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PROCLAMATION

*by the State President of the Republic of
South Africa*

No. R. 95, 1980

**COMMISSION OF INQUIRY INTO SUBSISTENCE
AND TRAVELLING ALLOWANCES OF JUD-
GES AND JUDGES' CLERKS**

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act 8 of 1947), I hereby declare that the provisions of that Act, with the exception of the provisions of section 4 thereof, shall apply to the Commission of Inquiry into Subsistence and Travelling Allowances of Judges and Judges' Clerks appointed by me on the 26th day of May 1980, and I hereby make the regulations contained in the Schedule with reference to the said Commission.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-sixth day of May, One thousand Nine hundred and Eighty.

M. VILJOEN, State President.

By Order of the State President-in-Council:

A. L. SCHLEBUSCH.

SCHEDULE**REGULATIONS**

1. In these regulations, unless the context otherwise indicates—

“Chairman” means the Chairman of the Commission;

“Commission” means the Commission of Inquiry into Subsistence and Travelling Allowances of Judges and Judges' Clerks;

“document” includes any book, pamphlet, record, list, circular, plan, placard, poster, publication, drawing, photograph or picture;

“inquiry” means the inquiry being conducted by the Commission;

“member” means a member of the Commission;

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PROKLAMASIE

*van die Staatspresident van die Republiek van
Suid-Afrika*

No. R. 95, 1980

**KOMMISSIE VAN ONDERSOEK NA REIS- EN
VERBLYFTOELAES VAN REGTERS EN REG-
TERSKLERKE**

Kragtens die bevoegdheid my verleen by artikel 1 van die Kommissiewet, 1947 (Wet 8 van 1947), verklaar ek hierby dat die bepalings van daardie Wet, met uitsondering van die bepalings van artikel 4 daarvan, van toepassing is op die Kommissie van Onderzoek na Reis- en Verblyftoelaes van Regters en Regtersklerke wat ek op die 26ste dag van Mei 1980 aangestel het en vaardig ek hierby die regulasies in die Bylae vervat met betrekking tot die genoemde Kommissie uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Ses-entwintigste dag van Mei Eenduisend Negehonderd-entagtig.

M. VILJOEN, Staatspresident.

Op las van die Staatspresident-in-rade:

A. L. SCHLEBUSCH.

BYLAE**REGULASIES**

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“beampte” iemand wat in die voltydse diens van die Staat is en wat aangestel of aangewys is om die Kommissie by die uitvoering van sy werksaamhede behulpsaam te wees;

“dokument” ook 'n boek, pamflet, aantekening, lys, omsendbrief, plan, plakkaat, aanplakbiljet, publikasie, tekening, foto of prent;

“Kommissie” die Kommissie van Onderzoek na Reis- en Verblyftoelaes van Regters en Regtersklerke;

“lid” 'n lid van die Kommissie;

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"officer" means a person in the full-time service of the State who has been appointed or designated to assist the Commission in the performance of its functions;

"premises" includes any land, building, structure, part of a building or structure, vehicle, conveyance, vessel or aircraft.

2. The proceedings of the Commission shall be recorded in the manner determined by the Chairman.

3. (1) Any person appointed or designated to take down or record the proceedings of the Commission in shorthand or by mechanical means or to transcribe such proceedings which have been so taken down or recorded shall at the outset take an oath or make an affirmation in the following form:

I, A.B., declare under oath/affirm and declare—

(a) that I shall faithfully and to the best of my ability take down/record the proceedings of the Commission of Inquiry into Subsistence and Traveling Allowances of Judges and Judges' Clerks in shorthand/by mechanical means as directed by the Chairman;

(b) that I shall transcribe fully and to the best of my ability any shorthand notes/mechanical record of the proceedings of the said Commission made by me or by any other person.

(2) No shorthand notes or mechanical record of the proceedings of the Commission shall be transcribed except by order of the Chairman.

4. An officer designated thereto by the Chairman may be present at the hearing of evidence at the inquiry and adduce evidence and arguments relating to the inquiry.

5. The Chairman or an officer generally or specially authorised thereto by the Chairman shall administer an oath or affirmation to any witness appearing before the Commission.

6. Any witness appearing before the Commission may only be cross-examined by a person if the Chairman permits such cross-examination by such person because the Chairman deems it necessary in the interests of the functions of the Commission.

