



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1536.

13 Julie 1979.

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

No. 108 van 1979: Wet op die Spesiale Rekening vir die Inligtingsdiens van Suid-Afrika, 1979.

DEPARTMENT OF THE PRIME MINISTER

No. 1536.

13 July 1979.

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

No. 108 of 1979: Information Service of South Africa Special Account Act, 1979.

Act No. 108, 1979

INFORMATION SERVICE OF SOUTH AFRICA SPECIAL
ACCOUNT ACT, 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 provide for the establishment of an account for the Information Service of South Africa; the accountability in respect thereof; the administration and utilization of money in that account; the investment of balances; the audit of that account; that certain amounts shall be deemed to have been appropriated; the validation of certain expenditure; and the ratification or validation of certain contracts, settlements, acts and expenditure; and to amend the Secret Services Account Act, 1978, so as to provide for the transfer of certain money to the Information Service of South Africa Special Account; and to provide for matters connected therewith.

*(English text signed by the State President.)
Assented to 2 July 1979.)*

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

Establishment
of account for
Information
Service of
South Africa.

1. There is hereby established an account to be called the Information Service of South Africa Special Account (hereinafter referred to as the account), which shall notwithstanding anything to the contrary in any other law contained be credited with—

- (a) money transferred from the Secret Services Account established by section 1 of the Secret Services Account Act, 1978 (Act No. 56 of 1978);
- (b) interest derived from the investment of money standing to the credit of the account;
- (c) refund of expenditure incurred on the account at any time; and
- (d) money which accrues to the account from any other source.

Accountability
in respect of,
administration
of, and
utilization
of money
in, account.

2. (1) Subject to the provisions of this Act, the Director General: Information Service of South Africa shall be accountable and responsible for the administration of the account.

(2) The money in the account shall be utilized to defray expenditure on such categories of services of the Information Service of South Africa as may be determined by the Minister responsible for the Information Service of South Africa with the concurrence of the Minister of Finance as being in the national interest and which because of the secret or sensitive nature thereof cannot be defrayed from the vote of the Information Service of South Africa, for the purpose of—

- (a) promoting the image of, and a positive disposition towards, the Republic; and
- (b) averting the psychological attacks on the Republic.

Investment of
balances.

3. Money in the account which is not required for immediate use or as a reasonable working balance shall be invested with the Public Debt Commissioners and may be drawn when needed for use.

WET OP DIE SPESIALE REKENING
VIR DIE INLIGTINGSDIENS VAN SUID-AFRIKA, 1979.

Wet No. 108, 1979

ALGEMENE VERDUIDELIKENDE NOTA:

- I** **I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Om voorsiening te maak vir die instelling van 'n rekening vir die Inligtingsdiens van Suid-Afrika; die rekenpligtigheid ten opsigte daarvan; die administrasie en aanwending van geld in daardie rekening; die belegging van saldo's; die ouditering van daardie rekening; dat sekere bedrae geag word bewillig te wees; die geldigverklaring van sekere uitgawes; en die ratifikasie of geldigverklaring van sekere kontrakte, skikkings, handelinge en uitgawes; en om die Wet op die Rekening vir Geheime Dienste, 1978, te wysig om voorsiening te maak vir die oordrag van sekere geld na die Spesiale Rekening vir die Inligtingsdiens van Suid-Afrika; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Julie 1979.)

