of
 - (ii) die bedrag wat benodig word om 'n volledige kommandements-
hoofkwartier met toerusting, geriewe, paaie en heinings op te rig:
- 25 Met dien verstande dat die Beheerraad nie verplig is om die Kasteel te koop alvorens hy oor voldoende fondse vir die aankoop beskik nie;
- (l) die bedryf teen wins in onbenutte ruimtes in die Kasteel van hand-
werkwinkels en -nywerhede en ander besighede, op sodanige bedinge
en voorwaardes as wat hy mag bepaal, magtig of self onderneem;
- 30 (m) voorwaardes en beperkings op toegang tot die Kasteel deur enige lid van die publiek of die publiek in die algemeen, oplê;
- (n) roerende eiendom koop, huur, besit of andersins verkry en, behoudens die bepalinge van artikel 16, sodanige eiendom beswaar of vervreem;
- 35 (o) in die nastreef van sy oogmerke ingevolge hierdie Wet, dienste huur of verhuur;
- (p) enige werksaamheid verrig of bevoegdheid uitoefen wat aan hom toevertrou of opgedra is deur enige ander wet;
- (q) met die goedkeuring van die Minister, handelende met die toestem-
ming van die Minister van Finansies, geld leen op sodanige voor-
waardes as wat die Beheerraad mag goedkeur, by wyse van lenings van
40 enige bron en, behoudens die bepalinge van artikel 16, teen sekuriteit wat die Beheerraad mag goedvind; en
- (r) enigiets doen wat bevorderlik is vir die verwesenliking van sy oogmerke of wat bereken is om regstreeks of onregstreeks die waarde of winsgewend-
heid van die eiendom of die regte van die Raad te verhoog:

45 Met dien verstande dat die Beheerraad niks mag doen wat die regte wat enige trust of liggaam, die Suid-Afrikaanse Weermag of enige Burgermagregiment onmiddellik voor die inwerkingtreding van hierdie Wet geniet het met betrek-
king tot die okkupasie en gebruik van enige deel van die Kasteel, raak nie,
50 behalwe vir sover as wat nodig is ten einde gevolg te gee aan die bepalinge van hierdie Wet.

(2) Die bedrag wat die Staatsinkomstefonds toeval uit die verkoop van die Kasteel aan die Beheerraad, soos in paragraaf (k) van subartikel (1) beoog, word aangewend vir die verskaffing van die geskikte permanente akkommodasie
55 in artikel 15(2) beoog.

Oordrag van Kasteel

15. (1) Die Registrateur van Aktes in beheer van die registrasiekantoor waarin enige titelakte ten opsigte van die Kasteel geregistreer is, moet, indien die Beheerraad die Kasteel kragtens artikel 14(1)(k) gekoop het, by endossement
60 op sodanige akte, die oordrag van die Kasteel aan die Beheerraad aanteken en sodanige inskrywings as wat vereis word na aanleiding daarvan, doen.

(2) Notwithstanding the provisions of subsection (1), the South African Defence Force or any Citizen Force Regiment shall, after such transfer, under such terms and conditions as may be agreed to by the Board, have the right to remain in occupation of those parts of the Castle which it occupied immediately prior to such transfer until suitable permanent accommodation as contemplated in section 14(1)(k) has been provided to it by the State. 5

Prohibition on alienation, mortgaging, lease or encumbrance of Castle or other property

16. Subject to the provisions of this Act, the Board shall not, on account of its having obtained ownership of the Castle in consequence of the purchase contemplated in section 14(1)(k), alienate, mortgage or lease the Castle, or alienate, lease or in any way encumber any of the contents of any museum or permanent exhibition or display which is housed in the Castle, and any purported alienation, mortgaging, lease or encumbrance of the Castle or any of such contents shall be void and of no effect. 10 15

Ownership of Castle to revert to State upon insolvency of Board

17. In the event of the Board becoming insolvent, ownership of the Castle shall revert to the State.

Funds of Board and keeping of accounts

18. (1) The funds of the Board shall consist of— 20

- (a) any moneys paid to the Board out of moneys which may from time to time be appropriated by Parliament to assist the Board;
- (b) money or revenue received by it in pursuance of any provision of this Act;
- (c) money borrowed by the Board in accordance with section 14(1)(q); and 25
- (d) such other money as may from time to time accrue, become payable or be donated to the Board.

