



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

**PRICE + 1c GST 20c PRYS + 1c AVB
ABROAD 30c BUITELANDS
POST FREE · POSVRY**

VOL. 168]

CAPE TOWN, 29 JUNE 1979

KAAPSTAD, 29 JUNIE 1979

[No. 6538

DEPARTMENT OF THE PRIME MINISTER

No. 1410.

29 June 1979.

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

No. 89 of 1979: Diamond Cutting Act, 1979.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1410.

29 Junie 1979.

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

No. 89 van 1979: Wet op Diamantslypery, 1979.

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

ACT

To regulate and control the cutting of diamonds, and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 20 June 1979.)*

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

Definitions.

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

- (i) “approved premises”, in relation to a licensee, means 5
premises approved by the board in terms of the provisions of section 28 (1) for the purposes of the carrying on on such premises by such licensee of diamond polishing or diamond repair work, and described in the licence issued to such licensee, or premises the address of which has been 10
endorsed on such licence in terms of the provisions of section 28 (2); (x)
- (ii) “board” means the Diamond Cutting Board established by section 2; (xxii)
- (iii) “certificate of registration” means a certificate of 15
registration issued under section 32; (xxiii)
- (iv) “chief of the diamond branch” means the member of the South African Police designated as chief of the Diamond and Gold Branch of the South African Police by the commissioner, or a member of the South African 20
Police acting under the authority of the said chief; (xiii)
- (v) “commissioner” means the Commissioner of the South African Police or a member of the South African Police designated by him for the purposes of this Act; (xv)
- (vi) “controlling interest”, in relation to any company, 25
means—
 - (a) a majority of its shares; or
 - (b) shares representing more than half of its share capital; or
 - (c) shares of a value in excess of half of the aggregate 30
value of all its shares; or
 - (d) shares entitling the holders thereof to more than half of its profits or assets; or
 - (e) shares entitling the holders thereof to a majority or preponderance of votes; or 35
 - (f) any interest acquired by virtue of the grant of loans for an amount exceeding in the aggregate half of its share capital, or debentures for such an amount; or

WET

Om die slyp van diamante te reël en te beheer, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1979.)

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

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

- (i) „beherende belang”, met betrekking tot ’n maatskappy—
 - (a) die meerderheid van sy aandele; of
 - (b) aandele wat meer as die helfte van sy aandeelkapitaal verteenwoordig; of
 - (c) aandele ter waarde van meer as die helfte van die gesamentlike waarde van al sy aandele; of
 - (d) aandele wat aan die houers daarvan reg op meer as die helfte van sy winste of bates verleen; of
 - (e) aandele wat aan die houers daarvan reg op ’n meerderheid of oorwig van stemme verleen; of
 - (f) ’n belang verkry uit hoofde van die verstreking van lenings tot ’n bedrag wat in totaal meer is as die helfte van sy aandeelkapitaal, of obligasies vir so ’n bedrag; of
 - (g) die mag om regstreeks of onregstreeks, deur die besit van die een of ander belang, hetsy van die in paragrawe (a) tot en met (f) bedoelde aard al dan nie, in ’n ander maatskappy, of op enige ander wyse, enige beheer van watter aard ook al oor die bedrywighede of bates van die maatskappy uit te oefen; (vi)
- (ii) „boekjaar” die tydperk vanaf 1 Januarie in enige jaar tot 31 Desember in daardie jaar; (x)
- (iii) „brokstuk” ’n deel van ’n diamant wat in die loop van diamantslypery van die hoofdeel verwyder is en wat so onreëlmatig in vorm en so klein is dat dit nie geskik is om geslyp te word nie; (xi)
- (iv) „diamantpoeier” poeier wat ontstaan uit enige van die prosesse in verband met die slyp of fynmaak van diamante; (ix)
- (v) „fonds” die Diamantslypfonds ingestel kragtens artikel 13; (xii)
- (vi) „fyngemaakte diamant” enige deel van ’n diamant wat enige van die prosesse in verband met fynmaak ondergaan het; (vii)
- (vii) „gedeelte bewerkte diamant” ’n diamant wat een of meer van die prosesse in verband met die slyp van

