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# GOVERNMENT GAZETTE

# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

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KAAPSTAD, 30 JUNIE 1978

DEPARTMENT OF THE PRIME MINISTER

No. 1353. 30 June 1978.

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

No. 104 of 1978: Bureau for State Security Act, 1978.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1353. 30 Junie 1978.

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

No. 104 van 1978: Wet op die Buro vir Staatsveiligheid, 1978.

**Wet No. 104, 1978** WET OP DIE BURO VIR STAATSVEILIGHEID, 1978.

**ALGEMENE VERDUIDELIKENDE NOTA:**

[ ] 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 die organisasie en beheer van die Buro vir Staatsveiligheid te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

*(Afrikaanse teks deur die Staatspresident geteken.)*
*(Goedgekeur op 20 Junie 1978.)*

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

## HOOFSTUK I

### WOORDOMSKRYWING

Woordomskrywing.

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

(i) „Buro'' die Buro vir Staatsveiligheid wat kragtens artikel 20 (1) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), ingestel is; (i)

(ii) „departement'' 'n departement soos omskryf in artikel 1 van die Staatsdienswet, 1957 (Wet No. 54 van 1957); (ii)

(iii) „hierdie Wet'' ook die regulasies; (ix)

(iv) „lid'' of „lid van die Buro'' iemand bedoel in artikel 3; (iii)

(v) „Minister'' die Minister aan wie die administrasie van die Buro opgedra is; (iv)

(vi) „regulasie'' 'n regulasie wat kragtens hierdie Wet uitgevaardig is; (vii)

(vii) „Sekretaris'' die Sekretaris van Veiligheidsinligting vermeld in Kolom II van die Eerste Bylae by die Staatsdienswet, 1957 (Wet No. 54 van 1957); (viii)

(viii) „voorgeskryf'' kragtens hierdie Wet voorgeskryf; (vi)

(ix) „wangedrag''—

*(a)* die pleeg van 'n misdryf; of

*(b)* 'n oortreding van 'n bepaling van hierdie Wet wat nie 'n misdryf is nie. (v)

Toepassing van Wet.

**2.** Tensy uit die samehang anders blyk, is die bepalings van hierdie Wet van toepassing ten opsigte van alle lede van die Buro, hetsy hulle voor of na die inwerkingtreding van hierdie Wet as lede van die Buro aangestel is, en hetsy hulle binne of buite die Republiek diens verrig.

## HOOFSTUK II

### SAMESTELLING EN ORGANISASIE VAN BURO

Samestelling van Buro.

**3.** Die Buro bestaan uit—

*(a)* die persone wat op die datum van inwerkingtreding van hierdie Wet lede van die Buro is; en

**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 regulate the organization and control of the Bureau for State Security; and to provide for matters connected therewith.**

*(Afrikaans text signed by the State President.)*
*(Assented to 20 June 1978.)*

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

## CHAPTER I

### DEFINITIONS

Definitions.

**1.** In this Act, unless the context otherwise indicates—

(i) "Bureau" means the Bureau for State Security established under section 20 (1) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (i)

(ii) "department" means a department as defined in section 1 of the Public Service Act, 1957 (Act No. 54 of 1957); (ii)

(iii) "member" or "member of the Bureau" means any person contemplated in section 3; (iv)

(iv) "Minister" means the Minister to whom the administration of the Bureau has been assigned; (v)

(v) "misconduct" means—

*(a)* the commission of any offence; or

*(b)* a contravention of any provision of this Act which is not an offence; (ix)

(vi) "prescribed" means prescribed under this Act; (viii)

(vii) "regulation" means a regulation made under this Act; (vi)

(viii) "Secretary" means the Secretary for Security Intelligence mentioned in Column II of the First Schedule to the Public Service Act, 1957 (Act No. 54 of 1957); (vii)

(ix) "this Act" includes the regulations. (iii)

Application of Act.

**2.** Unless the context otherwise indicates, the provisions of this Act shall apply in respect of all members of the Bureau, irrespective of whether they were appointed as members of the Bureau before or after the commencement of this Act, and irrespective of whether they work in or outside the Republic.

## CHAPTER II

### CONSTITUTION AND ORGANIZATION OF BUREAU

Constitution of Bureau.

**3.** The Bureau shall consist of—

*(a)* the persons who, on the date of the commencement of this Act, are members of the Bureau; and

*(b)* die persone wat na die inwerkingtreding van hierdie Wet ingevolge die bepalings daarvan as sodanige lede aangestel word.

Hoof van Buro.

**4.** (1) Die Sekretaris staan aan die hoof van die Buro en oefen, onderworpe aan die voorskrifte van die Minister en die bepalings van hierdie Wet, die bevel, toesig en beheer oor die Buro uit.

(2) Die Sekretaris kan, onderworpe aan die voorskrifte van die Minister en die bepalings van hierdie Wet, die reëls maak en die voorskrifte uitvaardig wat hy doenlik ag vir doelmatige bevel, toesig en beheer oor die Buro.

Bevoegdhede en pligte van lede van Buro.

**5.** 'n Lid van die Buro kan die bevoegdhede uitoefen en moet die pligte uitvoer wat by of ingevolge hierdie Wet of 'n ander wet aan hom verleen of opgelê word, en moet by die verrigting van sy werksaamhede alle wettige opdragte gehoorsaam wat hy van tyd tot tyd ontvang van 'n persoon wat die bevoegdheid besit om sodanige opdragte te gee.

Algemene bevoegdhede van Minister.

**6.** (1) Die Minister kan, onderworpe aan die bepalings van hierdie Wet en enige ander wet, alles doen of laat doen wat volgens sy oordeel nodig is vir die doelmatige toesig en beheer oor en optrede en funksionering van die Buro.

(2) Sonder om afbreuk te doen aan die algemeenheid van sy bevoegdhede ingevolge subartikel (1) kan die Minister—

*(a)* grond, met of sonder geboue daarop, wat vir die doelmatige funksionering van die Buro nodig is, verkry of huur en geboue wat aldus nodig is, oprig en in stand hou;

*(b)* voertuie en ander uitrusting wat vir die doelmatige funksionering van die Buro nodig is, verkry;

*(c)* grond, met of sonder geboue daarop, en iets in paragraaf *(b)* bedoel, wat nie meer vir genoemde doeleindes nodig is nie, verkoop of verhuur of op 'n ander wyse daaroor beskik.

Aanstelling, bevordering, ontslag, rangsverlaging of oorplasing van lede.

**7.** (1) Die Minister kan, behoudens die bepalings van hierdie Wet, persone as lede van die Buro aanstel, en lede kan ooreenkomstig genoemde bepalings bevorder, ontslaan, in rang of graad verlaag of oorgeplaas word.

(2) 'n Stuk in die voorgeskrewe vorm wat deur die Minister heet onderteken te wees en waarby gesertifiseer word dat iemand as lid van die Buro aangestel is, is *prima facie*-bewys dat so iemand aldus aangestel is.

Aanstelling van offisiere en intrekking van kommissies.

**8.** (1) Die Staatspresident kan van tyd tot tyd by kommissie lede as offisiere aanstel en so 'n kommissie intrek.

(2) 'n Kommissie bedoel in subartikel (1) word deur die Staatspresident uitgereik onder die handtekeninge van die Staatspresident en die Minister, of onder replikas van daardie handtekeninge.

Ontslag van lede weens lang afwesigheid sonder verlof.

**9.** 'n Lid van die Buro wat sonder die verlof van die Sekretaris vir 'n tydperk van meer as een maand van sy ampspligte wegbly, word geag weens wangedrag uit die Buro ontslaan te gewees het met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was: Met dien verstande dat as 'n lid sonder sodanige verlof van sy ampspligte wegbly en ander werk aanvaar, hy geag word aldus ontslaan te gewees het, al het hy nog nie 'n maand aldus weggebly nie: Met dien verstande voorts dat as 'n lid wat geag word aldus ontslaan te wees, hom weer vir diens aanmeld, die Sekretaris, ondanks andersluidende bepalings van die een of ander wet, maar onderworpe aan die goedkeuring van die Minister, hom in sy vorige of 'n ander pos of betrekking in die Buro kan herstel of aanstel op die voorwaardes wat die Sekretaris goedvind, en in so 'n geval word die tydperk van sy afwesigheid van sy ampspligte geag afwesigheid met vakansieverlof sonder besoldiging of verlof op die ander voorwaardes wat die Sekretaris bepaal, te wees.

*(b)* the persons appointed as such members after the commencement of this Act in terms of the provisions thereof.

Head of Bureau.

**4.** (1) The Secretary is the head of the Bureau and exercises, subject to the directions of the Minister and the provisions of this Act, command, superintendence and control of the Bureau.

(2) The Secretary may, subject to the directions of the Minister and the provisions of this Act, make such rules and issue such directions as he may deem expedient for the efficient command, superintendence and control of the Bureau.

Powers and duties of members of Bureau.

**5.** A member of the Bureau may exercise such powers and shall perform such duties as are by or in terms of this Act or any other law conferred or imposed on him, and shall in the performance of his functions obey all lawful directions which he may from time to time receive from a person having the authority to give such directions.

General powers of Minister.

**6.** (1) The Minister may, subject to the provisions of this Act and any other law, do or cause to be done all things which in his opinion are necessary for efficient superintendence and control of, action by and functioning of the Bureau.

(2) Without derogating from the generality of his powers in terms of subsection (1), the Minister may—

*(a)* acquire or hire any land, with or without any buildings thereon, which may be necessary for the efficient functioning of the Bureau, and erect and maintain any buildings so required;

*(b)* acquire any vehicles and any other equipment which may be necessary for the efficient functioning of the Bureau;

*(c)* sell, let or otherwise dispose of any land, with or without any buildings thereon, and anything referred to in paragraph *(b)*, which are no longer required for the said purposes.

Appointment, promotion, discharge, demotion and transfer of members.

**7.** (1) The Minister may, subject to the provisions of this Act, appoint any persons as members of the Bureau, and members may in accordance with the said provisions be promoted, discharged, reduced in rank or grade and transferred.

(2) Any document in the prescribed form purporting to have been signed by the Minister and certifying that any person has been appointed a member of the Bureau, shall be *prima facie* proof that such person has been so appointed.

Appointment of officers and withdrawal of commissions.

**8.** (1) The State President may from time to time appoint by commission members as officers and withdraw any such commission.

(2) A commission referred to in subsection (1) shall be issued by the State President under the signatures of the State President and the Minister or under replicas of those signatures.

Discharge of members on account of long absence without leave.

**9.** A member of the Bureau who absents himself from his official duties without the permission of the Secretary for a period exceeding one month, shall be deemed to have been discharged from the Bureau on account of misconduct with effect from the date immediately following upon the last day on which he was present at his place of duty: Provided that if any member absents himself from his official duties without such permission and accepts other employment he shall be deemed to have been so discharged even if he has not yet so absented himself for a month: Provided further that if a member deemed to have been so discharged again reports for duty, the Secretary may, notwithstanding anything to the contrary contained in any law but subject to the Minister's approval, reinstate him in his former or appoint him to any other post or appointment in the Bureau on such conditions as the Secretary may deem fit, and in that event the period of his absence from his official duties shall be deemed to have been absence on vacation leave without pay or leave on such other conditions as the Secretary may determine.