7. (a) Evidence shall be heard *in camera* unless otherwise directed by the Chairman.

(b) If any person who gave or is giving evidence before the Commission or has been summoned so to give evidence so requests the Commission, no person shall publish in any manner whatsoever the name or address of such person or any information likely to reveal his identity.

8. Any witness appearing before the Commission may, in the discretion of the Chairman and in such manner as may be determined by him, be assisted by an advocate or an attorney.

9. The Chairman, any member, or any officer may, for the purposes of the inquiry of the Commission, at all reasonable times enter and inspect any premises and demand and seize any document on or kept on such premises.

10. Every person employed in carrying out the functions of the Commission, including any person appointed or designated to transcribe proceedings of the Commission taken down in shorthand or recorded by mechanical means; shall assist in preserving secrecy in regard to any matter or information that may come to his knowledge in the performance of his duties in connection with the said functions, except in so far as the

"ondersoek" die ondersoek wat deur die Kommissie ingestel word;

"perseel" ook grond of 'n gebou, bouwerk, gedeelte van 'n gebou of bouwerk, voertuig, vervoermiddel, vaartuig of lugvaartuig;

"Voorsitter" die voorsitter van die Kommissie.

2. Die verrigtinge van die Kommissie moet op die wyse wat die Voorsitter bepaal, genotuleer word.

3. (1) Iemand wat aangestel of aangewys is om die verrigtinge van die Kommissie in snelskrif aan te teken of op meganiese wyse op te neem of om sodanige verrigtinge wat aldus aangeteken of opgeneem is, te transkribeer, moet vooraf 'n eed of bevestiging in die volgende vorm aflê:

Ek, A.B., verklaar onder eed/bevestig en verklaar—

(a) dat ek getrou en na my beste vermoë die verrigtinge van die Kommissie van Ondersoek na Reisen Verblyftoelaes van Regters en Regtersklerke in snelskrif sal aanteken/op meganiese wyse sal opneem soos deur die Voorsitter gelas;

(b) dat ek enige snelskrifaantekeninge/meganiese opname van die verrigtinge van genoemde Kommissie deur my of iemand anders gemaak, volledig en na my beste vermoë sal transkribeer.

(2) Geen snelskrifaantekeninge of meganiese opname van die verrigtinge van die Kommissie mag getranskribeer word nie behalwe op las van die Voorsitter.

4. 'n Beampte deur die Voorsitter daartoe aangewys, kan by die aanhoor van getuienis by die ondersoek aanwesig wees en getuienis en argumente wat op die ondersoek betrekking het, aanvoer.

5. Die Voorsitter of 'n beampte deur die Voorsitter in die algemeen of spesiaal daartoe gemagtig, moet 'n getuie wat voor die Kommissie verskyn, 'n eed ophê of van hom 'n bevestiging afneem.

6. 'n Getuie wat voor die Kommissie verskyn, kan slegs deur 'n persoon in kruisverhoor geneem word indien die Voorsitter die kruisverhoor deur daardie persoon toelaat omdat die Voorsitter dit in die belang van die werksaamhede van die Kommissie nodig ag.

7. (a) Getuienis word *in camera* aangehoor tensy die Voorsitter anders gelas.

(b) Indien 'n persoon wat getuienis voor die Kommissie afgelê het of aflê of wat opgeroep is om aldus getuienis af te lê, die Kommissie aldus versoek, mag niemand die naam of adres van sodanige persoon of enige inligting wat waarskynlik sy identiteit sal openbaar, op enige wyse hoegenaamd bekend maak nie.

8. 'n Getuie wat voor die Kommissie verskyn, kan na goëddunke van die Voorsitter en op die wyse wat hy bepaal, deur 'n advokaat of prokureur bygestaan word.

9. Die Voorsitter, 'n lid of 'n beampte kan vir doeleindes van die Kommissie se ondersoek te alle redelike tye enige perseel betree en besigtig en enige dokument wat op sodanige perseel is of bewaar word, opeis en in beslag neem.