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

- (g) the power to exercise, directly or indirectly, by holding any interest, whether or not of the nature referred to in paragraphs (a) to and including (f), in any other company, or in any other way, any control whatsoever over the activities or assets of the company; (i) 5
- (vii) "crushed diamond" means any part of a diamond which has been subjected to any of the processes of crushing; (vi)
- (viii) "dealer" means any person licensed or authorized under any law to deal in unpolished diamonds as a dealer, broker or factor in terms of that law; (xi) 10
- (ix) "diamond dust" means dust resulting from any of the processes of diamond polishing or diamond crushing; (iv) 15
- (x) "financial year" means the period from 1 January in any year to 31 December in that year; (ii)
- (xi) "fragment" means a part of a diamond separated from the main stone in the course of diamond polishing and of so irregular a shape and small a size as to be unsuitable for polishing; (iii) 20
- (xii) "fund" means the Diamond Cutting Fund established under section 13; (v)
- (xiii) "holder", in relation to a licence, means a person or any company, partnership or other association of persons to whom or to which a licence has been issued, and includes, in the case of such company, partnership or other association of persons, any natural person referred to in section 22; (xiv) 25
- (xiv) "licence" means a licence issued under this Act; (xvi) 30
- (xv) "licensee" means a person or any company, partnership or other association of persons to whom or to which a licence has been issued; (xvii)
- (xvi) "Minister" means the Minister of Mines; (xviii)
- (xvii) "new licence" means a licence issued for the first time; (xix) 35
- (xviii) "new licensee" means a person or any company, partnership or other association of persons to whom or to which a new licence has been issued; (xx)
- (xix) "partly manufactured diamond" means a diamond which has been subjected to one or more of the processes of diamond polishing, but not to an extent sufficient for it to be regarded by the board as a fully polished diamond, and includes a diamond known as an 'acht kant', but does not include such an 'acht kant' which the board has ruled shall be regarded as a fully polished diamond for the purposes of this Act; (vii) 40 45
- (xx) "polished diamond" means a diamond which has been subjected to all the processes of diamond polishing, including the process known as brilliantteering, in accordance with the requisites of its class or form, to an extent sufficient for it to be regarded by the board as a fully polished diamond; (ix) 50
- (xxi) "polishing of diamonds" or "diamond polishing" means the sawing, cleaving, cutting, dividing in any manner, faceting, brilliantteering or crushing of an unpolished diamond; (xxiv) 55
- (xxii) "prescribed" means prescribed by regulation made under section 39; (xxv)
- (xxiii) "previous Act" means the Diamond Cutting Act, 1955 (Act No. 33 of 1955), and includes any notice, rule or regulation issued or made thereunder; (xxvi) 60
- (xxiv) "registered employee" means the holder of a valid certificate of registration issued under section 32 and includes a person who is under the provisions of that section deemed to be the holder of such a certificate; (viii) 65
- (xxv) "this Act" includes any notice or regulation issued or made thereunder; (xii)

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

- diamante ondergaan het, maar nie in so 'n mate dat dit deur die raad as 'n volledig geslypte diamant beskou word nie, en ook 'n diamant wat as 'n „acht kant” bekend staan, maar nie ook so 'n „acht kant” nie wat die raad beslis het by die toepassing van hierdie Wet as 'n volledig geslypte diamant beskou moet word; (xix)
- 5 (viii) „geregistreerde werknemer” die houer van 'n geldige registrasiesertifikaat uitgereik kragtens artikel 32, en ook iemand wat kragtens die bepalings van daardie artikel geag word die houer van so 'n sertifikaat te wees; (xxiv)
- 10 (ix) „geslypte diamant” 'n diamant wat al die prosesse in verband met die slyp van diamante, met inbegrip van die proses wat as briljantering bekend staan, ooreenkomstig die vereistes van sy klas of vorm ondergaan het in so 'n mate dat dit deur die raad as 'n volledig geslypte diamant beskou word; (xx)
- 15 (x) „goedgekeurde perseel”, met betrekking tot 'n lisensiehouer, 'n perseel wat ingevolge die bepalings van artikel 28 (1) deur die raad goedgekeur is vir die doeleindes van die verrigting op so 'n perseel deur so 'n lisensiehouer van diamantslypery of diamantherstelwerk, en wat beskryf word in die lisensie wat aan so 'n lisensiehouer uitgereik is, of 'n perseel waarvan die adres ingevolge die bepalings van artikel 28 (2) op so 'n lisensie geëndosseer is; (i)
- 20 (xi) „handelaar” 'n persoon wat kragtens die een of ander wet gelisenseer of gemagtig is om ooreenkomstig daardie wet as 'n handelaar, makelaar of faktor in ongeslypte diamante handel te dryf; (viii)
- 25 (xii) „hierdie Wet” ook 'n kennisgewing of regulasie daarkragtens uitgereik of uitgevaardig; (xxv)
- 30 (xiii) „hoof van die diamanttak” die lid van die Suid-Afrikaanse Polisie wat as hoof van die Diamant- en Goudtak van die Suid-Afrikaanse Polisie deur die kommissaris aangewys is, of 'n lid van die Suid-Afrikaanse Polisie wat onder bedoelde hoof se gesag handel; (iv)
- 35 (xiv) „houer”, met betrekking tot 'n lisensie, 'n persoon of 'n maatskappy, vennootskap of ander vereniging van persone aan wie 'n lisensie uitgereik is, en ook, in die geval van so 'n maatskappy, vennootskap of ander vereniging van persone, 'n natuurlike persoon bedoel in artikel 22; (xiii)
- 40 (xv) „kommissaris” die Kommissaris van die Suid-Afrikaanse Polisie of 'n lid van die Suid-Afrikaanse Polisie wat vir die doeleindes van hierdie Wet deur hom aangewys is; (v)
- 45 (xvi) „lisensie” 'n lisensie uitgereik kragtens hierdie Wet; (xiv)
- 50 (xvii) „lisensiehouer” 'n persoon of 'n maatskappy, vennootskap of ander vereniging van persone aan wie 'n lisensie uitgereik is; (xv)
- (xviii) „Minister” die Minister van Mynwese; (xvi)
- (xix) „nuwe lisensie” 'n lisensie wat vir die eerste maal uitgereik word; (xvii)
- 55 (xx) „nuwe lisensiehouer” 'n persoon of 'n maatskappy, vennootskap of ander vereniging van persone aan wie 'n nuwe lisensie uitgereik is; (xviii)
- (xxi) „ongeslypte diamant” 'n diamant in sy natuurlike staat en wat nie deur enige proses of op enige wyse verander is nie, en ook 'n gedeeltelik bewerkte diamant, 'n brokstuk, diamantpoeier en 'n diamant vervaardig deur middel van enige sintetiese, meganiese of chemiese proses en wat nie aldus verander is nie; (xxvi)
- 60 (xxii) „raad” die Diamantslypraad ingestel by artikel 2; (ii)
- 65 (xxiii) „registrasiesertifikaat” 'n registrasiesertifikaat uitgereik kragtens artikel 32; (iii)
- (xxiv) „slyp van diamante” of „diamantslypery” die saag, kloof, sny, verdeling op enige wyse, fasettering, briljantering of fynmaak van 'n ongeslypte diamant; (xxi)

