



GOVERNMENT GAZETTE IS TELLY 1995
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GENERAL EXPLANATORY WORDS WHICH SPECIFY INDIVIDUAL OUTSTANDING ITEMS WHICH ARE NOT EXPLAINED IN THE APPENDIX

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

TDA

To swear the Public Accounts, Act, 1995, to be so perfect
certain oaths before the Auditor General; to furnish the Auditor General with a copy of the accounts of the State
as he considers the best of each of the three accounts,
and Annexes, being of great value for the better of
the Auditor General to have a copy of the same.

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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CAPE TOWN, 21 JULY 1995

KAAPSTAD, 21 JULIE 1995

No. 1055.

21 July 1995

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

No. 23 of 1995: Public Accountants' and Auditors' Amendment Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 1055.

21 Julie 1995

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

No. 23 van 1995: Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1995.

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Public Accountants' and Auditors' Act, 1991, so as to substitute certain obsolete expressions; to further regulate the requirements to be registered as an accountant and auditor; and to extend the power of the Public Accountants' and Auditors' Board to disclose certain information; to provide for the repeal of certain laws; to provide for the application of the Public Accountants' and Auditors' Act, 1991, throughout the Republic; and to provide for matters connected therewith.

*(Afrikaans text signed by the President.)
(Assented to 10 July 1995.)*

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

Amendment of section 4 of Act 80 of 1991

1. Section 4 of the Public Accountants' and Auditors' Act, 1991 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

- “(b) if he has at any time been convicted (whether in the Republic or elsewhere) of theft, fraud, forgery or uttering a forged document, perjury, an offence under the **[Prevention of Corruption Act, 1958 (Act No. 6 of 1958)]** **Corruption Act, 1992** (Act No. 94 of 1992), or any offence involving dishonesty, and has been sentenced therefor to imprisonment without the option of a fine or to a fine exceeding R300;”.

Amendment of section 15 of Act 80 of 1991

2. Section 15 of the principal Act is hereby amended—

- (a) by the insertion in subsection (2) after paragraph (c) of the following paragraph:

“(d) is a fit and proper person to be registered as an accountant and auditor;”; and

- (b) by the insertion after subsection (10) of the following subsection:

“(10A) Any person who is registered in terms of this section as an accountant and auditor may affix the abbreviation 'RAA' after his or her name.”.

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordeninge aan.

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

WET

Tot wysiging van die Wet op Openbare Rekenmeesters en Ouditeurs, 1991, ten einde sekere verouerde uitdrukings te vervang; die vereistes vir registrasie as rekenmeester en ouditeur verder te reël; en om die bevoegdheid uit te brei van die Openbare Rekenmeesters- en Ouditeursraad om sekere inligting te openbaar; om voorsiening te maak vir die herroeping van sekere wette; om voorsiening te maak vir die toepassing van die Wet op Openbare Rekenmeesters en Ouditeurs, 1991, oral in die Republiek; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 10 Julie 1995.)

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

Wysiging van artikel 4 van Wet 80 van 1991

1. Artikel 4 van die Wet op Openbare Rekenmeesters en Ouditeurs, 1991
5 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (b) van
subartikel (2) deur die volgende paragraaf te vervang:

(b) indien hy te eniger tyd (in die Republiek of elders) skuldig bevind is
aan diefstal, bedrog, vervalsing of die uitgifte van 'n vervalste stuk,
meineed, 'n misdryf kragtens die **[Wet op die Voorkoming van
Korrupsie, 1958 (Wet No. 6 van 1958)]** Wet op Korrupsie, 1992 (Wet
No. 94 van 1992), of 'n misdryf waarby oneerlikheid betrokke is, en
daarvoor gestraf is met gevangenisstraf sonder die keuse van 'n boete
of met 'n boete van meer as R300; **[of]**".

Wysiging van artikel 15 van Wet 80 van 1991

- 15 2. Artikel 15 van die Hoofwet word hierby gewysig—
(a) deur in subartikel (2) na paragraaf (c) die volgende paragraaf in te voeg:
“(d) ‘n gepaste en gesikte persoon is om as ‘n rekenmeester en ouditeur geregistreer te word.”; en

20 (b) deur na subartikel (10) die volgende subartikel in te voeg:
“(10A) Iemand wat ingevolle hierdie artikel as ‘n rekenmeester en ouditeur geregistreer is, kan die afkorting ‘GRO’ agter sy of haar naam aanbring.”.

Amendment of section 20 of Act 80 of 1991, as amended by section 2 of Act 70 of 1993

3. Section 20 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (5) of the following paragraph:

“(c) The board may disclose any information supplied to it in terms of paragraph (b) to any attorney-general or the Registrar of **[Deposit-taking Institutions]** Banks or any officer in the public service or any member or creditor of the undertaking concerned or any juristic person of whom the undertaking is a member or who has control over the undertaking or who has the power to take disciplinary steps against the undertaking, or to the committee of any stock exchange on which shares of the undertaking are listed, or, if the board believes it to be in the best interests of the public, to any other person, institution or body.”.