**Wet No. 104, 1978**

WET OP DIE BURO VIR STAATSVEILIGHEID, 1978.

Ontslag van lede weens swak gesondheid.

**10.** (1) 'n Lid kan deur die Sekretaris uit die Buro ontslaan word indien na ondersoek, op die voorgeskrewe wyse, aangaande sy gesondheidstoestand, die Sekretaris van oordeel is dat hy weens swak gesondheid ongeskik is om in die Buro aan te bly.

(2) 'n Lid wat ingevolge subartikel (1) uit die Buro ontslaan is, kan op die voorgeskrewe wyse by die Minister appèl aanteken, en daarop kan die Minister sy ontslag tersyde stel of bekragtig.

Ontslag of verlaging in rang of graad van lede weens onbekwaamheid.

**11.** (1) 'n Lid kan deur die Sekretaris uit die Buro ontslaan of in rang of graad verlaag word indien na ondersoek, op die voorgeskrewe wyse, aangaande sy geskiktheid om in die Buro te bly of sy rang of graad te behou, die Sekretaris van oordeel is dat hy nie in staat is om sy pligte op bekwame wyse uit te voer nie.

(2) 'n Lid wat ingevolge subartikel (1) uit die Buro ontslaan of in rang of graad verlaag is, kan op die voorgeskrewe wyse by die Minister appèl aanteken, en daarop kan die Minister sy ontslag of verlaging in rang of graad, na gelang van die geval, tersyde stel of bekragtig.

Oorplasing en ontslag op grond van openbare belang, en afstaan van lede, en tydelike indiensneming van ander persone.

**12.** (1) Indien die openbare belang dit vereis, kan die Minister 'n lid van die Buro—

*(a)* oorplaas uit die pos wat hy beklee na enige ander pos—
(i) in die Buro; of
(ii) indien die betrokke Minister daarmee ingestem en die Staatsdienskommissie aldus aanbeveel het, in 'n ander departement,

hetsy sodanige pos van 'n laer graad is of nie as dié van die pos wat hy beklee het, en hetsy sodanige pos binne of buite die Republiek is; of

*(b)* uit die Buro ontslaan op die voorwaardes wat die Minister bepaal:

Met dien verstande dat—

(i) 'n lid se salaris by so 'n oorplasing nie sonder sy toestemming verlaag mag word nie, behalwe ooreenkomstig die bepalings van Hoofstuk III;

(ii) so 'n oorplasing na 'n ander departement geskied op die voorwaardes wat op aanbeveling van die Staatsdienskommissie bepaal word; en

(iii) 'n lid nie sonder sy toestemming na 'n pos buite die Buro oorgeplaas word nie, indien sodanige oorplasing 'n verandering in sy diensvoorwaardes, behalwe sy salaris, sal meebring.

(2) 'n Lid kan met sy toestemming en op die voorwaardes wat die Minister goedkeur, vir die verrigting van 'n bepaalde diens of vir 'n bepaalde tydperk deur die Sekretaris aan die diens van 'n ander regering of ander owerheid of 'n raad, inrigting of liggaam afgestaan word, maar bly, terwyl hy aldus afgestaan is, onderworpe aan die bepalings van hierdie Wet en 'n ander wet wat op hom van toepassing is.

(3) Die Sekretaris kan iemand in diens neem vir die verrigting van 'n bepaalde diens of vir 'n tydperk wat die Minister goedkeur.

Delegasie van bevoegdhede deur Minister en Sekretaris.

**13.** (1) Die Minister kan 'n bevoegdheid by hierdie Wet aan hom verleen, uitgesonderd 'n bevoegdheid by artikel 6 (1), 8 (2), 10 (2), 11 (2), 12 (1) *(a)* (ii), (1) *(b)*, (2) of (3), 15 (10), 19 (1), 21 (3) *(a)* of (4), 23, 24, 28 (1) of (2) of 29 (2) aan hom verleen, aan die Sekretaris of 'n ander lid van die Buro delegeer op die voorwaardes wat hy goedvind.

(2) Die Sekretaris kan 'n bevoegdheid by of ingevolge hierdie Wet aan hom verleen, aan 'n ander lid van die Buro delegeer.

## HOOFSTUK III

### DISSIPLINE

Voorbehoud met betrekking tot wangedrag.

**14.** Die bepalings van hierdie Wet word nie so uitgelê dat dit 'n lid teen vervolging in en skuldigbevinding deur 'n geregshof ten opsigte van 'n misdryf vrywaar nie.

**10.** (1) Any member may be discharged from the Bureau by the Secretary, if after enquiry, in the prescribed manner, as to his state of health, the Secretary is of opinion that he is by reason of ill-health unfit to remain in the Bureau.

Discharge of members on account of ill-health.

(2) Any member discharged from the Bureau in terms of subsection (1) may in the prescribed manner appeal to the Minister who may thereupon set aside or confirm his discharge.

**11.** (1) A member may be discharged from the Bureau or reduced in rank or grade by the Secretary if after enquiry, in the prescribed manner, as to his fitness to remain in the Bureau or to retain his rank or grade, the Secretary is of opinion that he is incapable of performing his duties efficiently.

Discharge or reduction in rank or grade of members on account of inefficiency.

(2) A member discharged from the Bureau or reduced in rank or grade in terms of subsection (1), may in the prescribed manner appeal to the Minister who may thereupon set aside or confirm his discharge or reduction in rank or grade, as the case may be.

**12.** (1) If the public interest so requires, the Minister may—

Transfer and discharge on account of public interest, and secondment of members, and temporary employment of other persons.

*(a)* transfer any member of the Bureau from the post held by him to any other post—

(i) in the Bureau; or

(ii) if the Minister concerned has concurred therein and the Public Service Commission has so recommended, in any other department,

whether or not such post is of a lower grade than that of the post held by him, and whether such post is within or outside the Republic; or

*(b)* discharge any such member from the Bureau on such conditions as the Minister may determine:

Provided that—

(i) upon such a transfer a member's salary shall not be reduced without his consent, except in accordance with the provisions of Chapter III;

(ii) such a transfer to another department shall take place on such conditions as may be determined on the recommendation of the Public Service Commission; and

(iii) a member shall not without his consent be transferred to a post outside the Bureau, if such transfer will, save for his salary, result in a change in his conditions of service.

(2) A member may, with his consent and upon such conditions as may be approved by the Minister, be seconded by the Secretary for the performance of a particular service or for a specified period, to the service of any other government or any other authority, or any board, institution or body, but shall, while so seconded, remain subject to the provisions of this Act and any other law which applies to him.

(3) The Secretary may engage any person for the performance of a particular service or for any period approved by the Minister.

**13.** (1) The Minister may on such conditions as he may deem fit delegate any power conferred upon him by this Act, excluding any power conferred upon him by section 6 (1), 8 (2), 10 (2), 11 (2), 12 (1) *(a)* (ii), (1) *(b)*, (2) or (3), 15 (10), 19 (1), 21 (3) *(a)* or (4), 23, 24, 28 (1) or (2) or 29 (2), to the Secretary or any other member of the Bureau.

Delegation of powers by Minister and Secretary.

(2) The Secretary may delegate any power conferred upon him by or in terms of this Act to any other member of the Bureau.

## CHAPTER III

### DISCIPLINE

**14.** Nothing in this Act contained shall be construed as indemnifying any member against prosecution in or conviction by any court of law in respect of any offence.

Savings with respect to misconduct.

**Wet No. 104, 1978**

WET OP DIE BURO VIR STAATSVEILIGHEID, 1978.

Prosedure in geval van beweerde wangedrag van lede.

**15.** (1) Die Sekretaris kan op die voorgeskrewe wyse 'n lid weens wangedrag aankla en hom versoek om binne die voorgeskrewe tydperk en op die voorgeskrewe wyse 'n skriftelike erkenning of ontkenning van die aanklag, en 'n skriftelike verduideliking wat hy in verband met die beweerde wangedrag wil aanbied, voor te lê.

(2) Na die verstryking van genoemde tydperk kan die Minister 'n raad van ondersoek aanstel om die betrokke aanklag te ondersoek.

(3) 'n Raad van ondersoek bestaan uit een of meer persone wat 'n lid of lede met dieselfde of 'n hoër rang of graad as dié van die aangeklaagde lid is.

(4) 'n Raad van ondersoek kan enige persoon as getuie dagvaar en 'n aldus gedagvaarde persoon 'n eed afneem of in plaas daarvan 'n bevestiging van hom aanneem.

(5) By die ondersoek van 'n aanklag ingevolge hierdie artikel geld, behoudens die bepalings van hierdie Wet, die reg wat met betrekking tot getuienis en getuies in verband met strafsake in 'n landdroshof van toepassing is, met uitsondering van die eerste voorbehoudsbepaling by artikel 217 (1) van die Strafproseswet, 1977 (Wet No. 51 van 1977).

(6) Waar 'n lid aangekla word weens wangedrag wat 'n misdryf uitmaak ten opsigte waarvan hy deur 'n geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van die betrokke verhoor by blote oorlegging daarvan deur enige persoon as getuienis toelaatbaar voor die raad van ondersoek wat die aanklag ondersoek, en is 'n gesertifiseerde afskrif van die betrokke aanklag en skuldigbevinding by blote oorlegging daarvan aan die raad deur enige persoon, *prima facie*-bewys dat die betrokke lid genoemde misdryf gepleeg het.

(7) Na oorweging van die getuienis by die ondersoek aangevoer en nadat die aangeklaagde lid of 'n ander lid wat hom bystaan of verteenwoordig, die geleentheid gebied is om die raad van ondersoek toe te spreek, vind die raad die aangeklaagde lid skuldig of onskuldig aan die wangedrag hom ten laste gelê en verwittig hom van die bevinding van die raad: Met dien verstande dat indien die aangeklaagde lid, ingevolge 'n versoek kragtens subartikel (1) of teenoor die raad, erken dat hy aan die betrokke wangedrag skuldig is, hy skuldig bevind kan word sonder dat getuienis aangevoer is.

(8) 'n Lid wat aan wangedrag skuldig bevind word, kan binne die voorgeskrewe tydperk en op die voorgeskrewe wyse teen die bevinding van die raad van ondersoek na die Minister appelleer en skriftelike vertoë met betrekking tot strafoplegging tot die Minister rig.

(9) Die raad van ondersoek moet en die Sekretaris kan by die Minister aanbevelings doen met betrekking tot die straf wat 'n lid wat skuldig bevind is, opgelê kan word.