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

- (xxvi) "unpolished diamond" means a diamond in its natural state and which has not been altered through any process or in any manner, and includes a partly manufactured diamond, a fragment, diamond dust and a diamond produced by any synthetic, mechanical or chemical process and which has not been so altered. (xxi) 5

Establishment and
constitution of
Diamond Cutting
Board.

2. (1) There is hereby established a juristic person, to be known as the Diamond Cutting Board, which shall exercise the powers and perform the duties conferred or imposed upon it by this Act and which shall perform such other functions in connection with the regulation and control of the diamond cutting industry as the Minister may from time to time assign to it. 10

(2) The board shall consist of at least eight but not more than ten members, appointed by the Minister, of whom—

- (a) one shall be an officer in the Department of Mines and designated by the Minister as chairman of the board; 15
- (b) one shall be a person appointed from among at least three persons whose names have been submitted for that purpose by the Diamond Trading Company (Pty.) Ltd.;
- (c) two shall be persons appointed from among at least 20 three persons whose names have been submitted for that purpose by an association which is or associations which are, in the opinion of the Minister, representative of licensed diamond cutters;
- (d) two shall be persons appointed from among at least 25 three persons whose names have been submitted for that purpose by an association which is or associations which are, in the opinion of the Minister, representative of registered employees in the diamond cutting industry;
- (e) two shall be members of the South African Police and 30 designated by the commissioner; and
- (f) one shall be the Government Diamond Valuator and Technical Adviser. 35

(3) The Minister shall designate as vice-chairman of the board any member of the board appointed in terms of subsection (2) (b), (c), (d), (e) or (f), and the vice-chairman shall act as chairman during the absence of the chairman and shall, while so acting, have all the powers and perform all the duties of the chairman. 40

(4) To enable the Minister to make the appointments contemplated in paragraphs (b), (c) and (d) of subsection (2), he shall by 40 notice in writing request the company and the associations referred to in those paragraphs, each to submit names as contemplated in the said paragraphs, and if no or insufficient names are submitted to the Minister within a period (not being less than twenty-one days) determined in the said notice for the submission of such names, the Minister may appoint any suitable 45 person or persons as a member or as members of the board in the place of the person or persons he would have appointed if the company or the association concerned had not so failed to submit any or sufficient names. 50

(5) For every member of the board appointed in terms of subsection (2), excluding the member designated as chairman, there shall be an alternate member appointed by the Minister in the same manner as such member of the board, and any alternate member so appointed shall act in the place of the member for 55 whom he has been appointed as alternate member during such member's absence or inability to act as a member of the board.

(6) A member of the board shall hold office for such period, not exceeding five years, as the Minister may determine at the time of the appointment of such member, but shall be eligible for 60 reappointment: Provided that the Minister may, if in his opinion there exist sufficient reasons therefor, at any time terminate the membership of any member.

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

- (xxv) „voorgeskrif” voorgeskryf by regulasie uitgevaardig kragtens artikel 39; (xxii)
- (xxvi) „vorige Wet” die Wet op die Slyp van Diamante, 1955 (Wet No. 33 van 1955), en ook ’n kennisgewing, reël of regulasie daarkragtens uitgereik of uitgevaardig. (xxiii)

2. (1) Daar word hierby ’n regspersoon met die naam die Diamantslypraad ingestel wat die bevoegdhede uitoefen en die pligte verrig wat by hierdie Wet aan hom verleen of opgelê word en wat die ander werksaamhede moet verrig in verband met die reëling en beheer van die diamantslypbedryf wat die Minister van tyd tot tyd aan hom opdra.