(2) The Board shall allocate so much of its surplus funds as the Minister of State Expenditure may annually determine, to the maintenance and upkeep of the Castle. 30

(3) The Board shall utilize its funds to defray expenses in connection with the exercise of its powers and the performance of its functions and duties in accordance with the statement of its estimated income and expenditure as approved by the Minister in terms of subsection (5).

(4) The Board shall, subject to the provisions of this Act, utilize donations and contributions for the purpose, and subject to the conditions, determined by the donor or contributor. 35

(5) The Board shall in each financial year, on a date determined by the Minister within 60 days after the commencement of that financial year, submit a statement of its estimated income and expenditure for the following financial year to the Minister for his or her approval. 40

(6) The Board may invest any unexpended portion of its funds with the Corporation for Public Deposits established by section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), or, subject to the approval of the Minister acting in concurrence with the Minister of State Expenditure, in any other manner. 45

(7) The Board may utilize any interest earned on an investment contemplated in subsection (6) to defray expenses in connection with the exercise of its powers or the performance of its functions and duties.

Accounting officer

19. (1) The Executive Director shall be the accounting officer charged with the responsibility of accounting to Parliament for all money or revenue received, the utilization thereof and the use and care of the property of the Board. 50

(2) Ondanks die bepalings van subartikel (1) is die Suid-Afrikaanse Weermag of enige Burgermagregiment geregtig om, op die bedinge en voorwaardes waartoe die Beheerraad instem, na sodanige oordrag daardie dele van die Kasteel wat hy onmiddellik voor sodanige oordrag beset het, te bly beset totdat 5 geskikte permanente akkommodasie soos in artikel 14(1)(k)(ii) beoog deur die Staat aan hom verskaf is.

Verbod op vervreemding, beswaring met verband, verhuring of ander beswaring van Kasteel of ander eiendom

16. Behoudens die bepalings van hierdie Wet mag die Beheerraad nie, uit 10 hoofde daarvan dat hy eienaarskap van die Kasteel verkry het as gevolg van die aankoop in artikel 14(1)(k) beoog, die Kasteel vervreem, met 'n verband beswaar, of verhuur nie, of enige van die inhoud van enige museum, permanente tentoonstelling of uitstalling wat in die Kasteel gehuisves word, vervreem, verhuur of op enige wyse beswaar nie, en enige sogenaamde vervreemding, 15 verband, verhuring of beswaring van die Kasteel of enige van sodanige inhoud is nietig en sonder gevolg.

Eienaarskap van Kasteel val terug op Staat by insolvensie van Beheerraad

17. Indien die Beheerraad insolvent raak, val eienaarskap van die Kasteel terug op die Staat.

20 Fondse van Beheerraad en hou van rekenings

18. (1) Die fondse van die Beheerraad bestaan uit—

- (a) enige gelde aan die Beheerraad oorbetaal uit gelde wat van tyd tot tyd deur die Parlement bewillig mag word ten einde die Beheerraad te help;
- 25 (b) geld of inkomste verkry uit hoofde van die bepalings van hierdie Wet;
- (c) geld geleen deur die Raad in ooreenstemming met artikel 14(1)(q); en
- (d) sodanige ander geld as wat van tyd tot tyd die Beheerraad mag toeval, of aan hom betaalbaar of geskenk word.

(2) Die Beheerraad ken soveel van sy surplusfondse as wat die Minister van 30 Staatsbesteding jaarliks mag bepaal, toe vir die onderhoud en instandhouding van die Kasteel.

(3) Die Beheerraad gebruik sy fondse ter bestryding van uitgawes in verband met die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede en pligte, in ooreenstemming met die staat van sy geraamde inkomste en 35 uitgawes soos deur die Minister goedgekeur ingevolge subartikel (5).

(4) Behoudens die bepalings van hierdie Wet moet die Beheerraad skenkings of bydraes aanwend vir die doel en onderworpe aan die voorwaardes wat die skenker of bydraer bepaal.

(5) Die Beheerraad moet in elke boekjaar, op die datum deur die Minister 40 bepaal binne 60 dae na die aanvang van daardie boekjaar, 'n staat van sy geraamde inkomste en uitgawes gedurende die daaropvolgende boekjaar aan die Minister voorlê vir sy goedkeuring.