(10) Die Minister kan, na oorweging van die notule van die verrigtinge voor die raad van ondersoek en die aanbeveling van die raad, en die aanbeveling van die Sekretaris en die appèlgronde van en vertoë gerig deur die aangeklaagde lid (indien daar is)—

*(a)* gelas dat geen verdere stappe in verband met die saak gedoen word nie;

*(b)* gelas dat die betrokke lid gewaarsku of berispe word;

*(c)* die betrokke lid 'n boete van hoogstens honderd rand oplê wat by wyse van aftrekkings van sy salaris of toelae verhaal kan word;

*(d)* gelas dat sy salaris, rang of graad of sy salaris sowel as sy rang of graad verlaag word in die mate wat aanbeveel word; of

*(e)* gelas dat hy ontslaan of aangesê word om uit die Buro te bedank met ingang van 'n datum wat deur die Minister vermeld word.

Getuies voor rade van ondersoek.

**16.** (1) Iemand wat ingevolge artikel 15 gedagvaar word om as 'n getuie voor 'n raad van ondersoek te verskyn en versuim om op die tyd en plek in die dagvaarding vermeld op te daag of, nadat hy aldaar opgedaag het, weier om alle vrae wat wettig aan hom gestel

Procedure in case of alleged misconduct of members.

**15.** (1) The Secretary may, in the manner prescribed, charge any member with misconduct and request him to submit, within such period and in such manner as may be prescribed, a written admission or denial of the charge and any written explanation he may wish to offer in connection with the alleged misconduct.

(2) After the expiration of the said period the Minister may appoint a board of enquiry to investigate the charge in question.

(3) A board of enquiry shall consist of one or more persons being a member or members of a rank or grade equal to or higher than that of the member charged.

(4) A board of enquiry may subpoena any person as a witness and administer an oath to a person so subpoenaed or, in lieu thereof, accept an affirmation from him.

(5) At the investigation of any charge in terms of this section, the law relating to evidence and witnesses as applicable in connection with criminal proceedings in a magistrate's court, except the first proviso to section 217 (1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall, subject to the provisions of this Act, apply.

(6) Where a member is charged with misconduct which constitutes an offence in respect of which he has been convicted by a court of law, a certified copy of the record of the trial in question shall, on its mere production by any person, be admissible in evidence before the board of enquiry investigating the charge, and a certified copy of the charge and conviction in question shall, on its mere production by any person to such board, be *prima facie* proof of the commission of such offence by the member concerned.

(7) After considering the evidence adduced at the enquiry and affording the member charged or another member assisting or representing him an opportunity of addressing the board of enquiry, the board shall find the member charged guilty or not guilty of the misconduct with which he has been charged and inform him of its finding: Provided that if the member charged admits, pursuant to a request under subsection (1) or to the board, that he is guilty of the misconduct in question, he may be found guilty without any evidence having been adduced.

(8) A member found guilty of misconduct may, within such period and in such manner as may be prescribed, appeal to the Minister against the finding of the board of enquiry and make representations in writing to the Minister in regard to the imposition of punishment.

(9) The board of enquiry shall and the Secretary may make recommendations to the Minister regarding the punishment which may be imposed upon a member found guilty.

(10) The Minister may, after considering the record of the proceedings before the board of enquiry and the recommendation of the board, and the recommendation of the Secretary and the grounds of appeal of and any representations made by the member charged (if any)—

*(a)* direct that no further action be taken in the matter;

*(b)* direct that the member concerned be cautioned or reprimanded;

*(c)* impose upon the member concerned a fine not exceeding one hundred rand which may be recovered by way of deductions from his salary or allowances;

*(d)* direct that his salary, rank or grade or both his salary and rank or grade be reduced to such extent as may be recommended; or

*(e)* direct that he be discharged or be called upon to resign from the Bureau from a date specified by the Minister.

Witnesses before boards of enquiry.

**16.** (1) Any person subpoenaed in terms of section 15 to appear as a witness at an enquiry who fails to attend at the time and place mentioned in the summons, or, having attended, refuses to answer all questions lawfully put to him, shall be guilty of an offence and

is, te beantwoord, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met dié boete sowel as dié gevangenisstraf.

(2) So 'n getuie wat by so 'n ondersoek 'n valse verklaring onder eed aflê met die wete dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir meineed voorgeskryf is.

Verteenwoordiging van en bystand aan lid by ondersoek.

**17.** By 'n ondersoek ingevolge hierdie Wet gehou, kan die lid met betrekking tot wie die ondersoek gehou word, indien hy so verkies, deur 'n ander lid van die Buro bygestaan of verteenwoordig word.

Skorsing van lede van Buro.

**18.** (1) 'n Lid van die Buro kan in sy amp geskors word in afwagting van sy verhoor weens of na sy skuldigbevinding aan enige misdryf, hetsy kragtens hierdie Wet of andersins, of in afwagting van 'n ondersoek waar 'n aanklag van wangedrag teen hom of sy geskiktheid om in die Buro te bly of sy rang of graad te behou, ondersoek word, en moet aldus geskors word gedurende enige tydperk waartydens hy in hegtenis is of aangehou word of gevangenisstraf uitdien, maar hou nie uit hoofde van die skorsing op om 'n lid van die Buro te wees nie.

(2) Terwyl 'n lid van die Buro geskors is, is sy bevoegdhede, werksaamhede en gesag as so 'n lid opgeskort, maar bly hy onderworpe aan dieselfde verpligtings en dissipline asof hy nie geskors was nie.

(3) Die skorsing van 'n lid van die Buro kan te eniger tyd opgehef word.

(4) Die skorsing of opheffing van die skorsing van 'n lid vind plaas in opdrag van die Minister of, indien die Minister nie sy bevoegdheid kragtens hierdie subartikel gedelegeer het nie, as 'n voorlopige maatreël in afwagting van 'n beslissing van die Minister, in opdrag van die Sekretaris.

Salaris, toelaes, voorregte en voordele van lid van Buro wat geskors is.

**19.** (1) 'n Lid van die Buro wat in sy amp geskors is, is nie ten opsigte van die tydperk van sy skorsing geregtig op enige salaris, loon, toelae, voorreg of voordeel waarop hy andersins as so 'n lid geregtig sou gewees het nie, maar die Minister kan na goeddunke gelas dat daar ten opsigte van die tydperk van skorsing van so 'n lid, behalwe 'n tydperk waartydens hy gevangenisstraf uitdien of uitgedien het ingevolge 'n vonnis wat nie by appèl of hersiening tersyde gestel is nie, aan hom sy volle salaris of loon en toelaes of 'n deel daarvan betaal word of aan hom die voorregte en voordele toegestaan word wat die Minister bepaal.

(2) Indien besluit word om 'n lid van die Buro wat in sy amp geskors is, nie te ontslaan nie, word aan daardie lid ten opsigte van die tydperk van sy skorsing, behalwe 'n tydperk waartydens hy gevangenisstraf uitgedien het ingevolge 'n vonnis wat nie by appèl of hersiening tersyde gestel is nie, sy volle salaris of loon en toelaes betaal en al die voorregte en voordele verleen waarop hy as 'n lid van die Buro geregtig sou gewees het indien hy nie geskors was nie: Met dien verstande dat indien so 'n lid in rang of graad verlaag word, daar ten opsigte van bedoelde tydperk aan hom die salaris of loon en toelaes betaal moet word wat geld vir die rang of graad waartoe hy verlaag word, maar indien ten opsigte van daardie tydperk ingevolge subartikel (1) aan hom 'n hoër salaris of loon of hoër toelaes betaal is as die salaris of loon en toelaes wat geld vir die rang of graad waartoe hy verlaag word, hy nie verplig is om die verskil terug te betaal nie.

Wyse waarop kennis gegee of stukke bestel kan word.

**20.** Indien by hierdie Wet bepaal word—

*(a)* dat 'n kennisgewing, verklaring of ander stuk aan iemand gegee of verstrek of bestel moet word of dat enige aangeleentheid skriftelik aan 'n persoon meegedeel moet of kan word, kan die kennisgewing, verklaring, stuk of geskrif per pos in 'n geregistreerde brief aan hom gestuur word of aan hom oorhandig of gelaat word by die plek waar, sover bekend, hy laas gewoon het; of

liable on conviction to a fine not exceeding one hundred rand or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(2) Any such witness who at any such enquiry makes any false statement on oath knowing it to be false shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

Representation of and assistance to member at enquiry.

**17.** At any enquiry held in terms of this Act, the member with reference to whom the enquiry is held, may if he so elects, be assisted or represented by any other member of the Bureau.

Suspension of members of Bureau.

**18.** (1) A member of the Bureau may be suspended from his office pending his trial or after his conviction of any offence, whether under this Act or otherwise, or pending any enquiry at which a charge of misconduct against him or his fitness to remain in the Bureau or to retain his rank or grade is being investigated, and shall be so suspended during any period during which he is under arrest or detention or is serving a term of imprisonment, but shall not by reason of such suspension cease to be a member of the Bureau.

(2) During the suspension of a member of the Bureau his powers, functions and authority as such a member shall be in abeyance, but he shall continue to be subject to the same duties and discipline as if he had not been suspended.

(3) The suspension of a member of the Bureau may be terminated at any time.

(4) The suspension or the termination of the suspension of a member shall take place on the instructions of the Minister or, if the Minister has not delegated his powers under this subsection, as a provisional measure pending the decision of the Minister, on the instructions of the Secretary.

Salary, allowances, privileges and benefits of suspended member of Bureau.

**19.** (1) A member of the Bureau who has been suspended from office, shall not in respect of the period of his suspension be entitled to any salary, wages, allowances, privilege or benefit to which he would otherwise have been entitled as such a member, but the Minister may in his discretion direct that in respect of the period of suspension of such a member, not being a period during which he is or was serving a term of imprisonment in pursuance of a sentence which has not been set aside on appeal or review, there be paid to him the whole or a portion of his salary or wages and allowances or be granted to him such privileges and benefits as the Minister may determine.

(2) If it is decided not to discharge a member of the Bureau who has been suspended from office, such member shall in respect of the period of his suspension, not being a period during which he was serving a term of imprisonment in pursuance of a sentence which has not been set aside on appeal or review, be paid his full salary or wages and allowances and be granted all the privileges and benefits to which he would, but for his suspension, have been entitled as a member of the Bureau: Provided that if such a member is reduced in rank or grade, he shall in respect of such period be paid the salary or wages and allowances applicable to shall rank or grade to which he is reduced, but if in respect of such period he was in terms of subsection (1) paid any salary, wages or allowances in excess of the salary or wages and allowances applicable to the rank or grade to which he is reduced, he shall not be obliged to refund the excess.

Manner in which notices may be given or process served.

**20.** If by this Act it is provided—

*(a)* that any notice, statement or other document is to be given or supplied to or served upon any person or that any matter is to be or may be conveyed to any person in writing, the notice, statement, document or writing may be sent by post in a registered letter or be delivered to him or left at his last known place of residence; or

*(b)* dat 'n persoon van 'n beslissing of bevinding verwittig moet word, kan hy mondeling of per geskrif wat per pos in 'n geregistreerde brief aan hom gestuur word of aan hom oorhandig of gelaat word by die plek waar, sover bekend, hy laas gewoon het, daarvan verwittig word. 5

## HOOFSTUK IV

### ALGEMEEN

Lede moet al hulle tyd ter beskikking van die Staat stel.