Repeal of laws, extension of application of Act 80 of 1991, and saving

4. (1) Subject to section 5, the laws mentioned in the second column of the Schedule, as in force immediately prior to the commencement of the Constitution in the various areas of the national territory of the Republic shown in the fourth column of the Schedule, are hereby repealed to the extent shown in the third column of the Schedule.

(2) The principal Act, as in force immediately prior to the commencement of this Act in the national territory of the Republic excluding the areas which comprised the former Republics of Transkei, Bophuthatswana, Venda and Ciskei and the areas which comprised the territories declared under section 26 of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), to be self-governing territories, shall apply also in those areas.

(3) Anything done under a law repealed in terms of subsection (1) and which could have been done under a provision of the principal Act shall be deemed to have been done under the last-mentioned provision.

Transfer of assets, liabilities, rights and obligations of the Transkei Public Accountants' and Auditors' Board

5. All assets, liabilities, rights and obligations of the Public Accountants' and Auditors' Board established under section 2 of the Transkei Public Accountants' and Auditors' Act, 1980 (Act No. 30 of 1980), are hereby transferred to the Public Accountants' and Auditors' Board mentioned in section 2 of the principal Act.

Short title and commencement

6. This Act shall be called the Public Accountants' and Auditors' Amendment Act, 1995, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

Wysiging van artikel 20 van Wet 80 van 1991, soos gewysig deur artikel 2 van Wet 70 van 1993

3. Artikel 20 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (5) deur die volgende paragraaf te vervang:

5 “(c) Die raad kan aan 'n prokureur-generaal of die Registrateur van [Depositonemende Instellings] Banke of 'n beampte in die staatsdiens of 'n lid of krediteur van die betrokke onderneming of enige regspersoon van wie die onderneming 'n lid is of wat beheer oor die onderneming het of wat bevoeg is om dissiplinêre stappe teen die onderneming te doen, of aan die komitee van enige effektebeurs waarop aandele van die onderneming genoteer word, of, indien dit na die raad se mening in die beste belang van die publiek is, aan enige ander persoon, instelling of liggaam enige inligting openbaar wat ingevolge paragraaf (b) aan die raad verstrek is.”.

Herroeping van wette, uitbreiding van toepassing van Wet 80 van 1991, en voorbehoud

4. (1) Behoudens artikel 5 word die wette genoem in die tweede kolom van die Bylae, soos onmiddellik voor die inwerkingtreding van die Grondwet van krag in die onderskeie gebiede van die nasionale grondgebied van die Republiek aangetoon in die vierde kolom van die Bylae, hierby herroep in die mate 20 aangetoon in die derde kolom van die Bylae.

(2) Die Hoofwet, soos onmiddellik voor die inwerkingtreding van hierdie Wet van krag in die nasionale grondgebied van die Republiek met uitsluiting van die gebiede wat die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei uitgemaak het en die gebiede wat die gebiede uitgemaak het wat 25 kragtens artikel 26 van die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971), tot selfregerende gebiede verklaar is, is van toepassing ook in daardie gebiede.

(3) Enigets wat gedoen is kragtens 'n wet herroep ingevolge subartikel (1) en wat kragtens 'n bepaling van die Hoofwet gedoen sou kon word, word geag 30 kragtens laasgenoemde bepaling gedoen te wees.

Oordrag van bates, laste, regte en verpligtinge van die Transkeise “Public Accountants’ and Auditors’ Board”

5. Alle bates, laste, regte en verpligtinge van die “Public Accountants’ and Auditors’ Board” ingestel by artikel 2 van die Transkeise “Public Accountants’ and Auditors’ Act, 1980 (Act No. 30 of 1980)”, word hierby aan die Openbare Rekenmeesters- en Ouditeursraad vermeld in artikel 2 van die Hoofwet oorgedra.

Kort titel en inwerkingtreding

6. Hierdie Wet heet die Wysigingswet op Openbare Rekenmeesters en 40 Ouditeurs, 1995, en tree in werking op 'n datum wat die President by proklamasie in die Staatskoerant bepaal.

SCHEDULE**LAWS REPEALED BY SECTION 4(1)**

Number and year of law	Short title	Extent of laws repealed	Area of national territory in respect of which law is repealed
(a) Act No. 51 of 1951	Public Accountants' and Auditors' Act, 1951	The whole	The territories of the former Republics of Bophuthatswana, Venda and Ciskei, and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
Act No. 47 of 1956	Public Accountants' and Auditors' Amendment Act, 1956	The whole	
Act No. 64 of 1957	Public Accountants' and Auditors' Amendment Act, 1957	The whole	
Act No. 30 of 1962	Public Accountants' and Auditors' Amendment Act, 1962	The whole	
Act No. 68 of 1965	Public Accountants' and Auditors' Amendment Act, 1965	The whole	
Act No. 66 of 1968	Transvaal and Natal Societies of Chartered Accountants Act, 1968	The whole	
Act No. 80 of 1971	General Law Amendment Act, 1971	Sections 15 and 16	
(b) Act No. 61 of 1973	Companies Act, 1973	Section 275(1)(e)	The territories of the former Republics of Transkei, Bophuthatswana and Venda, and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
(c) Act No. 61 of 1973 (Ciskei)	Companies Act, 1973 (Ciskei)	Sections 275(1)(e), (h) and (i), and 282	The territory of the former Republic of Ciskei
(d) Act No. 53 of 1975	Public Accountants' and Auditors' Amendment Act, 1975	The whole	The territories of the former Republics of Bophuthatswana, Venda and Ciskei, and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
Act No. 91 of 1979	Public Accountants' and Auditors' Amendment Act, 1979	The whole	
(e) Act No. 29 of 1980 (Transkei)	Public Accountants' and Auditors' Act, 1980 (Transkei)	The whole	The territory of the former Republic of Transkei