(6) Die Beheerraad mag enige onbestede gedeelte van sy fondse belê by die Korporasie vir Openbare Deposito's ingestel by artikel 2 van die Wet op die 45 Korporasie vir Openbare Deposito's, 1984 (Wet No. 46 van 1984), of, onderworpe aan die goedkeuring van die Minister, handelende met die instemming van die Minister van Staatsbesteding, op enige ander wyse.

(7) Die Beheerraad kan enige rente verdien op 'n belegging in subartikel (6) beoog, aanwend om uitgawes in verband met die uitoefening van sy bevoegd- 50 hede of die verrigting van sy werksaamhede en pligte te bestry.

Rekenpligtige beampte

19. (1) Die Uitvoerende Direkteur is die rekenpligtige beampte belas met 55 verantwoording aan die Parlement vir al die geld of inkomste ontvang, die aanwending daarvan en die gebruik en versorging van die eiendom van die Beheerraad.

(2) The accounting officer shall be responsible for the keeping of such records of account as are necessary to represent fairly the state of affairs and business of the Board and to explain the transactions and financial position of the Board.

Auditing

20. The Auditor-General shall audit the books of account, accounting statements and annual financial statements of the Board. 5

Financial obligations and control

21. (1) The Board shall furnish the Minister with such information as he or she may from time to time require in connection with the activities and financial position of the Board, and shall as soon as practicable after the end of each financial year submit to the Minister an annual report on the affairs and functions of the Board in respect of that financial year, which shall include, *inter alia*— 10

- (a) an audited balance sheet;
- (b) an audited statement of income and expenditure;
- (c) a statement of cash flow information. 15

(2) The financial statements referred to in subsection (1)(a), (b) and (c) shall be in conformity with generally accepted accounting practice.

(3) The Minister shall, as soon as practicable after a report has, in terms of subsection (1), been submitted to him or her, table it in Parliament.

Recovery of loss and damage 20

22. (1) If a person who is or was in the employment of the Board caused the Board any loss or damage because he or she—

- (a) failed to collect money due to the Board for the collection of which he or she is or was responsible;
- (b) is or was responsible for an irregular payment of money of the Board or for a payment of such money not supported by a proper voucher; 25
- (c) is or was responsible for fruitless expenditure of money of the Board owing to an omission to carry out his or her duties;
- (d) is or was responsible for a deficiency in, or the destruction of, or any damage to, money, stamps, face values and forms having potential value, securities, equipment, stores or any other property of the Board; 30
- or
- (e) is or was responsible for a claim against the Board owing to a failure to carry out his or her duties, 35

the accounting officer shall determine the amount of such loss or damage, and order that person, by notice in writing, to pay the Board, within 30 days of the date of such notice, the whole or any part of the amount as determined.

(2) If a person who is in the employment of the Board and who has in terms of subsection (1) been ordered to pay an amount, fails to pay the amount within the period stipulated in the notice concerned, the amount shall, subject to the provisions of subsections (4), (5) and (6), be deducted from his or her monthly salary: Provided that such deduction shall not in any month exceed a quarter of his or her monthly salary. 40

(3) If a person who was in the employment of the Board and who has in terms of subsection (1) been ordered to pay an amount, fails to pay the amount within the period stipulated in the notice concerned, the accounting officer shall, subject to the provisions of subsections (4), (5) and (6), recover the amount from the person concerned by legal process. 45

(4) If a person who has in terms of subsection (1) been ordered to pay an amount, offers, within the period stipulated in the notice concerned, to pay the amount in instalments, the accounting officer may allow payment in such instalments as he or she may consider reasonable. 50

(5) A person who has in terms of subsection (1) been ordered to pay an amount, may within a period of 30 days of the date of such order, appeal in writing against

(2) Die rekenpligtige beampte is verantwoordelik vir die hou van sodanige rekeningkundige rekords as wat nodig is om die stand van sake en besigheid van die Beheerraad redelik weer te gee en om die transaksies en finansiële toestand van die Beheerraad te verduidelik.