Instelling en
samestelling van
Diamantslypraad.

(2) Die raad bestaan uit minstens agt en hoogstens tien lede, deur die Minister aangestel, van wie—

- 15 (a) een ’n beampte in die Departement van Mynwese moet wees en deur die Minister as voorsitter van die raad aangewys word;
- (b) een ’n persoon moet wees wat aangestel word uit minstens drie persone wie se name vir dié doel voorgelê is deur die Diamond Trading Company (Pty) Ltd.;
- 20 (c) twee persone moet wees wat aangestel word uit minstens drie persone wie se name vir dié doel voorgelê is deur ’n vereniging of deur verenigings wat, na die oordeel van die Minister, verteenwoordigend is van gelisensieerde diamantslypers;
- 25 (d) twee persone moet wees wat aangestel word uit minstens drie persone wie se name vir dié doel voorgelê is deur ’n vereniging of deur verenigings wat, na die oordeel van die Minister, verteenwoordigend is van geregistreerde werknemers in die diamantslypbedryf;
- 30 (e) twee lede van die Suid-Afrikaanse Polisie moet wees, aangewys deur die kommissaris; en
- 35 (f) een die Staatsdiamantwaardeerder en Tegniese Adviseur moet wees.

(3) Die Minister moet ’n lid van die raad wat ingevolge subartikel (2) (b), (c), (d), (e) of (f) aangestel is, as ondervoorsitter van die raad aanwys, en die ondervoorsitter moet as voorsitter 40 waarneem tydens die afwesigheid van die voorsitter, en terwyl hy aldus waarneem, het die ondervoorsitter al die bevoegdhede en verrig hy al die pligte van die voorsitter.

(4) Ten einde die Minister in staat te stel om die aanstellings beoog in paragrawe (b), (c) en (d) van subartikel (2) te doen, 45 moet hy by skriftelike kennisgewing die maatskappy en die verenigings bedoel in daardie paragrawe versoek om name voor te lê soos beoog in bedoelde paragrawe, en indien daar binne ’n tydperk (van nie minder nie as een-en-twintig dae) in bedoelde kennisgewing bepaal vir die voorlegging van sodanige name geen 50 of onvoldoende name aan die Minister voorgelê word, kan die Minister enige geskikte persoon of persone as lid of as lede van die raad aanstel in plaas van die persoon of persone wat hy sou aangestel het indien die maatskappy of die betrokke vereniging nie aldus in gebreke gebly het om name of voldoende name voor te 55 lê nie.

(5) Vir elke lid van die raad aangestel ingevolge subartikel (2), uitgesonderd die lid aangewys as voorsitter, is daar ’n plaasvervangende lid wat deur die Minister op dieselfde wyse as sodanige lid van die raad aangestel word, en ’n aldus aangestelde 60 plaasvervangende lid moet in die plek van die lid vir wie hy as plaasvervangende lid aangestel is, waarneem tydens sodanige lid se afwesigheid of onvermoë om as ’n lid van die raad op te tree.

(6) ’n Lid van die raad beklee sy amp vir die tydperk, maar hoogstens vyf jaar, wat die Minister ten tyde van die aanstelling 65 van so ’n lid bepaal, maar kan weer aangestel word: Met dien verstande dat die Minister, indien daar na sy oordeel gegronde redes daarvoor bestaan, die lidmaatskap van ’n lid te eniger tyd kan beëindig.

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979

Persons disqualified from membership of the board, vacation of office and filling of vacancies.

3. (1) No person shall be appointed as a member or an alternate member of the board if he—

- (a) is an unrehabilitated insolvent; or
- (b) is not a South African citizen permanently resident in the Republic.

(2) A member or an alternate member of the board shall vacate his office if—

- (a) he becomes disqualified from being appointed a member or an alternate member, as the case may be, of the board;
- (b) he is according to the law detained as a mentally ill person;
- (c) he is convicted of an offence and in respect thereof sentenced to imprisonment without the option of a fine;
- (d) in the case of a member, he has been absent from more than two consecutive meetings of the board without the leave of the board or, in the case of an alternate member, he has been so absent during the absence or inability to act as a member, of the member for whom he has been appointed as alternate member; or
- (e) the Minister terminates his membership as contemplated in section 2 (6).

(3) If any member or alternate member of the board dies, or resigns by notice in writing addressed to the Minister, or, by virtue of any of the provisions of subsection (2), ceases to be a member or an alternate member, the vacancy shall be filled by the appointment by the Minister, subject to the provisions of subsections (2) and (4) of section 2, of another person as a member or as an alternate member, as the case may be, of the board, and every member or alternate member so appointed shall hold office for the unexpired portion of the period for which the vacating member or alternate member was appointed.