**21.** (1) Tensy anders in hierdie Wet bepaal word—

*(a)* moet elke lid al sy tyd ter beskikking van die Staat stel;

*(b)* mag geen lid besoldigde werk buite sy werk in die Buro verrig of hom verbind om dit te verrig nie; en 10

*(c)* kan geen lid regtens aanspraak maak op addisionele besoldiging ten opsigte van enige amptelike diens of werk wat hy deur 'n bevoegde gesag aangesê word om te verrig nie. 15

(2) Ondanks die bepalings van subartikel (1) *(b)*, kan die Minister toestemming aan 'n lid verleen om besoldigde werk buite sy werk in die Buro te verrig of om hom te verbind om dit te verrig.

(3) *(a)* Waar 'n lid enige besoldiging, toelae of ander beloning, 20 van watter aard ook al, in verband met die verrigting van sy werk in die Buro anders as ooreenkomstig die bepalings van hierdie Wet, of in stryd met die bepalings van subartikel (1) *(b)*, ontvang, moet daardie lid aan die Buro 'n bedrag oorbetaal gelykstaande met die bedrag 25 van daardie besoldiging, toelae of beloning of, waar dit nie uit geld bestaan nie, die waarde daarvan, soos bepaal deur die Sekretaris, en as hy dit nie doen nie kan die Sekretaris dit deur middel van geregtelike stappe of op die ander wyse wat die Sekretaris goedvind, op hom 30 verhaal: Met dien verstande dat—

(i) daar 'n reg van appèl na die Minister teen bedoelde bepaling deur die Sekretaris is; en

(ii) die Minister kan goedkeur dat 'n lid die geheel of 'n gedeelte van bedoelde besoldiging, toelae of 35 beloning behou.

*(b)* Waar 'n lid, volgens die oordeel van die Sekretaris, enige besoldiging, toelae of ander beloning soos bedoel in paragraaf *(a)* ontvang het en dit nog in sy besit of onder sy beheer is of ten behoewe van hom in die besit 40 of onder die beheer van iemand anders is of dit, indien dit geld is, in 'n bank, die posspaarbank of 'n bougenootskap of ander finansiële instelling gestort is op sy naam of op naam van iemand anders ten behoewe van hom, kan die Sekretaris daardie lid of so iemand 45 anders of daardie bank, die poskantoor of daardie bougenootskap of finansiële instelling skriftelik aansê om, hangende die uitslag van geregtelike stappe vir die verhaal van daardie besoldiging, toelae of beloning of die waarde daarvan, dit nie van die hand te sit of anders 50 daaroor te beskik nie, of, indien dit geld is, 'n ooreenstemmende bedrag geld te behou, na gelang van die geval.

*(c)* Iemand wat 'n aansegging ingevolge paragraaf *(b)* nie nakom nie, is aan 'n misdryf skuldig en by skuldigbe- 55 vinding strafbaar met 'n boete van hoogstens duisend rand of gevangenisstraf vir 'n tydperk van hoogstens 'n jaar.

(4) Enige salaris, toelae, geld, bonus of honorarium wat betaalbaar is ten opsigte van die dienste van 'n lid wat aan die 60 diens van 'n ander regering of ander owerheid of 'n raad, inrigting of liggaam ingevolge artikel 12 (2) afgestaan is, moet aan die Buro oorbetaal word: Met dien verstande dat onder besondere omstandighede die Minister kan goedkeur dat 'n bedrag wat gelyk is aan genoemde salaris, toelae, geld, bonus of honorarium, of 'n 65 gedeelte daarvan, aan daardie lid betaal word.

*(b)* that any person is to be informed of any decision or finding, he may be informed thereof verbally or by writing sent by post in a registered letter or delivered to him or left at his last known place of residence.

## CHAPTER IV

### GENERAL

Whole time of members to be at the disposal of the State.

**21.** (1) Unless otherwise provided in this Act—

*(a)* every member shall place the whole of his time at the disposal of the State;

*(b)* no member shall perform or engage himself to perform any remunerative work outside his employment in the Bureau; and

*(c)* no member may claim as of right additional remuneration in respect of any official duty or work which he is required by competent authority to perform.

(2) Notwithstanding the provisions of subsection (1), the Minister may grant permission to a member to perform or engage himself to perform remunerative work outside his employment in the Bureau.

(3) *(a)* Where a member receives any remuneration, allowance or other reward whatsoever in connection with the performance of his work in the Bureau, otherwise than in accordance with the provisions of this Act or in contravention of the provisions of subsection (1) *(b)*, such member shall pay to the Bureau an amount equal to the amount of such remuneration, allowance or reward or, where it does not consist of money, the value thereof, as determined by the Secretary, and if he does not do so, the Secretary may recover it by way of legal proceedings or in such other manner as the Secretary may deem fit: Provided that—

(i) there shall be a right of appeal to the Minister against that determination by the Secretary; and

(ii) the Minister may approve the retaining by a member of the whole or a portion of that remuneration, allowance or reward.

*(b)* Where in the opinion of the Secretary a member has received any remuneration, allowance or other reward as contemplated in paragraph *(a)* and it is still in his possession or under his control or in the possession or under the control of some other person on his behalf or, if it is money, has been deposited in any bank, the post office savings bank or any building society or other financial institution in his name or in the name of some other person on his behalf, the Secretary may in writing require such member or such other person or such bank, the post office or such building society or financial institution not to dispose thereof or, if it is money, to retain a corresponding sum of money, as the case may be, pending the outcome of any legal steps for the recovery of such remuneration, allowance or reward or the value thereof.

*(c)* Any person who fails to comply with a requirement in terms of paragraph *(b)* shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or imprisonment for a period not exceeding one year.

(4) Any salary, allowance, fee, bonus or honorarium which may be payable in respect of the services of a member seconded to any other government or any other authority or to any board, institution or body in terms of section 12 (2), shall be paid to the Bureau: Provided that in special circumstances the Minister may approve the payment to such member of an amount equal to the said salary, allowance, fee, bonus or honorarium, or a portion thereof.

**Wet No. 104, 1978**

WET OP DIE BURO VIR STAATSVEILIGHEID, 1978.

Salaris of toelae kan nie gesedeer of in beslag geneem word nie.

**22.** 'n Lid van die Buro mag nie sonder goedkeuring van die Sekretaris enige salaris of toelae, wat ingevolge hierdie Wet aan hom betaalbaar is, of 'n deel daarvan, sedeer nie, en sodanige salaris of toelae of deel daarvan is ook nie vir beslaglegging kragtens of uit hoofde van 'n uitspraak of bevel van 'n geregshof, behalwe 'n skuldbeslagorder, vatbaar nie, en gaan ook nie oor kragtens of uit hoofde van 'n bevel waarby so 'n lid se boedel gesekwestreer word nie.

Beloning vir buitengewone ywer of toewyding.

**23.** Die Sekretaris kan, met die goedkeuring van die Minister, aan iemand wat 'n lid van die Buro is of was, die geldelike of ander beloning vir buitengewone ywer of toewyding by die verrigting van sy pligte as so 'n lid toeken wat hy in die omstandighede gepas ag.

Instelling van dekorasies en medaljes vir lede van Buro.

**24.** Die Staatspresident kan dekorasies en medaljes, asook balke, gespes en linte met betrekking tot sodanige dekorasies en medaljes, instel en invoer wat, onderworpe aan die voorgeskrewe voorwaardes, deur hom of deur die Minister toegeken kan word aan iemand wat 'n lid van die Buro is of was, ten opsigte van sy dienste as so 'n lid, of aan iemand wat besondere dienste aan die Buro bewys het.

Misdrywe in verband met dekorasies en medaljes.

**25.** Iemand wat 'n dekorasie of medalje wat kragtens hierdie Wet ingestel of ingevoer is of die balk, gespe of lint daarvan, of iets wat soveel na so 'n dekorasie, medalje, balk, gespe of lint lyk dat dit bereken is om te mislei, dra of sonder skriftelike vergunning van die Sekretaris gebruik, is, tensy hy die persoon is aan wie daardie dekorasie of medalje toegeken is, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

Valse voorwendsels aangaande verband met die Buro.

**26.** Iemand wat sonder goedkeuring van die Minister, in verband met die een of ander bedrywigheid waarop hy hom toelê, 'n naam, beskrywing, titel of kenteken aanneem, gebruik of op enige wyse publiseer wat aandui of te kenne gee of heet aan te dui of te kenne te gee of wat daarop bereken is om ander persone te laat vermoed of aflei of hulle waarskynlik sal laat vermoed of aflei dat daardie bedrywigheid kragtens of uit hoofde van die bepalings van hierdie Wet of onder beskerming van die Buro voortgesit word, of op die een of ander wyse met die Buro verbonde is of daarmee in verband staan, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand.

Misdrywe in verband met lede en lidmaatskap van Buro.

**27.** Iemand wat nie 'n lid van die Buro is nie, en wat—

*(a)* deur woord, gedrag of houding voorgee dat hy so 'n lid is;

*(b)* 'n lid oorreed om sy plig te versaak of in stryd met sy plig te handel; of

*(c)* medepligtig is aan die pleeg van 'n handeling waardeur 'n wettige bevel wat aan 'n lid gegee is of 'n regulasie ontduik mag word,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Verbod op toegang tot persele van Buro.

**28.** (1) Die Minister kan by kennisgewing in die *Staatskoerant* of op die ander wyse wat hy onder die omstandighede voldoende ag, toegang tot enige grond of perseel wat onder die beheer van die Buro is, verbied of beperk.

(2) Die Minister kan die maatreëls tref of laat tref wat hy nodig ag vir die beveiliging van of die toepassing van 'n verbod op of 'n beperking van toegang tot sodanige grond of perseel, en kan in verband met enige maatreëls aldus getref die kennisgewings laat publiseer of die waarskuwingstekens laat oprig wat hy in elke bepaalde geval nodig ag.

(3) Iemand wat in stryd met 'n verbod of beperking ingevolge subartikel (1) grond betree of 'n perseel binnegaan of daarop of daarin is, is aan 'n misdryf skuldig en by skuldigbevinding

Salary or allowance may not be assigned or attached.

**22.** A member of the Bureau shall not, without the approval of the Secretary, assign any salary or allowance payable to him in terms of this Act, or any part thereof, and such salary or allowance or part thereof shall not be liable to be seized or attached under or by virtue of any judgment or order of any court, other than a garnishee order, or pass under or by virtue of any order made for the sequestration of the estate of any such member.

Reward for extraordinary diligence or devotion.

**23.** The Secretary may, with the approval of the Minister, award to any person who is or was a member of the Bureau, for extraordinary diligence or devotion in the performance of his duties as such a member, such monetary or other reward as he considers appropriate in the circumstances.

Establishment of decorations and medals for members of Bureau.

**24.** The State President may establish and introduce decorations and medals, as also bars, clasps and ribbons in respect of such decorations and medals, which may be awarded by him or by the Minister, subject to such conditions as may be prescribed, to any person who is or was a member of the Bureau, in respect of his services as such a member or to any person who has rendered exceptional services to the Bureau.

Offences in respect of decorations and medals.