5 Ouditering

20. Die Ouditeur-generaal ouditeer die rekeningboeke, rekeningstate en finansiële jaarstate van die Beheerraad.

Finansiële verpligtinge en beheer

21. (1) Die Beheerraad moet aan die Minister die inligting verstrek wat hy of sy van tyd tot tyd in verband met die bedrywighe en geldelike posisie van die Beheerraad aanvra, en moet so gou doenlik na die einde van elke boekjaar 'n jaarverslag aangaande die sake en werksaamhede van die Beheerraad ten opsigte van daardie boekjaar, aan die Minister voorlê, wat onder meer insluit—

- (a) 'n geouditeerde balansstaat;
- 15 (b) 'n geouditeerde staat van inkomste en uitgawes;
- (c) 'n staat van kontantvloei-inligting.

(2) Die finansiële state bedoel in subartikel (1)(a), (b) en (c) moet in ooreenstemming wees met algemeen aanvaarde rekeningkundige praktyk.

(3) Die Minister lê so gou doenlik nadat 'n verslag ingevolge subartikel (1) aan hom of haar voorgelê is, dit in die Parlement ter tafel.

Verhaling van verlies en skade

22. (1) Indien iemand wat in diens van die Beheerraad is of was die Beheerraad enige verlies of skade berokken het deurdat hy of sy—

- (a) versuim het om geld verskuldig aan die Beheerraad vir die invordering waarvan hy of sy verantwoordelik is of was, in te vorder;
- 25 (b) verantwoordelik is of was vir 'n onreëlmatige uitbetaling van geld van die Beheerraad of vir 'n uitbetaling van sodanige geld wat nie deur 'n behoorlike bewys gestaaf word nie;
- (c) weens versuim om sy of haar pligte uit te voer, verantwoordelik is of was vir vrugtelose uitgawe van geld van die Beheerraad;
- 30 (d) verantwoordelik is of was vir 'n tekort in of die vernietiging of beskadiging van geld, seëls, sigwaardes en vorms wat 'n potensiele waarde het, sekuriteite, uitrusting, voorrade of enige ander goed van die Beheerraad; of
- 35 (e) weens versuim om sy of haar pligte uit te voer, vir 'n eis teen die Beheerraad verantwoordelik is of was,

moet die rekenpligtige beampte die bedrag van sodanige verlies of skade vasstel, en so iemand by skriftelike kennisgewing gelas om die geheel of 'n gedeelte van die bedrag wat aldus vasgestel is, binne 30 dae vanaf die datum van die kennisgewing, aan die Beheerraad te betaal.

(2) Indien iemand wat in diens van die Beheerraad is en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, word die bedrag, behoudens die bepalinge van subartikels (4), (5) en (6), van sy of haar maandelikse salaris afgetrek: Met dien verstande dat so 'n aftrekking nie in een maand meer as 'n kwart van sy of haar maandelikse salaris beloop nie.

(3) Indien iemand wat in diens van die Beheerraad was en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, moet die rekenpligtige beampte, behoudens die bepalinge van subartikels (4), (5) en (6), die bedrag deur middel van geregtelike prosedure op die betrokke persoon verhaal.

(4) Indien iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, binne die tydperk in die betrokke kennisgewing bepaal, aanbied om die bedrag in paaiemente te betaal, kan die rekenpligtige beampte hom of haar toelaat om te betaal in die paaiemente wat na sy mening redelik is.

(5) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan binne 'n tydperk van 30 dae vanaf die datum van die lasgewing skriftelik by die

such order to the Minister, stating the grounds of his or her appeal, and the Minister may, after such investigation as he or she may deem necessary, dismiss the appeal, or order that the appellant be exempted, either wholly or in part, as the Minister may deem fair and reasonable, from the payment of such amount.

5

Short title

23. This Act shall be called the Castle Management Act, 1993.

Minister teen so 'n lasgewing appèl aanteken met opgaaf van die gronde van sy of haar appèl, en die Minister kan, na die ondersoek wat hy of sy nodig ag, die appèl verwerp of gelas dat die appellant geheel en al of ten dele, na gelang van wat die Minister as billik en redelik ag, van die betaling van daardie bedrag
5 kwytgeskeld word.

Kort titel

23. Hierdie Wet heet die Wet op die Bestuur van die Kasteel, 1993.