Remuneration and allowances of members and alternate members of board.

4. The members and alternate members of the board, excluding such members or alternate members who are in the full-time service of the State, may be paid, out of the fund, such remuneration and allowances in respect of their services as members or alternate members of the board as the Minister may determine.

Meetings of board and quorum.

5. (1) The first meeting of the board shall be held at a time and place determined by the chairman, and subsequent meetings shall, subject to the provisions of subsection (2), be held at least twice in every year at such times and places as the board may from time to time determine.

(2) The chairman of the board may at any time call a special meeting of the board to be held at such time and place as he may determine.

(3) The quorum for any meeting of the board shall be the majority of the members of the board as at the date of that meeting.

(4) The decision of the majority of the members of the board present at a meeting of the board shall constitute a decision of the board, and, in the event of an equality of votes, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote.

(5) No decision taken by the board or act performed under the authority of the board shall be invalid by reason only of an interim vacancy on the board or of the fact that a person who was not entitled to sit as a member of the board, sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the board who were present at the time and entitled to sit as members.

Secretarial work of board.

6. The secretarial work incidental to the performance by the board of its functions shall be performed, subject to the directions of the chairman of the board or any other member or members of the board designated by the board for this purpose, by an officer in

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

3. (1) Niemand word as 'n lid of 'n plaasvervangende lid van die raad aangestel nie indien hy—
- (a) 'n ongerehabiliteerde insolvent is; of
- (b) nie 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is nie.
- 5 (2) 'n Lid of 'n plaasvervangende lid van die raad ontruim sy amp indien—
- (a) hy onbevoeg raak vir aanstelling as 'n lid of 'n plaasvervangende lid, na gelang van die geval, van die raad;
- 10 (b) hy volgens die reg as 'n geestesongestelde persoon aangehou word;
- (c) hy aan 'n misdryf skuldig bevind word en ten opsigte daarvan gevonnis word tot gevangenisstraf sonder die keuse van 'n boete;
- 15 (d) in die geval van 'n lid, hy sonder verlof van die raad van meer as twee agtereenvolgende vergaderings van die raad afwesig was of, in die geval van 'n plaasvervangende lid, hy aldus afwesig was tydens die afwesigheid of onvermoë om as 'n lid op te tree van die lid vir wie hy as plaasvervangende lid aangestel is; of
- 20 (e) die Minister sy lidmaatskap beëindig soos beoog in artikel 2 (6).
- (3) Indien 'n lid of plaasvervangende lid van die raad sterf, of by skriftelike kennisgewing, gerig aan die Minister, bedank, of uit hoofde van enige van die bepalings van subartikel (2) ophou om 'n lid of 'n plaasvervangende lid te wees, word die vakature gevul deur die aanstelling deur die Minister, behoudens die bepalings van subartikels (2) en (4) van artikel 2, van iemand anders as 'n lid of as 'n plaasvervangende lid, na gelang van die geval, van die raad, en elke lid of plaasvervangende lid wat aldus aangestel word, beklee sy amp vir die onverstreke gedeelte van die tydperk waarvoor die uitgetrede lid of plaasvervangende lid aangestel was.
4. Aan die lede en plaasvervangende lede van die raad, uitgesonderd sodanige lede of plaasvervangende lede wat in die heeltydse diens van die Staat is, kan uit die fonds die besoldiging en toelaes ten opsigte van hul dienste as lede of plaasvervangende lede van die raad betaal word wat die Minister na oorleg met die raad bepaal.
- 35 5. (1) Die eerste vergadering van die raad word gehou op die tyd en plek wat die voorsitter bepaal, en daaropvolgende vergaderings word, behoudens die bepalings van subartikel (2), minstens twee keer in elke jaar gehou op die tye en plekke wat die raad van tyd tot tyd bepaal.
- 40 (2) Die voorsitter van die raad kan te eniger tyd 'n buitengewone vergadering van die raad belê wat gehou moet word op 'n tyd en plek deur hom bepaal.
- (3) Die kworum vir 'n vergadering van die raad is die meerderheid van die lede van die raad soos op die datum van daardie vergadering.
- 50 (4) Die beslissing van die meerderheid van die lede van die raad aanwesig op 'n vergadering van die raad maak 'n besluit van die raad uit, en in die geval van 'n staking van stemme het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem, ook 'n beslissende stem.
- 55 (5) Geen besluit van of handeling verrig op gesag van die raad is ongeldig nie bloot vanweë 'n tussentydse vakature in die raad of omdat iemand, wat nie geregtig was om as 'n lid van die raad sitting te neem nie, as 'n lid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die raad wat op daardie tydstip aanwesig was en geregtig was om as lede sitting te neem.
- 60 6. Die sekretariële werk verbonde aan die verrigting van sy werksaamhede deur die raad word, onderworpe aan die opdragte van die voorsitter van die raad of enige ander lid of lede van die raad wat vir dié doel deur die raad aangewys is, deur 'n beamp
- Persone wat onbevoeg is vir lidmaatskap van die raad, ontruiming van amp en vul van vakatures.
- Besoldiging en toelaes van lede en plaasvervangende lede van raad.
- Vergaderings van raad en kworum.
- Sekretariële werk van raad.