**25.** Any person who wears or without the written permission of the Secretary makes use of any decoration or medal established or introduced under this Act, or its bar, clasp or ribbon, or anything so closely resembling any such decoration, medal, bar, clasp or ribbon as to be calculated to deceive, shall, unless he is the person to whom such decoration or medal was awarded, be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

False representations as to association with Bureau.

**26.** Any person who, without the approval of the Minister, in connection with any activity carried on by him takes, assumes, uses or in any manner publishes any name, description, title or symbol indicating or conveying or purporting to indicate or to convey or calculated or likely to lead other persons to believe or infer that such activity is carried on under or by virtue of the provisions of this Act or under the patronage of the Bureau, or is in any manner associated or connected with the Bureau, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand.

Offences in connection with members and membership of Bureau.

**27.** Any person, not being a member of the Bureau, who—

*(a)* by words, conduct or demeanour pretends that he is such a member;

*(b)* persuades any member to omit to carry out his duty or to do any act in conflict with his duty; or

*(c)* is an accomplice to the commission of any act whereby any lawful order given to a member or any regulation may be evaded,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or imprisonment for a period not exceeding six months.

Prohibition of access to premises of Bureau.

**28.** (1) The Minister may by notice in the *Gazette* or in any other manner which he deems sufficient in the circumstances, prohibit or restrict access to any land or premises under the control of the Bureau.

(2) The Minister may take or cause to be taken such measures as he deems necessary for the security of, or the application of a prohibition of or a restriction on access to, such land or premises, and the Minister may in connection with any measures so taken cause such notices to be published or such warning notices to be erected as he may in each particular case deem neccessary.

(3) Any person who enters upon any land or enters or is on or in any premises in contravention of any prohibition or restriction under subsection (1), shall be guilty of an offence and liable on

strafbaar met 'n boete van hoogstens vyfduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens vyftien jaar of met sodanige boete sowel as sodanige gevangenisstraf.

Winkels van buro van sekere belastings, regte en gelde vrygestel.

**29.** (1) Geen belasting, reg of gelde (behalwe doeane-, aksyns- of verkoopregte wat volgens wet hefbaar is) is ingevolge enige wet betaalbaar nie ten opsigte van 'n gesertifiseerde winkel van die Buro in subartikel (2) bedoel of ten opsigte van enige artikel wat in so 'n winkel te koop is.

(2) Die oorlegging van 'n amptelike stuk onderteken deur die Minister en waarin aangedui word dat hy 'n winkel vir die doeleindes van hierdie artikel gesertifiseer het, is afdoende bewys dat dit 'n winkel is wat onder hierdie artikel ressorteer.

(3) By die toepassing van hierdie artikel beteken „winkel" ook 'n menasie of instelling van die Buro of 'n perseel wat tydelik of permanent gebruik word om ontspanning, verversings of benodigdhede te verskaf hoofsaaklik vir lede of afgetrede lede van die Buro of vir die gesinne van sodanige lede of afgetrede lede of vir persone wat in enige werk in, of in verband met, so 'n menasie, inrigting of perseel werksaam is.

Verjaring van aksies, kennisgewing van geding en eisoorsaak, en bestelling van sekere prosesstukke.

**30.** (1) 'n Siviele geding teen die Staat of iemand ten opsigte van iets wat ingevolge hierdie Wet gedoen is, moet ingestel word binne ses maande nadat die eisoorsaak ontstaan het, en skriftelike kennis van so 'n geding en van die oorsaak daarvan moet aan die verweerder gegee word minstens een maand voordat dit ingestel word.

(2) Indien kennis beoog in subartikel (1) aan die Sekretaris gegee word, word dit geag kennisgewing aan die betrokke verweerder te wees.

(3) 'n Prosesstuk waarby 'n geding beoog in subartikel (1) ingestel word en waarin die Minister die verweerder of respondent is, kan aan die Sekretaris bestel word.

Beperking van aanspreeklikheid van Staat en lede van Buro.

**31.** Wanneer iemand in 'n voertuig, vliegtuig of vaartuig wat die eiendom van die Staat is en deur of ten behoewe van die Buro gebruik word, vervoer word of daarvan gebruik maak, is die Staat of 'n lid van die Buro nie teenoor so iemand of sy eggenote, ouer, kind of ander afhanklike aanspreeklik nie vir enige verlies of skade ten gevolge van liggaamlike besering, lewensverlies of verlies of beskadiging van eiendom wat veroorsaak word deur of voortspruit uit of op enige wyse in verband staan met die vervoer van so iemand in of die gebruik deur hom van bedoelde voertuig, vliegtuig of vaartuig, tensy so iemand aldus vervoer word of aldus daarvan gebruik maak by of in belang van die verrigting van die werksaamhede van die Staat: Met dien verstande dat die bepalings van hierdie artikel nie die aanspreeklikheid van 'n lid van die Buro raak wat bedoelde verlies of skade opsetlik veroorsaak nie.

Vermiste lede.

**32.** (1) Indien 'n lid van die Buro vermis word en die Sekretaris oortuig is dat sy afwesigheid ontstaan het uit die verrigting van sy werksaamhede ingevolge hierdie Wet, word daardie lid vir alle doeleindes geag steeds in diens van die Buro te wees vanaf die eerste dag na die dag waarop daardie afwesigheid begin het tot op die dag waarop hy hom weer vir diens aanmeld of, volgens die oordeel van die Sekretaris, moet aangemeld het, of 'n bevoegde hof 'n bevel uitreik waarby die dood van daardie lid vermoed word.

(2) Die salaris of loon en toelaes wat 'n lid toeval tydens sy afwesigheid beoog in subartikel (1) word, behoudens die bepalings van subartikel (4), uitbetaal aan sy eggenote of, indien hy nie 'n eggenote het nie, aan sy ander afhanklikes of aan iemand wat, volgens die oordeel van die Sekretaris, bevoeg is om daardie salaris of loon en toelaes ten behoewe van sy eggenote of daardie ander afhanklikes te ontvang en te administreer.

(3) Betaling van salaris of loon en toelaes ingevolge subartikel (2), word vir alle doeleindes geag betaling daarvan aan die betrokke lid te wees, en 'n bedrag aldus betaal is nie deur die Staat op iemand verhaalbaar nie.

(4) Ondanks die bepalings van subartikel (2) kan die Sekretaris na goeddunke gelas dat slegs 'n gedeelte van 'n lid se salaris of

conviction to a fine not exceeding five thousand rand or to imprisonment for a period not exceeding fifteen years or to both such fine and such imprisonment.

Canteens of Bureau exempted from certain taxes, duties and fees.

**29.** (1) No tax, duty or fee (other than customs, excise or sales duties leviable by law) shall be payable in terms of any law in respect of a certified canteen of the Bureau contemplated in subsection (2) or in respect of any article on sale at such a canteen.

(2) The production of an official document signed by the Minister and indicating that he has certified a canteen for the purposes of this section, shall be conclusive proof that it is a canteen falling under this section.

(3) For the purposes of this section "canteen" includes any mess or institution of the Bureau or any premises temporarily or permanently used for providing recreation, refreshment or necessaries mainly for members or retired members of the Bureau or for the families of such members or retired members or for persons employed in any work in or connection with any such mess, institution or premises.

Limitations of actions, notification of proceedings and cause of action, and service of certain process.

**30.** (1) Any civil proceedings against the State or any person in respect of anything done in pursuance of this Act, shall be instituted within six months after the cause of action arose, and notice in writing of any such proceedings and of the cause thereof shall be given to the defendant not less than one month before it is instituted.

(2) If any notice contemplated in subsection (1) is given to the Secretary, it shall be deemed to be notification to the defendant concerned.

(3) Any process by which any proceedings contemplated in subsection (1) is instituted and in which the Minister is the defendant or respondent, may be served on the Secretary.

Limitation of liability of State and members of Bureau.

**31.** Whenever any person is conveyed in or makes use of any vehicle, aircraft or vessel which is the property of the State and is used by or on behalf the Bureau, the State or a member of the Bureau shall not be liable to such person or his spouse, parent, child or other dependant for any loss or damage resulting from any bodily injury, loss of life or loss of or damage to property caused by or arising out of or in any way connected with the conveyance of such person in, or the use by him of, such vehicle, aircraft or vessel, unless such person is so conveyed or makes use thereof in or in the interest of the performance of the functions of the State: Provided that the provisions of this section shall not affect the liability of a member of the Bureau who wilfully causes the said loss or damage.

Missing members.

**32.** (1) If a member of the Bureau is missing and the Secretary is satisfied that his absence arose from the performance of his functions in terms of this Act, such member shall for all purposes be deemed to be still employed by the Bureau from the first day after the day on which such absence commenced until the day on which he again reports for duty or, in the opinion of the Secretary, should have reported for duty, or a competent court issued an order whereby the death of such member is presumed.

(2) The salary or wages and allowances accruing to a member during his absence contemplated in subsection (1) shall, subject to the provisions of subsection (4), be paid to his spouse or, if he has no spouse, to his other dependants, or to any person who, in the opinion of the Secretary, is competent to receive and administer such salary or wages and allowances on behalf of his spouse or such other dependants.

(3) Payment of any salary or wages and allowances in terms of subsection (2) shall for all purposes be deemed to be payment thereof to the member concerned, and an amount so paid shall not be recoverable by the State from any person.

(4) Notwithstanding the provisions of subsection (2) the Secretary may in his discretion direct that only a portion of the

loon en toelaes ingevolge genoemde subartikel uitbetaal word of dat geen gedeelte daarvan aldus uitbetaal word nie.

Vrystelling van sekere regte en gelde.

**33.** Die bepalings van artikel 28 van die Polisiewet, 1958 (Wet No. 7 van 1958), is *mutatis mutandis* van toepassing ten opsigte van 'n lid van die Buro. 5

Vrystelling van opleiding en diensplig in Suid-Afrikaanse Weermag en Suid-Afrikaanse Polisie.

**34.** (1) Die bepalings van die Verdedigingswet, 1957 (Wet No. 44 van 1957), op diensplig, diens of die verpligting om opleiding te ondergaan, is nie op 'n lid van die Buro van toepassing nie.

(2) Die bepalings van die Polisiewet, 1958 (Wet No. 7 van 1958), op die instelling of funksionering van of diens of opleiding 10 in die Polisiereserwe, is nie op 'n lid van die Buro van toepassing nie.

(3) *(a)* Ondanks die bepalings van subartikels (1) en (2) kan die Minister, in geval van oorlog of wanneer, na sy oordeel, daar 'n noodtoestand bestaan, en met inagneming van 15 die behoeftes van die Buro, 'n lid van die Buro afstaan vir diens of opleiding in die Suid-Afrikaanse Weermag of die Suid-Afrikaanse Polisie.

*(b)* 'n Lid van die Buro is, terwyl hy aldus vir diens of opleiding afgestaan is, onderworpe aan die dissipline, 20 bevel en beheer wat vir die Suid-Afrikaanse Weermag of die Suid-Afrikaanse Polisie, na gelang van die geval, geld, maar word nie daardeur van die toepassing van die bepalings van hierdie Wet onthef nie.

Regulasies.