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

1. Daar word hierby 'n rekening met die naam die Spesiale Rekening vir die Inligtingsdiens van Suid-Afrika (hieronder die rekening genoem) ingestel, wat, ondanks andersluidende wetsbepalings, gekrediteer word met—
 - (a) geld oorgedra uit die Rekening vir Geheime Dienste ingestel by artikel 1 van die Wet op die Rekening vir Geheime Dienste, 1978 (Wet No. 56 van 1978);
 - (b) rente verkry uit die belegging van geld waarmee die rekening gekrediteer is;
 - (c) terugbetaling van uitgawes te eniger tyd op die rekening aangegaan; en
 - (d) geld wat die rekening uit 'n ander bron toeval.
2. (1) Behoudens die bepalinge van hierdie Wet, is die Direkteur-generaal: Inligtingsdiens van Suid-Afrika rekenpligtig en verantwoordelik vir die administrasie van die rekening.
(2) Die geld in die rekening word aangewend ter bestryding van uitgawes aan die kategorieë dienste van die Inligtingsdiens van Suid-Afrika wat deur die Minister verantwoordelik vir die Inligtingsdiens van Suid-Afrika met die instemming van die Minister van Finansies bepaal word in die nasionale belang te wees en wat weens die geheime of sensitiewe aard daarvan nie uit die begrotingspos van die Inligtingsdiens van Suid-Afrika bestry kan word nie, met die doel om—
 - (a) die beeld van, en 'n positiewe gesindheid jeens, die Republiek te bevorder; en
 - (b) die sielkundige aanslae teen die Republiek af te weer.
3. Geld in die rekening wat nie vir onmiddellike gebruik of as 'n redelike bedryfsaldo nodig is nie word by die Staatskuld-kommissarisse belê en kan getrek word wanneer dit vir gebruik nodig is.

Instelling
van rekening
vir die
Inligtingsdiens
van Suid-Afrika.

Rekenpligtigheid
ten opsigte van,
administrasie
van, en
aanwending van
geld in, rekening.

Belegging van
saldo's.

Act No. 108, 1979

INFORMATION SERVICE OF SOUTH AFRICA SPECIAL
ACCOUNT ACT, 1979.

Unexpended
balance in
the account.

4. Notwithstanding anything to the contrary in any other law contained any unexpended balance in the account at the end of any financial year shall be carried forward as a credit in the account to the next succeeding financial year.

Audit.

5. The account shall be audited by the Auditor-General.

5

Certain
amounts and
money deemed
to have been
appropriated
to former
Department of
Information
and validation
of expenditure
therefrom.

6. (1) Notwithstanding the provisions in any other law contained all amounts paid from the Special Defence Account established by section 1 of the Special Defence Account Act, 1974 (Act No. 6 of 1974), in any financial year up to and including the 1977-'78 financial year to the former Department of Information and any 10 such amounts so paid from the said account and expended on behalf of the former Department of Information or paid to the Department of National Security for utilization by the former Department of Information, and all amounts expended by the said Department of National Security on behalf of the former 15 Department, and all amounts paid in any of the said financial years from the Security Services Special Account established by section 1 of the Security Services Special Account Act, 1969 (Act No. 81 of 1969), to or on behalf of the former Department of Information as well as loans raised, interest received and money 20 which accrued to the former Department of Information from any other source, other than money appropriated by an Appropriation Act, shall be deemed to have been appropriated for the latter Department.

(2) Subject to the provisions of section 8 any expenditure 25 incurred or purporting to have been incurred for secret projects of the former Department of Information shall be deemed to be a charge against the appropriated money referred to in subsection (1).

Ratification
or validation
of certain
contracts,
settlements,
acts and
expenditure.

7. (1) Notwithstanding anything to the contrary contained in 30 any law, but subject to the provisions of section 8—

(a) the Minister responsible for the Information Service of South Africa may on the recommendation of the State Trust Board established by section 2 of the State Trust Board Act, 1979, if he deems fit ratify any contract 35 concluded or purporting to have been concluded by or on behalf of the former Department of Information which on account of the absence of authority for its conclusion does not bind the State;

(b) any settlement negotiated by or on behalf of the State on 40 or after 1 July 1978 in respect of any contract concluded or purporting to have been concluded by the said former Department, is hereby validated;

(c) any act performed by or on behalf of the State on or 45 after 1 July 1978 to dispose of any asset or right acquired by the utilization of money referred to in section 6 (1) is hereby validated;

(d) any expenditure incurred on or after 1 July 1978 out of 50 moneys acquired by the State through any disposal contemplated in paragraph (c) is hereby validated.