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

the Department of Mines designated for this purpose by the Minister, and the board shall, in respect of the officer so designated, with effect from the date on which the said officer is so designated, compensate the State for every amount paid by the State in terms of any law to or in respect of such officer as long as such officer performs the said secretarial work. 5

Staff of board.

7. (1) The work incidental to the performance by the board of its functions, excluding the secretarial work referred to in section 6, shall be performed, subject to the directions of the board, by—

- (a) persons appointed, with the approval of the Minister, by the board subject to such conditions of service as the board may, with the approval of the Minister, determine in respect of the posts concerned;
- (b) officers in the Department of Mines seconded to the service of the board subject to the provisions of section 13 (6) of the Public Service Act, 1957 (Act No. 54 of 1957).

(2) The board may, for the purposes of the performance of any of its functions, with the approval of the Minister enter into any contract for the performance of any particular act or particular work or the rendering of particular services, with any person who, by reason of his qualifications or special knowledge, is in the opinion of the board fit to perform such act or work or to render such services. 20

(3) The board shall, in respect of every officer seconded to its service in terms of the provisions of subsection (1) (b), with effect from the date on which such officer is so seconded, compensate the State for every amount paid by the State in terms of any law to or in respect of such officer as long as such officer remains so seconded. 30

Executive committee.

8. (1) There shall be an executive committee of the board consisting of the chairman of the board and at least two other persons designated by the board from among its members.

(2) The executive committee may, subject to the directions of the board, perform all the functions of the board during periods between meetings of the board, but shall not have the power, save in so far as the board otherwise directs, to set aside or amend any decision of the board, and any act performed or decision taken by the executive committee shall be of force and effect unless it is set aside or amended by the board at its next ensuing meeting: 40
Provided that the board shall not so set aside or amend any decision of the executive committee in pursuance of which any payment has been made, licence has been issued or any other right has been granted to any person.

Delegation of powers.

9. (1) The board may delegate to the chairman, the secretary or any member of the board any power conferred on the board by this Act, and may at any time cancel any such delegation. 45

(2) A delegation under subsection (1) may be made subject to such conditions and restrictions, if any, as may be determined by the board. 50

(3) The board shall not be divested of a power delegated by it in terms of this section and may amend or set aside any decision made in the exercise of such power.

General powers of board.

10. (1) The board may—

- (a) undertake or cause to be undertaken research, experiments, tests or investigations with a view to promoting and improving the art of the polishing of diamonds; 55
- (b) take measures to promote the marketing of polished diamonds;
- (c) take measures generally to promote the interests of the diamond cutting industry and of employers and employees in that industry; 60

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

in die Departement van Mynwese verrig wat vir dié doel deur die Minister aangewys is, en die raad moet, ten opsigte van die beampte wat aldus aangewys is, met ingang van die datum waarop bedoelde beampte aldus aangewys word die Staat vergoed vir elke bedrag wat deur die Staat ingevolge die een of ander wet aan of ten opsigte van die betrokke beampte betaal word, vir so lank as wat daardie beampte bedoelde sekretariële werk verrig.

7. (1) Die werkverbonde aan die verrigting van sy werksaamhede deur die raad, uitgesonderd die sekretariële werk bedoel in artikel 6, word verrig, onderworpe aan die voorskrifte van die raad, deur—

Personeel van raad.

- (a) persone met die goedkeuring van die Minister deur die raad aangestel onderworpe aan die diensvoorwaardes wat die raad, met die goedkeuring van die Minister, ten opsigte van die betrokke poste bepaal;
- (b) beamptes in die Departement van Mynwese wat aan die diens van die raad afgestaan word onderworpe aan die bepalings van artikel 13 (6) van die Staatsdienswet, 1957 (Wet No. 54 van 1957).

(2) Die raad kan, vir die doeleindes van die verrigting van enige van sy werksaamhede, met die goedkeuring van die Minister 'n kontrak vir die verrigting van 'n besondere handeling of besondere werk of die lewering van besondere dienste aangaan met enigiemand wat, op grond van sy kwalifikasies of besondere kennis, na die oordeel van die raad geskik is om sodanige handeling of werk te verrig of sodanige dienste te lewer.

(3) Die raad moet, ten opsigte van elke beampte wat aan sy diens afgestaan is ingevolge die bepalings van subartikel (1) (b), met ingang van die datum waarop so 'n beampte aldus afgestaan is die Staat vergoed vir elke bedrag wat deur die Staat ingevolge die een of ander wet aan of ten opsigte van so 'n beampte betaal word, vir so lank as wat so 'n beampte aldus afgestaan is.