**35.** (1) Die Staatspresident kan regulasies uitvaardig betref- 25 fende—

*(a)* die indiensneming, opleiding, bevordering, standplaas, oorplasing, verlof, bedanking, afdanking, ontslag, skorsing of verlaging in rang of graad van lede van die Buro;

*(b)* die standaarde van liggaamlike en geestelike geskiktheid 30 en die geneeskundige ondersoek van lede van die Buro en die geneeskundige behandeling, tandheelkundige behandeling en hospitaalbehandeling van sodanige lede en hul gesinne;

*(c)* die voorsiening van geneeskundige behandeling, tand- 35 heelkundige behandeling en hospitaalbehandeling van lede van die Buro wat met pensioen afgetree het of aftree, en hul gesinne en van die gesinne van lede van die Buro wat te sterwe gekom het of sterf;

*(d)* die getalsterkte van die Buro, die diensvoorwaardes van 40 die lede daarvan, en die verskillende afdelings, takke, grade, range en benamings in die Buro;

*(e)* die oprigting en instandhouding van opleidingsinrigtings of -sentrums vir lede van die Buro, en die onderrig, opleiding, dissipline en beheer van sodanige lede by 45 sodanige inrigtings of sentrums;

*(f)* die omskrywing van diens- en dissiplinêre oortredings en, in die algemeen, die beheer oor en dissipline van die Buro;

*(g)* die aftrekkings wat van die salarisse, lone of toelaes van 50 lede van die Buro gemaak moet word;

*(h)* die byeenkoms van rade van ondersoek ingevolge hierdie Wet saamgestel, die prosedure by die verrigtinge van sulke rade en die verskyning van getuies daarby;

*(i)* die aankla van lede weens wangedrag; 55

*(j)* appêlle ingevolge hierdie Wet;

*(k)* die voorsiening van voorrade, toebehore, ander uitrustingsartikels en vervoermiddels wat nodig is vir die Buro, en die versorging, veilige bewaring en instandhouding daarvan; 60

*(l)* die uitoefening van hul bevoegdhede en die verrigting van hul pligte en werksaamhede deur lede van die Buro;

*(m)* die ontwerp, toekenning, gebruik, versorging, verlies, verbeuring en teruggawe van enige dekorasie of medalje ingevolge hierdie Wet ingestel of ingevoer, en die balk, 65 gespe of lint daarvan;

*(n)* opgawes, registers, aantekeninge, boeke, vorms, ander stukke en briefwisseling met betrekking tot die Buro;

salary or wages and allowances of a member be paid in terms of the said subsection or that no portion thereof be so paid.

Exemption from certain duties and fees.

**33.** The provisions of section 28 of the Police Act, 1958 (Act No. 7 of 1958), shall *mutatis mutandis* apply in respect of a member of the Bureau.

Exemption from training and compulsory service in the South African Defence Force and the South African Police.

**34.** (1) The provisions of the Defence Act, 1957 (Act No. 44 of 1957), relating to compulsory service, service or the liability to undergo training shall not apply to any member of the Bureau.

(2) The provisions of the Police Act, 1958 (Act No. 7 of 1958), relating to the establishment or functioning of, or service or training in, the Police Reserve, shall not apply to any member of the Bureau.

(3) *(a)* Notwithstanding the provisions of subsections (1) and (2), the Minister may, in the event of war or when, in his opinion, a state of emergency exists, and with due regard to the requirements of the Bureau, second any member of the Bureau for service or training in the South African Defence Force or the South African Police.

*(b)* A member of the Bureau shall, while so seconded for service or training, be subject to the discipline, command and control apllicable to the South African Defence Force or the South African Police, as the case may be, but shall not thereby be exempted from the application of the provisions of this Act.

Regulations.

**35.** (1) The State President may make regulations as to—

*(a)* the employment, training, promotion, posting, transfer, leave of absence, resignation, discharge, dismissal, suspension or reduction in rank or grade of members of the Bureau;

*(b)* the standards of physical and mental fitness and the medical examination of members of the Bureau, and the medical, dental and hospital treatment of such members and their families;

*(c)* the provision of medical, dental and hospital treatment of members of the Bureau who have retired or retire on pension, and their families and of the families of members of the Bureau who have died or die;

*(d)* the numerical establishment of the Bureau, the conditions of service of the members thereof, and the various divisions, branches, grades, ranks and designations in the Bureau;

*(e)* the establishment and maintenance of training institutions or centres for members of the Bureau, and the instruction, training, discipline and control of such members at such institutions or centres;

*(f)* the definition of offences against duty and discipline and, generally, the control and discipline of the Bureau;

*(g)* the deductions to be made from the salaries, wages or allowances of members of the Bureau;

*(h)* the assembly of boards of enquiry constituted under this Act, the procedure at the proceedings of such boards and the attendance of witnesses thereat;

*(i)* the charging of members with misconduct;

*(j)* appeals in terms of this Act;

*(k)* the provision of stores, accessories, other equipment and means of transport required for the Bureau, and the care, safe custody and maintenance thereof;

*(l)* the exercise of their powers and the performance of their duties and functions by members of the Bureau;

*(m)* the design, award, use, care, loss, forfeiture and restoration of any decoration or medal established or introduced in terms of this Act, and its bar, clasp or ribbon;

*(n)* returns, registers, records, books, forms, other documents and correspondence relating to the Bureau;

*(o)* die verhaal op 'n lid van die Buro van enige tekort, verlies, skade of uitgawe wat hy die Staat onregmatig berokken het;

*(p)* die stigting en die bestuur, en die beheer van die geld, van winkels bedoel in artikel 29;

*(q)* die beheer van geld ingesamel of ontvang deur lede van die Buro vir die voordeel van lede of oud-lede van die Buro, of hulle afhanklikes;

*(r)* die algemene bestuur en instandhouding van die Buro;

*(s)* die behoud van rang by aftrede of bedanking uit die Buro, en die toekenning van ere-range;

*(t)* oor die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die doelstellings van hierdie Wet te verwesenlik.

(2) Verskillende regulasies kan uitgevaardig word met betrekking tot verskillende kategorieë lede van die Buro.

(3) 'n Regulasie betreffende diensvoorwaardes van lede kan ook van toepassing gemaak word op persone wat lede was maar wat nie meer as twee jaar vantevore, bereken vanaf die datum waarop die betrokke regulasie aldus van toepassing gemaak word, opgehou het om lede te wees nie: Met dien verstande dat so 'n regulasie nie ten opsigte van 'n bepaalde persoon geld nie indien dit tot sy nadeel sou strek.

(4) Regulasies kragtens paragraaf *(c)* van subartikel (1) kan voorsiening maak vir voordele ten opsigte van geneeskundige behandeling, tandheelkundige behandeling en hospitaalbehandeling van lede van die Buro wat met pensioen afgetree het en hul gesinne, en van die gesinne van lede van die Buro wat te sterwe gekom het, op dieselfde grondslag waarop voorsiening daarvoor vir lede van die Buro en hul gesinne gemaak word.

(5) 'n Regulasie wat ingevolge hierdie artikel met betrekking tot lede uitgevaardig word, hoef nie in die *Staatskoerant* gepubliseer te word nie, maar word op die wyse wat die Staatspresident bepaal, bekend gemaak aan die lede vir wie dit geld.

Wysiging van artikel 1 van Wet 54 van 1957, soos gewysig deur artikel 1 van Wet 71 van 1963, artikel 1 van Wet 47 van 1965, artikel 1 van Wet 63 van 1967, artikel 29 van Wet 67 van 1968, artikel 1 van Wet 86 van 1969, artikel 1 van Wet 65 van 1971, artikel 51 van Wet 66 van 1974 en artikel 1 van Wet 64 van 1976.

**36.** Artikel 1 van die Staatsdienswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1) die omskrywing van „Kommissie" deur die volgende omskrywing te vervang:

„'Kommissie', die by artikel 4 (1) ingestelde Staatsdienskommissie en, in verband met 'n bevoegdheid, werksaamheid of plig wat aan die Kommissie by hierdie Wet of enige ander wetsbepaling verleen, opgedra of opgelê word, ook enige lid of lede van die Kommissie of 'n beampte **[of 'n Minister]** aan wie die uitoefening van daardie bevoegdheid of die verrigting van daardie werksaamheid of plig wettiglik deur die Kommissie ingevolge artikel 5 (2) **[of deur die Staatspresident ingevolge artikel 6A]** gedelegeer is;".

Wysiging van artikel 2 van Wet 54 van 1957, soos gewysig deur artikel 1 van Wet 9 van 1961, artikel 30 van Wet 67 van 1968 en artikel 52 van Wet 66 van 1974.

**37.** Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die bepalings van hierdie Wet wat persone wat in die dienste <u>of die Buro</u> in diens is, nie uitsluit nie, is op of ten opsigte van sodanige persone van toepassing slegs vir sover hulle nie met die wette wat op hulle diens van toepassing is, in stryd is nie.".

Wysiging van artikel 3 van Wet 54 van 1957, soos gewysig deur artikel 31 van Wet 67 van 1968, artikel 53 van Wet 66 van 1974 en artikel 2 van Wet 64 van 1976.

**38.** Artikel 3 van die Hoofwet word hierby gewysig deur in subartikel (1), na subparagraaf (ii) van paragraaf *(a)*, die volgende subparagraaf in te voeg:

„<u>(iii) in die Buro;</u>".

*(o)* the recovery from a member of the Bureau of any deficiency, loss, damage or expense which he has unlawfully caused to the State;

*(p)* the establishment and conduct, and the control of the funds, of canteens contemplated in section 29;

*(q)* the control of funds collected or received by members of the Bureau for the benefit of members or ex-members of the Bureau, or their dependants;

*(r)* the general government and maintenance of the Bureau;

*(s)* the retention of rank on retirement or resignation from the Bureau and the award of honorary ranks;

*(t)* generally, all matters which he deems necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Different regulations may be made with reference to different categories of members of the Bureau.

(3) A regulation relating to conditions of service of members may be applied also to persons who were members but who had ceased to be members not more than two years previously, calculated from the date on which the regulation in question is so applied: Provided that such a regulation shall not apply in respect of a particular person if it would be to his detriment.

(4) Regulations under paragraph *(c)* of subsection (1) may provide for benefits in respect of medical, dental and hospital treatment of members of the Bureau who have retired on pension and their families and of the families of members of the Bureau who have died on the same basis on which provision therefor is made for members of the Bureau and their families.

(5) A regulation made in terms of this section with reference to members need not be published in the *Gazette* but shall be notified to members to whom it applies in such manner as the State President may determine.

**36.** Section 1 of the Public Service Act, 1957 (hereinafter referred to as the principal Act), is hereby amended by the substitution in subsection (1) for the definition of "Commission" of the following definition:

Amendment of section 1 of Act 54 of 1957, as amended by section 1 of Act 71 of 1963, section 1 of Act 47 of 1965, section 1 of Act 63 of 1967, section 29 of Act 67 of 1968, section 1 of Act 86 of 1969, section 1 of Act 65 of 1971, section 51 of Act 66 of 1974 and section 1 of Act 64 of 1976.