(2) Subject to the provisions of subsection (1) (d), money 55 acquired from any disposal contemplated in subsection (1) (c) and received or held for or on behalf of the State, whether in the Republic or abroad, shall be paid into the State Revenue Fund as and when determined by the Treasury.

Certain
liability
to continue.

8. The provisions of sections 6 and 7 shall not exempt any person from any liability towards the State or to be prosecuted for any offence.

Lapsing of
liability.

9. Notwithstanding anything in any other law contained the liability referred to in section 8 shall not lapse merely by reason of 60 efflux of time, before the expiry of a period of three years as from the commencement of this Act.

Amendment of
section 2 of
Act 56 of 1978.

10. Section 2 of the Secret Services Account Act, 1978, is hereby amended by the substitution for paragraph (a) of 65 subsection (2) of the following paragraph:

WET OP DIE SPESIALE REKENING
VIR DIE INLIGTINGSDIENS VAN SUID-AFRIKA, 1979.

Wet No. 108, 1979

4. Ondanks andersluidende wetsbepalings word onbestede saldo's in die rekening aan die einde van 'n boekjaar as 'n krediet in die rekening na die daaropvolgende boekjaar oorgedra. Onbestede saldo's in die rekening.
5. Die rekening word deur die Ouditeur-generaal geouditeer. Oudit.
6. (1) Ondanks die bepalinge van enige ander wet word alle bedrae wat in enige boekjaar tot en met die 1977-'78-boekjaar uit die Spesiale Verdedigingsrekening ingestel by artikel 1 van die Wet op die Spesiale Verdedigingsrekening, 1974 (Wet No. 6 van 1974), aan die voormalige Departement van Inligting oorbetaal is of ten behoeve van die voormalige Departement uitbetaal is of aan die Departement van Nasionale Veiligheid oorbetaal is vir besteding deur die voormalige Departement van Inligting, en alle bedrae wat deur genoemde Departement van Nasionale Veiligheid ten behoeve van genoemde voormalige departement uitbetaal is, en alle bedrae wat in die een of ander van genoemde boekjare uit die Spesiale Rekening vir Veiligheidsdienste ingestel by artikel 1 van die Wet op die Spesiale Rekening vir Veiligheidsdienste, 1969 (Wet No. 81 van 1969), aan of ten behoeve van die voormalige Departement van Inligting oorbetaal is, asook lenings aangegaan, rente ontvang en geld wat die voormalige Departement van Inligting uit enige ander bron, uitgesonderd geld by Begrotingswet bewillig, toegeval het, geag vir laasgenoemde Departement bewillig te gewees het. Sekere bedrae en geld geag bewillig te wees vir voormalige Departement van Inligting en geldigverklaring van uitgawes daaruit aangegaan.
- (2) Behoudens die bepalinge van artikel 8 word enige uitgawes wat aangegaan is of heet aangegaan te gewees het vir geheime projekte van die voormalige Departement van Inligting geag 'n las teen die in subartikel (1) bedoelde bewilligde geld te wees.
7. (1) Ondanks andersluidende bepalinge van enige ander wet, maar behoudens die bepalinge van artikel 8— Ratifikasie of geldigverklaring van sekere kontrakte, skikkinge, handelinge en uitgawes.
- (a) kan die Minister verantwoordelik vir die Inligtingsdiens van Suid-Afrika op aanbeveling van die Staatstrustraad ingestel by artikel 2 van die Wet op die Staatstrustraad, 1979, na goedvinde enige kontrak ratifiseer wat deur of namens die voormalige Departement van Inligting aangegaan is of aangegaan heet te wees en wat weens ontstentenis aan bevoegdheid vir die aangaan daarvan die Staat nie bind nie;
- (b) word enige skikking wat op of na 1 Julie 1978 deur of namens die Staat aangegaan is ten opsigte van enige kontrak wat deur gemelde voormalige Departement aangegaan is of aangegaan heet te wees, hierby geldig verklaar;
- (c) word enige handeling deur of namens die Staat op of na 1 Julie 1978 verrig om te beskik oor enige reg of bate wat verkry is deur die aanwending van geld in artikel 6 (1) vermeld, hierby geldig verklaar;
- (d) word enige uitgawe op of na 1 Julie 1978 aangegaan uit geld deur die Staat verkry uit enige beskikking in paragraaf (c) beoog, hierby geldig verklaar.
- (2) Behoudens die bepalinge van subartikel (1) (d) word geld verkry uit 'n beskikking in subartikel (1) (c) beoog en wat vir of namens die Staat ontvang is of gehou word, hetsy in die Republiek of in die buiteland, in die Staatsinkomstefonds gestort soos en wanneer deur die Tesourie bepaal.
8. Die bepalinge van artikels 6 en 7 onthef geen persoon van enige aanspreeklikheid teenoor die Staat of om weens enige oortreding vervolgt te word nie. Voortbestaan van sekere aanspreeklikheid.
9. Ondanks die bepalinge van enige ander wet verval die aanspreeklikheid bedoel in artikel 8 nie bloot deur tydverloop voor die verstryking van 'n tydperk van drie jaar vanaf die inwerking-treding van hierdie Wet nie. Verval van aanspreeklikheid.
10. Artikel 2 van die Wet op die Rekening vir Geheime Dienste, 1978, word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang: Wysiging van artikel 2 van Wet 56 van 1978.