8. (1) Daar is 'n uitvoerende komitee van die raad wat bestaan uit die voorsitter van die raad en minstens twee ander persone wat deur die raad uit sy lede aangewys word.

Uitvoerende komitee.

(2) Die uitvoerende komitee kan, onderworpe aan die voorskrifte van die raad, gedurende tydperke tussen vergaderings van die raad al die werksaamhede van die raad verrig, maar is nie, behalwe vir sover die raad anders gelas, bevoeg om 'n besluit van die raad tersyde te stel of te wysig nie, en enige handeling verrig of besluit geneem deur die uitvoerende komitee is van krag tensy dit deur die raad tersyde gestel of gewysig word by sy eersvolgende vergadering. Met dien verstande dat die raad nie 'n besluit van die uitvoerende komitee ingevolge waarvan aan enige persoon 'n betaling gedoen, lisensie uitgereik of enige ander reg verleen is, aldus mag tersyde stel of wysig nie.

9. (1) Die raad kan aan die voorsitter, die sekretaris of enige lid van die raad enige bevoegdheid deleger wat by hierdie Wet aan die raad verleen word, en kan so 'n delegering te eniger tyd intrek.

Delegering van bevoegdhede.

(2) 'n Delegering kragtens subartikel (1) kan gedoen word onderworpe aan die voorwaardes en beperkings, as daar is, wat die raad bepaal.

(3) Die raad word nie 'n bevoegdheid wat ingevolge hierdie artikel deur hom gedelegeer is, ontnem nie en kan 'n besluit geneem by die uitoefening van so 'n bevoegdheid wysig of tersyde stel.

10. (1) Die raad kan—

Algemene bevoegdhede van raad.

- (a) navorsing, eksperimente, toetse of ondersoeke onderneem of laat onderneem ten einde die diamantslypkuns te bevorder en te verbeter;
- (b) maatreëls tref ten einde die bemarking van geslypte diamante te bevorder;
- (c) maatreëls tref om, oor die algemeen, die belange van die diamantslypbedryf en van werkgewers en werknemers in dié bedryf te bevorder;

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

- (d) acquire, maintain, lease, dispose of or let movable or immovable property required or acquired by the board for the performance of its functions;
- (e) from time to time raise money by way of loan for the purpose of effectively performing such of its functions as the board may determine; 5
- (f) receive donations and bequests and shall apply the proceeds thereof for the purposes and subject to the conditions, if any, specified in the relevant donation or bequest; 10
- (g) invest money in the fund not immediately required for the affairs of the board or lend such money against such security as the board may deem adequate; and
- (h) generally, take all such measures as it may deem necessary for the proper performance of its functions or to achieve the objects of this Act. 15

(2) Where the board has lent any money against the security of a pledge or mortgage bond, the board may, when enforcing its claim for repayment of the loan, buy in the pledged or mortgaged property and thereafter sell that property. 20

Powers in respect of entry and inspection and the obtaining of information.

11. (1) The chairman of the board, a member of the board authorized in writing by the chairman, a person in the service of or under contract with the board and who has been so authorized or a member of the South African Police of or above the rank of sergeant may— 25

- (a) at any time enter upon any place where work in connection with the polishing of diamonds is performed or suspected to be performed or where any person is employed or suspected to be employed in connection with the polishing of diamonds and may inspect such place and carry out such tests, observations, investigations and measurements as he may deem desirable; 30
- (b) inspect, test, view or take photographs of any appliance, instrument or machine used in connection with the polishing of diamonds; 35
- (c) question any person employed in such place in connection with the polishing of diamonds, with regard to any matter arising from the exercise of any power conferred by this subsection, or search or cause to be searched such person or any article in the possession or in the custody or under the control of such person; and 40
- (d) require the production of and inspect and make copies of or take extracts from any book, document, record, register or certificate of registration required to be kept under this Act. 45

(2) The board may, in writing, require any person to submit to the board, periodically or otherwise and at such times as the board may direct, any information available to such person which the board deems necessary for the effective performance of its functions, or to submit to the board or its nominee any book or document in the possession or under the control of such person which contains or is suspected to contain any such information, and may examine and make copies of or take extracts from any such book or document. 50

(3) Information called for under subsection (2) may be required to be given in the form of a sworn declaration by the person furnishing such information. 55

(4) The chairman of the board may, by notice in writing signed by him, require any person to appear before him or the board at a time and place specified in the notice, to be questioned or to produce any book or document referred to in subsection (2), and may administer an oath to or accept an affirmation from and may question any person appearing before him or the board, whether in pursuance of such a notice or otherwise. 60

(5) Nothing in this section contained shall be construed as empowering the board or the chairman of the board to require any person to furnish any information or to produce any book or document which that person is by law prohibited from disclosing or producing or which is privileged in terms of any law, and the 65