"'Commission' means the Public Service Commission established by section 4 (1) and, in relation to any powers conferred upon or function entrusted to or duty imposed upon the commission by this Act or any other law, includes any member or members of the Commission or any officer **[or any Minister]** to whom the excercise of such power or the performance of such function or duty has been lawfully delegated by the Commission in terms of section 5 (2) **[or by the State President in terms of section 6A]**;".

**37.** Section 2 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 2 of Act 54 of 1957, as amended by section 1 of Act 9 of 1961, section 30 of Act 67 of 1968 and section 52 of Act 66 of 1974.

"(2) The provisions of this Act which do not exclude persons employed in the services or the Bureau shall apply to or in respect of such persons only to the extent that they are not in conflict with the laws governing their employment.".

**38.** Section 3 of the principal Act is hereby amended by the insertion in subsection (1), after subparagraph (ii) of paragraph *(a)*, of the following subparagraph:

Amendment of section 3 of Act 54 of 1957, as amended by section 31 of Act 67 of 1968, section 53 of Act 66 of 1974 and section 2 of Act 64 of 1976.

"(iii) in the Bureau;".

**Wet No. 104, 1978**

WET OP DIE BURO VIR STAATSVEILIGHEID, 1978.

Herroeping van artikel 6A van Wet 54 van 1957, soos ingevoeg deur artikel 2 van Wet 86 van 1969.

**39.** Artikel 6A van die Hoofwet word hierby herroep.

Wysiging van artikel 7 van Wet 54 van 1957, soos gewysig deur artikel 4 van Wet 63 van 1967, artikel 3 van Wet 86 van 1969 en artikel 6 van Wet 64 van 1976.

**40.** Artikel 7 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde wat onmiddellik op paragraaf *(j)* volg, deur die volgende woorde te vervang:

„wat uitgawes uit die Staatsinkomstefonds meebring, behalwe 'n aanbeveling **[met betrekking tot die organisasie of werksaamhede van die Buro of tot 'n persoon wat 'n pos of betrekking in die Buro beklee of 'n aanbeveling]** wat deur of op gesag van 'n Administrateur van 'n provinsie of van die gebied uitgevoer moet word, word aan die Tesourie meegedeel en nie uitgevoer nie tensy die Tesourie sodanige uitgawe goedkeur: Met dien verstande dat die Tesourie na goeddunke en op die voorwaardes deur hom bepaal, sy bevoegdhede om sodanige uitgawes goed te keur, aan 'n beampte kan delegeer.''.

Wysiging van artikel 11 van Wet 54 van 1957, soos gewysig deur artikel 2 van Wet 9 van 1961, artikel 4 van Wet 86 van 1969, artikel 1 van Wet 54 van 1973 en artikel 1 van Wet 97 van 1976.

**41.** Artikel 11 van die Hoofwet word hierby gewysig deur dié deel van die voorbehoudsbepaling by subartikel (4) wat paragraaf *(i)* daarvan voorafgaan, deur die volgende woorde te vervang:

„Met dien verstande dat, indien die Kommissie die aanstelling van 'n persoon wat nie 'n beampte is nie, aanbeveel om 'n pos in die administratiewe afdeling te vul, die Kommissie **[behalwe in die geval van die vulling van 'n pos in die Buro]** in sy jaarverslag die volgende besonderhede moet verstrek:''.

Wysiging van artikel 13 van Wet 54 van 1957, soos gewysig deur artikel 5 van Wet 86 van 1969, artikel 4 van Wet 65 van 1971, artikel 2 van Wet 54 van 1973 en artikel 54 van Wet 66 van 1974.

**42.** Artikel 13 van die Hoofwet word hierby gewysig—

*(a)* deur paragraaf *(d)* van subartikel (1) te skrap; en

*(b)* deur subartikel (4) deur die volgende subartikel te vervang:

„(4) 'n Lid van enigeen van die drie takke van die dienste mag nie sonder sy toestemming na 'n pos in 'n ander van bedoelde takke van die dienste of na 'n pos in die administratiewe, klerklike, vakkundige, tegniese, algemene A- of algemene B-afdeling oorgeplaas word nie; 'n beampte wat 'n pos in so 'n afdeling beklee, mag nie sonder sy toestemming na 'n pos in 'n tak van die dienste oorgeplaas word nie; en 'n beampte wat 'n pos in so 'n afdeling buite die Buro beklee, mag nie sonder sy toestemming na 'n pos in die Buro oorgeplaas word nie, en 'n **[beampte wat 'n pos in]** lid van die Buro **[beklee]** mag, behoudens die bepalings van die Wet op die Buro vir Staatsveiligheid, 1978, nie sonder sy toestemming na 'n pos in so 'n afdeling buite die Buro oorgeplaas word nie **[indien so 'n oorplasing 'n verandering in sy diensvoorwaardes sal meebring]**.''.

Wysiging van artikel 14 van Wet 54 van 1957, soos gewysig deur artikel 6 van Wet 86 van 1969, artikel 1 van Wet 58 van 1972 en artikel 7 van Wet 64 van 1976.

**43.** Artikel 14 van die Hoofwet word hierby gewysig—

*(a)* deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behoudens die bepalings van subartikels (2), (3) en (4) **[en (5)]**, het 'n beampte (behalwe 'n lid van die dienste of **['n beampte in diens van]** die Buro) **[wat op of na die vier-en-twintigste dag van Junie 1955 aangestel is]** die reg om uit die staatsdiens af te tree wanneer hy die leeftyd van vyf-en-sestig jaar bereik en word hy aldus afgedank wanneer hy genoemde leeftyd bereik.'';

*(b)* deur subartikel (2) te skrap;

*(c)* deur subartikel (3) deur die volgende subartikel te vervang:

„**[(3)]** (2) 'n Beampte (behalwe 'n lid van die dienste of **['n beampte in diens van]** die Buro) wat met ingang van 'n datum voor 24 Junie 1955 aangestel is,

**39.** Section 6A of the principal Act is hereby repealed.

Repeal of section 6A of Act 54 of 1957, as inserted by section 2 of Act 86 of 1969.

**40.** Section 7 of the principal Act is hereby amended by the substitution in subsection (2), for the words immediately following upon paragraph *(j)*, of the following words:

"involving expenditure from the State Revenue Fund, other than a recommendation **[relating to the organization or functions of the Bureau or to a person holding a post or appointment in the Bureau or a recommendation]** required to be carried out by or on the authority of an Administrator of a province or of the territory, shall be communicated to the Treasury and shall not be carried out unless the Treasury approves such expenditure: Provided that the Treasury may, in its discretion and upon such conditions as it may determine, delegate its power to approve of such expenditure, to any officer.".

Amendment of section 7 of Act 54 of 1957, as amended by section 4 of Act 63 of 1967, section 3 of Act 86 of 1969 and section 6 of Act 64 of 1976.

**41.** Section 11 of the principal Act is hereby amended by the substitution for that part of the proviso to subsection (4) preceding paragraph *(i)* thereof of the following words:

"Provided that, if the Commission recommends the appointment of a person who is not an officer, to fill any post in the administrative division, the Commission shall **[except in the case of the filling of a post in the Bureau]** furnish in its annual report the following particulars:".

Amendment of section 11 of Act 54 of 1957, as amended by section 2 of Act 9 of 1961, section 4 of Act 86 of 1969, section 1 of Act 54 of 1973 and section 1 of Act 97 of 1976.

**42.** Section 13 of the principal Act is hereby amended—

*(a)* by the deletion of paragraph *(d)* of subsection (1); and

*(b)* by the substitution for subsection (4) of the following subsection:

"(4) A member of any of the three branches of the services shall not, without his consent, be transferred to a post in any other of the said branches of the services or to a post in the administrative, clerical, professional, technical, general A or general B division; an officer holding a post in any such division shall not, without his consent, be transferred to a post in any branch of the services; and an officer holding a post in any such division outside the Bureau shall not, without his consent, be transferred to a post in the Bureau, and **[an officer holding a post in]** a member of the Bureau shall, subject to the provisions of the Bureau for State Security Act, 1978, not, without his consent, be transferred to a post in any such division outside the Bureau **[if such transfer will result in a change in his conditions of service]**.".

Amendment of section 13 of Act 54 of 1957, as amended by section 5 of Act 86 of 1969, section 4 of Act 65 of 1971, section 2 of Act 54 of 1973 and section 54 of Act 66 of 1974.

**43.** Section 14 of the principal Act is hereby amended—

*(a)* by the substitution for subsection (1) of the following subsection:

"(1) Subject to the provisions of subsections (2), (3) and (4) **[and (5)]**, an officer (other than a member of the services or **[an officer employed in]** the Bureau) **[appointed on or after the twenty-fourth day of June, 1955]** shall have the right to retire from the public service on attaining the age of sixty-five and shall be so retired on reaching the said age.";

*(b)* by the deletion of subsection (2);

*(c)* by the substitution for subsection (3) of the following subsection:

"**[(3)]** (2) An officer (other than a member of the services or **[an officer employed in]** the Bureau) who was appointed with effect from a date prior to 24 June

Amendment of section 14 of Act 54 of 1957, as amended by section 6 of Act 86 of 1969, section 1 of Act 58 of 1972 and section 7 of Act 64 of 1976.

het die reg om te eniger tyd voor of nadat hy, in die geval van 'n manlike beampte, die leeftyd van sestig jaar of, in die geval van 'n vroulike beampte, die leeftyd van vyf-en-vyftig jaar bereik, aan sy departementshoof kennis te gee van sy begeerte om uit die staatsdiens afgedank te word, en indien hy aldus kennis gee, word hy—

*(a)* indien bedoelde kennisgewing minstens drie kalendermaande voor die datum waarop hy bedoelde leeftyd bereik, gegee word, aldus afgedank wanneer hy daardie leeftyd bereik; of

*(b)* indien bedoelde kennisgewing nie minstens drie kalendermaande voor die datum waarop hy bedoelde leeftyd bereik, gegee word nie, aldus afgedank op die eerste dag van die vierde maand na die maand waarin bedoelde kennisgewing ontvang word.'';

*(d)* deur subartikel (4) deur die volgende subartikel te vervang:

„**[**(4)**]** (3) As dit in die openbare belang is om 'n beampte wat nie 'n lid van die dienste of **['n beampte in diens van]** die Buro is nie, in sy pos in diens te hou na die leeftyd waarop hy ooreenkomstig subartikel (1) **[of (2)]** afgedank moet word, kan hy aldus van tyd tot tyd op aanbeveling van die Kommissie en met die goedkeuring van die Minister of Administrateur in diens gehou word vir verdere tydperke wat, behalwe met die goedkeuring, by besluit, van die Senaat en die Volksraad altesaam nie twee jaar te bowe mag gaan nie **[: Met dien verstande dat in die geval van 'n beampte wie se pensioenleeftyd een-en-sestig jaar is, die verdere tydperk wat nie te bowe gegaan mag word nie, vier jaar is]**.'';

*(e)* deur subartikel (5) deur die volgende subartikel te vervang:

„**[**(5)**]** (4) 'n Beampte (behalwe 'n lid van die dienste **['n beampte in diens van]** of die Buro of 'n in subartikel (9) bedoelde beampte) wat die leeftyd van sestig jaar bereik het, kan, onderworpe in elke geval aan die aanbeveling van die Kommissie en die goedkeuring van die Minister of Administrateur, uit die staatsdiens afgedank word: Met dien verstande dat in die geval van 'n in subartikel (2) bedoelde beampte, die leeftyd waarop of waarna hy aldus afgedank kan word, in die geval van 'n manlike beampte vyf-en-vyftig jaar en in die geval van 'n vroulike beampte vyftig jaar is.'';

*(f)* deur in subartikel (6) die woorde wat paragraaf *(a)* voorafgaan, deur die volgende woorde te vervang:

„(6) Elke beampte (behalwe 'n lid van die dienste of die Buro) kan uit die staatsdiens ontslaan word—''; en

*(g)* deur in subartikel (8) die woorde wat die eerste voorbehoudsbepaling voorafgaan, deur die volgende woorde te vervang:

„(8) 'n Beampte (behalwe 'n lid van die dienste of **['n beampte in diens van]** die Buro) wat sonder verlof van sy departementshoof, of hoof van sy kantoor of inrigting, vir 'n tydperk van meer as een kalendermaand van sy ampspligte wegbly, word geag uit die staatsdiens weens wangedrag ontslaan te gewees het met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was:''.