10. Elke persoon wat diens doen by die uitvoering van die Kommissie se werksaamhede, met inbegrip van iemand wat aangestel of aangewys is om verrigtinge van die Kommissie wat in snelskrif aangeteken is of op meganiese wyse opgeneem is, te transkribeer, moet ten aansien van enige aangeleentheid of inligting waarvan hy by die vervulling van sy pligte in verband met bedoelde werksaamhede te wete kom, geheimhouding help bewaar, behalwe vir sover bekendmaking van

publication of such matter or information shall be necessary for the purposes of the report of the Commission, and every such person, except the Chairman, a member or any officer, shall before performing any duty with the Commission take and subscribe before the Chairman, any member or any officer an oath of fidelity or secrecy in the following form:

I, A.B., declare under oath/affirm and declare that, except in so far as it shall be necessary in the performance of my duties in connection with the functions of the Commission of Inquiry into Subsistence and Travelling Allowances of Judges and Judges' Clerks or in terms of an order of a competent court, I shall not communicate to any person any matter or information which may come to my knowledge, in connection with the inquiry of the said Commission, or suffer or permit any person to have access to any records of the Commission, including any note, record or transcription of the proceedings of the said Commission in my possession or custody or in the possession or custody of the said Commission or of any officer.

11. No person shall publish in any manner whatsoever or communicate to any other person any proceedings of the Commission or any information furnished to the Commission or any part of any such proceedings or information, or suffer or permit any other person to have access to any records in the possession or custody of the Commission or any officer or any person referred to in regulation 3 (1), except in the performance of his duties in connection with the functions of the Commission or by order of a competent court.

12. No person shall, except in so far as shall be necessary in the execution of the terms of reference of the Commission, publish or furnish to any other person the report of the Commission or a copy or part thereof unless and until the State President has released the report for publication or until the report has been laid on the Tables of the Senate and the House of Assembly.

13. No person shall insult, disparage or belittle the Commission or a member of the Commission or prejudice, influence or anticipate the proceedings or findings of the Commission.

14. Any person who—

(a) contravenes the provisions of regulations 7 (b), 11 or 12;

(b) wilfully hinders, resists or obstructs the Chairman, any member or any officer in the exercise of any power referred to in regulation 9; or

(c) contravenes the provisions of regulation 13, shall be guilty of an offence and on conviction liable—

(i) in the case of an offence referred to in paragraph (a) or (b) to a fine not exceeding R200 or imprisonment for a period not exceeding six months; and

(ii) in the case of an offence referred to in paragraph (c) to a fine not exceeding R1 000 or imprisonment for a period not exceeding one year.

sodanige aangeleentheid of inligting vir doeleindes van die Kommissie se verslag nodig is, en elke sodanige persoon, uitgesonderd die Voorsitter, 'n lid of 'n beamppte, moet, voordat hy enige diens by die Kommissie verrig, 'n eed van getrouheid of geheimhouding voor die Voorsitter, 'n lid of 'n beamppte, in die volgende vorm aflê en onderteken:

Ek, A.B., verklaar onder eed/bevestig en verklaar dat, behalwe vir sover dit by die uitvoering van my pligte in verband met die werksaamhede van die Kommissie van Onderzoek na Reis- en Verblyftoelaes van Regters en Regtersklerke of ingevolge 'n bevel van 'n bevoegde hof nodig is, ek geen aangeleentheid of inligting waarvan ek in verband met genoemde Kommissie se ondersoek te wete kom, aan enigiemand sal meedeel nie en niemand sal toelaat of veroorloof om toegang te verkry tot stukke van die Kommissie nie, met inbegrip van enige aantekening, opname of transkripsie van die verrigtinge van genoemde Kommissie in my besit of bewaring of in die besit of bewaring van genoemde Kommissie of 'n beamppte.

11. Niemand mag enige verrigtinge van die Kommissie of enige inligting wat aan die Kommissie verstrekt is, of enige deel van sodanige verrigtinge of inligting op enige wyse hoegenaamd publiseer of aan iemand anders meedeel nie, of iemand anders toelaat of veroorloof om toegang te verkry tot stukke wat in die besit of bewaring is van die Kommissie of 'n beamppte of 'n persoon in regulasie 3 (1) bedoel, behalwe by die uitvoering van sy pligte in verband met die werksaamhede van die Kommissie of op bevel van 'n bevoegde geregshof.

12. Niemand mag, behalwe vir sover dit by die uitvoering van die Kommissie se opdrag nodig is, die verslag van die Kommissie of 'n afskrif of 'n gedeelte daarvan publiseer of aan iemand anders verstrekt nie, tensy en voordat die Staatspresident die verslag vir publikasie beskikbaar gestel het of voordat dit in die Senaat en in die Volksraad ter tafel gelê is.