BYLAE**WETTE HERROEP DEUR ARTIKEL 4(1)**

Nommer en jaar van wet	Kort titel	Omvang van wette herroep	Gebied van nasionale grondgebied ten opsigte waarvan wet herroep word
(a) Wet No. 51 van 1951	Wet op Openbare Rekenmeesters en Ouditeurs, 1951	Die geheel	Die gebiede van die voormalige Republieke van Bophuthatswana, Venda en Ciskei en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
Wet No. 47 van 1956	Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1956	Die geheel	
Wet No. 64 van 1957	Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1957	Die geheel	
Wet No. 30 van 1962	Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1962	Die geheel	
Wet No. 68 van 1965	Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1965	Die geheel	
Wet No. 66 van 1968	Wet op die Transvaalse en Natalse Genootskappe van Geoktrooieerde Rekenmeesters, 1968	Die geheel	
Wet No. 80 van 1971	Algemene Regswysigingswet, 1971	Artikels 15 en 16	
(b) Wet No. 61 van 1973	Maatskappywet, 1973	Artikel 275(1)(e)	Die gebiede van die voormalige Republieke van Transkei, Bophuthatswana en Venda en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
(c) Wet No. 61 van 1973 (Ciskei)	“Companies Act, 1973” (Ciskei)	Artikels 275(1)(e), (h) en (i), en 282	Die gebied van die voormalige Republiek van Ciskei
(d) Wet No. 53 van 1975	Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1975	Die geheel	Die gebiede van die voormalige Republieke van Bophuthatswana, Venda en Ciskei en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
Wet No. 91 van 1979	Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1979	Die geheel	
(e) Wet No. 29 van 1980 (Transkei)	“Public Accountants' and Auditors' Act, 1980” (Transkei)	Die geheel	Die gebied van die voormalige Republiek van Transkei

Act No. 23, 1995 PUBLIC ACCOUNTANTS' AND AUDITORS' AMENDMENT ACT, 1995

Number and year of law	Short title	Extent of laws repealed	Area of national territory in respect of which law is repealed
(f) Act No. 22 of 1982 (Ciskei)	Licences Act, 1982 (Ciskei)	Schedule 1, item 1A	The territory of the former Republic of Ciskei
(g) Act No. 42 of 1982	Public Accountants' and Auditors' Amendment Act, 1982	The whole	The territory of the former self-governing territory of KaNgwane
Act No. 12 of 1983	Public Accountants' and Auditors' Amendment Act, 1983	The whole	
(h) Act No. 15 of 1983 (Transkei)	General Law Amendment Act, 1983 (Transkei)	Section 24	The territory of the former Republic of Transkei
(i) Act No. 48 of 1984	Public Accountants' and Auditors' Amendment Act, 1984	The whole	The territory of the former self-governing territory of KaNgwane
(j) Act No. 6 of 1986 (Ciskei)	Companies Amendment Act, 1986 (Ciskei)	Sections 8, 9 and 10	The territory of the former Republic of Ciskei

WYSIGINGSWET OP OPENBARE REKENMEESTERS EN
OUDITEURS, 1995

Wet No. 23, 1995

Nommer en jaar van wet	Kort titel	Omvang van wette herroep	Gebied van nasionale grondgebied ten opsigte waarvan wet herroep word
(f) Wet No. 22 van 1982 (Ciskei)	"Licences Act, 1982" (Ciskei)	Bylae 1, item 1A	Die gebied van die voormalige Republiek van Ciskei
(g) Wet No. 42 van 1982	Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1982	Die geheel	Die gebied van die voormalige self-regerende gebied van KaNgwane
Wet No. 12 van 1983	Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1983	Die geheel	
(h) Wet No. 15 van 1983 (Transkei)	"General Law Amendment Act, 1983" (Transkei)	Artikel 24	Die gebied van die voormalige Republiek van Transkei
(i) Wet No. 48 van 1984	Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1984	Die geheel	Die gebied van die voormalige self-regerende gebied van KaNgwane
(j) Wet No. 6 van 1986 (Ciskei)	"Companies Amendment Act, 1986" (Ciskei)	Artikels 8, 9 en 10	Die gebied van die voormalige Republiek van Ciskei

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