Wysiging van artikel 15 van Wet 54 van 1957, soos gewysig deur artikel 7 van Wet 86 van 1969.

**44.** Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) As 'n departementshoof aan die Minister of Administrateur verslag doen dat 'n beampte (behalwe 'n beampte wat 'n pos in die algemene B-afdeling beklee, en behalwe 'n lid van die dienste of **['n beampte in diens van]** die Buro) in sy departement, na sy mening, ongeskik is vir sy pligte of nie

1955, shall have the right at any time before or after attaining, in the case of a male officer, the age of sixty years or, in the case of a female officer, the age of fifty-five years, to give written notification to his head of department of his wish to be retired from the public service, and if he gives such notification he shall—

*(a)* if such notification is given at least three calendar months prior to the date on which he attains the said age, be so retired on attaining that age; or

*(b)* if such notification is not given at least three calendar months prior to the date on which he attains the said age, be so retired on the first day of the fourth month following the month in which such notification is received.''.

*(d)* by the substitution for subsection (4) of the following subsection:

''**[(4)]** (3) If it is in the public interest to retain an officer, not being a member of the services or **[an officer employed in]** the Bureau, in his post beyond the age at which in accordance with subsection (1) **[or (2)]**, he shall be retired, he may be so retained from time to time, on the recommendation of the Commission and subject to the approval of the Minister or Administrator, for further periods which shall not, except with the approval by resolution, of the Senate and the House of Assembly, exceed in the aggregate two years **[: Provided that in the case of an officer whose pensionable age is sixty-one years, the further period which shall not be exceeded shall be four years]**.'';

*(e)* by the substitution for subsection (5) of the following subsection:

''**[(5)]** (4) An officer (other than a member of the services **[an officer employed in]** or the Bureau or an officer referred to in subsection (9)) who has reached the age of sixty years may, subject in every case to the recommendation of the Commission and the approval of the Minister or Administrator, be retired from the public service: Provided that in the case of an officer to whom subsection (2) refers, the age at or after which he may be so retired shall in the case of a male officer be fifty-five years and in the case of a female officer be fifty years.'';

*(f)* by the substitution in subsection (6) for the words preceding paragraph *(a)* of the following words:

''(6) Every officer (other than a member of the services or the Bureau) is liable to be discharged from the public service—''; and

*(g)* by the substitution in subsection (8) for the words preceding the first proviso of the following words:

''(8) An officer (other than a member of the services or **[an officer employed in]** the Bureau) who absents himself from his official duties without permission of his head of department, office or institution for a period exceeding one calendar month, shall be deemed to have been discharged from the public service on account of misconduct with effect from the date immediately succeeding his last day of attendance at his place of duty:''.

**44.** Section 15 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 15 of Act 54 of 1957, as amended by section 7 of Act 86 of 1969.

''(1) If a head of a department reports to the Minister or Administrator that any officer (other than an officer who is the holder of a post in the general B division, and other than a member of the services or **[an officer employed in]** the Bureau) in his department is, in his opinion, unfit for his

in staat is om hulle op bekwame wyse uit te voer nie, stel die Minister of Administrateur 'n beampte aan om ondersoek na die inhoud van daardie verslag in te stel; en as so 'n verslag aan 'n departementshoof gedoen word deur 'n beampte wat ingevolge artikel 9 (3) aangewys is om departemente te inspekteer, stuur dié departementshoof binne een kalendermaand na die datum waarop hy dit ontvang het, dit deur na die Minister of Administrateur wat 'n beampte aanstel om ondersoek na die inhoud van daardie verslag in te stel.''.

Wysiging van artikel 17 van Wet 54 van 1957, soos gewysig deur artikel 5 van Wet 63 van 1967, artikel 8 van Wet 86 van 1969 en artikel 3 van Wet 54 van 1973.

**45.** Artikel 17 van die Hoofwet word hierby gewysig deur die woorde wat paragraaf *(a)* voorafgaan, deur die volgende woorde te vervang:

,,'n Beampte (behalwe 'n lid van die dienste of **['n beampte in diens van]** die Buro) is skuldig aan wangedrag en daar kan ooreenkomstig die bepalings van artikel 18 met hom gehandel word, as hy—''.

Wysiging van artikel 18 van Wet 54 an 1957, soos gewysig deur artikel 9 van Wet 86 van 1969.

**46.** Artikel 18 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

,,(1) Wanneer 'n beampte (behalwe 'n departementshoof of 'n lid van die dienste of **['n beampte in diens van]** die Buro) van wangedrag beskuldig word, kan sy departementshoof, of 'n beampte in daardie departement wat deur die departementshoof daartoe gemagtig is, hom skriftelik onder sy handtekening van daardie wangedrag aankla.''.

Wysiging van artikel 25 van Wet 54 van 1957.

**47.** Artikel 25 van die Hoofwet word hierby gewysig deur paragraaf *(b)* van subartikel (1) deur die volgende paragraaf te vervang:

,,*(b)* beamptes wat beamptes in die staatsdiens (behalwe die dienste en die Buro) verteenwoordig wat, onderworpe aan die voorwaardes en uitsonderings wat insgelyks voorgeskryf word, benoem word deur personeelverenigings wat deur die Kommissie erken word.''.

Wysiging van artikel 26 van Wet 54 van 1957, soos gewysig deur artikel 4 van Wet 71 van 1963, artikel 6 van Wet 63 van 1967, artikel 10 van Wet 86 van 1969 en artikel 5 van Wet 54 van 1973.

**48.** Artikel 26 van die Hoofwet word hierby gewysig—

*(a)* deur paragraaf *(e*A) van subartikel (1) te skrap;

*(b)* deur subartikel (3) deur die volgende subartikel te vervang:

,,(3) **['n Regulasie wat ingevolge hierdie Wet op aanbeveling van die in artikel 6A bedoelde Minister uitgevaardig word, hoef nie in die Senaat of in die Volksraad ter Tafel gelê te word nie maar elke ander regulasie]** Elke regulasie wat ingevolge hierdie Wet uitgevaardig word, is van krag en regsgeldig tensy en totdat, gedurende die sessie waarby dit in die Senaat en in die Volksraad ter Tafel gelê is soos bepaal by artikel 17 van die Interpretasiewet, 1957 (Wet No. 33 van 1957), sowel die Senaat as die Volksraad die regulasie by besluit afgekeur het, in watter geval die regulasie verval met ingang van 'n datum wat in die besluit vermeld word, maar die verval van die regulasie raak nie die geldigheid van enigiets wat ingevolge die regulasie voor die datum van die besluit gedoen is nie, en niks wat in hierdie subartikel vervat is, raak die bevoegdheid van die Staatspresident om 'n nuwe regulasie aangaande die inhoud van daardie regulasie uit te vaardig nie.''; en

*(c)* deur subartikel (4) te skrap.

Kort titel.

**49.** Hierdie Wet heet die Wet op die Buro vir Staatsveiligheid, 1978.

duties or incapable of carrying them out efficiently, the Minister or Administrator shall appoint an officer to enquire into the subject matter of that report; and if any such report is made to a head of department by an officer designated in terms of section 9 (3) to inspect departments, the said head of department shall, within one calendar month of the date on which he received it, transmit it to the Minister or Administrator who shall appoint an officer to enquire into the subject matter of that report.''.

**45.** Section 17 of the principal Act is hereby amended by the substitution for the words preceding paragraph *(a)* of the following words:

''Any officer (other than a member of the services or **[an officer employed in]** the Bureau) shall be guilty of misconduct and may be dealt with in accordance with the provisions of section 18, if he—''.

Amendment of section 17 of Act 54 of 1957, as amended by section 5 of Act 63 of 1967, section 8 of Act 86 of 1969 and section 3 of Act 54 of 1973.

**46.** Section 18 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

''(1) When an officer (other than a head of department or a member of the services or **[an officer employed in]** the Bureau) is accused of misconduct, his head of department, or any officer in that department who has been authorized thereto by the head of department, may charge him in writing under his hand with that misconduct.''.

Amendment of section 18 of Act 54 of 1957, as amended by section 9 of Act 86 of 1969.

**47.** Section 25 of the principal Act is hereby amended by the substitution for paragraph *(b)* of subsection (1) of the following paragraph:

''*(b)* officers representing officers in the public service (excluding the services and the Bureau) who shall, subject to such conditions and exceptions as may likewise be prescribed, be nominated by staff associations recognized by the Commission.''.

Amendment of section 25 of Act 54 of 1957.

**48.** Section 26 of the principal Act is hereby amended—

*(a)* by the deletion of paragraph *(e*A*)* of subsection (1);

*(b)* by the substitution for subsection (3) of the following subsection:

''(3) **[It shall not be necessary to lay upon the Table in the Senate or in the House of Assembly any regulation made under this Act on the recommendation of the Minister referred to in section 6A but every other regulation]** Every regulation made under this Act shall be of force and effect unless and until, during the session in which it has been laid upon the Table in the Senate and in the House of Assembly as provided by section 17 of the Interpretation Act, 1957 (Act No. 33 of 1957), both the Senate and the House of Assembly have by resolution disapproved of the regulation, in which event the regulation shall lapse as from a date to be specified in the resolution, but the lapsing of the regulation shall not affect the validity of anything done under the regulation before the date of the resolution, and nothing contained in this subsection shall affect the power of the State President to make a new regulation as to the subject matter of that regulation.''; and

*(c)* by the deletion of subsection (4).

Amendment of section 26 of Act 54 of 1957, as amended by section 4 of Act 71 of 1963, section 6 of Act 63 of 1967, section 10 of Act 86 of 1969 and section 5 of Act 54 of 1973.

**49.** This Act shall be called the Bureau for State Security Act, 1978.

Short title.

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