13. Niemand mag die Kommissie of 'n lid van die Kommissie beledig, neerhaal of verkleineer of die verrigtinge of die bevindings van die Kommissie benadeel, beïnvloed of vooruitloop nie.

14. Iemand wat—

(a) die bepalings van regulasie 7 (b), 11 of 12 oortree;

(b) die Voorsitter, 'n lid of 'n beamppte by die uitoefening van 'n bevoegdheid in regulasie 9 bedoel opsetlik hinder, teengaan of dwarsboom; of

(c) die bepalings van regulasie 13 oortree;

begaan 'n misdryf en is by skuldigbevinding strafbaar—

(i) in die geval van 'n misdryf in paragraaf (a) of (b) bedoel, met 'n boete van hoogstens R200 of gevangenisstraf vir 'n tydperk van hoogstens ses maande; en

(ii) in die geval van 'n misdryf in paragraaf (c) bedoel, met 'n boete van hoogstens R1 000 of gevangenisstraf vir 'n tydperk van hoogstens een jaar.

GOVERNMENT NOTICE**DEPARTMENT OF JUSTICE**

No. R. 1119

26 May 1980

APPOINTMENT OF COMMISSION OF INQUIRY INTO SUBSISTENCE AND TRAVELLING ALLOWANCES OF JUDGES AND JUDGES' CLERKS

It is hereby notified for general information that the State President has been pleased to appoint a Commission of Inquiry into Subsistence and Travelling Allowances of Judges and Judges' Clerks with the following terms of reference:

To inquire into and report and make recommendations on the subsistence and travelling allowances of judges and the question whether in the Transvaal or in Natal an interpretation was given to the prescribed tariffs of those allowances or those of judges' clerks, and claims were submitted in connection with such allowances, that was or were legally or otherwise not correct and resulted in the unjustified paying out of public monies.

The Commission consists of—

The Honourable F. L. H. Rumpff, DMS, Chief Justice of South Africa as Chairman; and
Mr F. G. Barrie, former Auditor-General; and
Mr J. A. Crafford, a chartered accountant as members.

Interested persons wishing to make representations to or give evidence before the Commission should, as soon as possible but not later than three months from the date hereof, submit memoranda to the Secretary, Commission of Inquiry into Subsistence and Travelling Allowances of Judges and Judges' Clerks, Private Bag X81, Pretoria, 0001, and indicate whether they also wish to make oral representations to or give evidence before the Commission.

GOEWERMENSKENNISGEWING**DEPARTEMENT VAN JUSTISIÉ**

No. R. 1119

26 Mei 1980

AANSTELLING VAN KOMMISSIE VAN ONDER- SOEK NA REIS- EN VERBLYFTOELAES VAN REGTERS EN REGTERSKLERKE

Hierby word vir algemene inligting bekendgemaak dat dit die Staatspresident behaag het om 'n Kommissie van Onderzoek na Reis- en Verblyftoelaes van Regters en Regtersklerke aan te stel met die volgende opdrag:

Om ondersoek in te stel na en verslag en aanbevelings te doen oor reis- en verblyftoelaes van regters en die vraag of daar in Transvaal of Natal 'n vertolking aan die voorgeskrewe tariewe van daardie toelaes of dié van regtersklerke gegee is, en eise in verband met sodanige toelaes ingedien is, wat regtens of andersins nie korrek is nie en aanleiding gegee het tot die onge-regverdigde uitbetaling van staatsgeld.

Die Kommissie bestaan uit—

Sy Edele F. L. H. Rumpff, DVD, Hoofregter van Suid-Afrika, as Voorsitter; en
Mnr. F. G. Barrie, voormalige Ouditeur-generaal; en
Mnr. J. A. Crafford, 'n geoktrooieerde reken-meester, as lede.

Belanghebbende persone wat vertoë wil rig tot of getuienis wil aflê voor die Kommissie, moet so gou doenlik maar nie later nie as drie maande vanaf die datum hiervan, memoranda indien by die Sekretaris, Kommissie van Onderzoek na Reis- en Verblyftoelaes van Regters en Regtersklerke, p/a Departement van Justisie, Privaatsak X81, Pretoria, 0001, en aandui of hulle ook mondelinge vertoë tot die Kommissie wil rig of mondelinge getuienis wil aflê.

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