Act No. 108, 1979.

INFORMATION SERVICE OF SOUTH AFRICA SPECIAL
ACCOUNT ACT, 1979.

- “(a) The Minister of Finance may at the request of the Minister concerned transfer so much money as may be agreed upon between them from the account to the Foreign Affairs Special Account established by section 1 of the Foreign Affairs Special Account Act, 1967 (Act No. 38 of 1967), the Security Services Special Account established by section 1 of the Security Services Special Account Act, 1969 (Act No. 81 of 1969), **[or]** the Special Defence Account established by section 1 of the Defence Special Account Act, 1974 (Act No. 6 of 1974), or the Information Service of South Africa Special Account established by section 1 of the Information Service of South Africa Special Account Act, 1979.”

Short title
and commencement.

11. (1) This Act shall be called the Information Service of 15 South Africa Special Account Act, 1979.

(2) Sections 1, 2, 3, 4, 5 and 10 shall be deemed to have come into operation on 1 April 1979.

WET OP DIE SPESIALE REKENING
VIR DIE INLIGTINGSDIENS VAN SUID-AFRIKA, 1979.

Wet No. 108, 1979

- „(a) Die Minister van Finansies kan op versoek van die
betrokke Minister soveel geld as waarop hulle ooreen-
kom, oordra uit die rekening na die Spesiale Rekening
vir Buitelandse Sake ingestel by artikel 1 van die Wet
5 op die Spesiale Rekening vir Buitelandse Sake, 1967
(Wet No. 38 van 1967), die Spesiale Rekening vir
Veiligheidsdienste ingestel by artikel 1 van die Wet op
die Spesiale Rekening vir Veiligheidsdienste, 1969 (Wet
10 No. 81 van 1969), **[en]** die Spesiale Verdedigings-
rekening ingestel by artikel 1 van die Wet op die
Spesiale Verdedigingsrekening, 1974 (Wet No. 6 van
1974), of die Spesiale Rekening vir die Inligtingsdiens
van Suid-Afrika ingestel by artikel 1 van die Wet op die
15 Spesiale Rekening vir die Inligtingsdiens van Suid-
Afrika, 1979.”.

11. (1) Hierdie Wet heet die Wet op die Spesiale Rekening vir
die Inligtingsdiens van Suid-Afrika, 1979.

Kort titel en
inwerkingtreding.

(2) Artikels 1, 2, 3, 4, 5 en 10 word geag op 1 April 1979 in
werking te getree het.