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

- (d) roerende of onroerende goed deur die raad benodig of verkry vir die verrigting van sy werksaamhede, verkry, in stand hou, huur, van die hand sit of verhuur;
- 5 (e) van tyd tot tyd geld by wyse van lening opneem ten einde sodanige van sy werksaamhede wat die raad bepaal, doeltreffend te verrig;
- (f) donasies en bemakings ontvang en moet die opbrengste daarvan aanwend vir die doeleindes en onderworpe aan die voorwaardes, as daar is, wat in die betrokke donasie of bemaking vermeld word;
- 10 (g) geld in die fonds wat nie onmiddellik vir die sake van die raad benodig is nie, belê of sodanige geld uitleen teen die sekuriteit wat die raad voldoende ag; en
- 15 (h) oor die algemeen, al die maatreëls tref wat hy nodig ag vir die behoorlike verrigting van sy werksaamhede of ten einde die oogmerke van hierdie Wet te bereik.

(2) Waar die raad geld teen sekuriteit van 'n pand of verband uitgeleen het, kan die raad, by die vordering van sy eis om terugbetaling van die lening, die verpande of met verband
20 beswaarde eiendom aankoop en daardie eiendom daarna verkoop.

11. (1) Die voorsitter van die raad, 'n lid van die raad wat skriftelik deur die voorsitter gemagtig is, 'n persoon in die diens van of op kontrak met die raad en wat aldus gemagtig is of 'n lid van die Suid-Afrikaanse Polisie met of bo die rang van sersant
25 kan—

Bevoegdheide ten opsigte van betreding en inspeksie en die verkryging van inligting.

- (a) te eniger tyd enige plek betree waar werk in verband met die slyp van diamante wel of na vermoede verrig word of waar enige persoon wel of na vermoede in diens is in verband met die slyp van diamante en kan so 'n
30 plek inspekteer en die toetse, waarnemings, ondersoeke en opmetings doen wat hy wenslik ag;
- (b) 'n toestel, instrument of masjien wat in verband met die slyp van diamante gebruik word, inspekteer, toets, besigtig of fotografeer;
- 35 (c) enigiemand wat in so 'n plek in verband met die slyp van diamante in diens is, ondervra met betrekking tot enige aangeleentheid wat voortspruit uit die uitoefening van 'n bevoegdheid wat by hierdie subartikel verleen word of so iemand of enige artikel wat in die besit of in die bewaring of onder die beheer van so iemand is, visenteer of laat visenteer; en
- 40 (d) die voorlegging eis van enige boek, stuk, aantekening, register of registrasiesertifikaat wat ingevolge hierdie Wet gehou moet word en dit nasien en afskrifte daarvan of uittreksels daaruit maak.
- 45

(2) Die raad kan enigiemand skriftelik aansê om periodiek of andersins en op die tye wat die raad gelas aan die raad inligting te verstrek waarvoor so iemand beskik en wat die raad vir die doeltreffende verrigting van sy werksaamhede nodig ag, of om
50 aan die raad of sy benoemde 'n boek of stuk in die besit of onder die beheer van so iemand voor te lê wat sodanige inligting bevat of na vermoede bevat, en kan so 'n boek of stuk insien en afskrifte daarvan of uittreksels daaruit maak.

(3) Inligting kragtens subartikel (2) aangevra, kan in die vorm van 'n beëdigde verklaring afgelê deur die persoon wat die inligting verstrek, verlang word.

(4) Die voorsitter van die raad kan deur middel van 'n skriftelike kennisgewing wat deur hom onderteken is enigiemand aansê om op 'n tyd en plek in die kennisgewing vermeld voor
60 hom of die raad te verskyn om ondervra te word of om 'n boek of stuk in subartikel (2) bedoel, voor te lê, en kan iemand wat voor hom of die raad verskyn, hetsy ingevolge so 'n kennisgewing of andersins, 'n eed opleë of van hom 'n bevestiging afneem en hom ondervra.

65 (5) Die bepalinge van hierdie artikel word nie so uitgelê nie dat dit die raad of die voorsitter van die raad magtig om te eis dat iemand inligting moet verstrek of 'n boek of stuk moet voorlê waarvan die blootlegging of voorlegging deur so iemand regtens verbode is of wat ingevolge die een of ander wet geprivilegieerd

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

legal rules relating to privilege as applicable to a witness summoned to give evidence or to produce any book or document in civil proceedings in a court of law, shall apply in connection with the questioning of any person required to appear as contemplated in this section, and in connection with the production of any book, document or information which he is obliged to produce in terms of such a requirement. 5

(6) Any person who—

- (a) refuses or fails to comply to the best of his ability with any requirement by the chairman of the board, a member of the board or a person authorized as contemplated in subsection (1), or a member of the South African Police, made in the exercise of any power conferred by that subsection; 10
- (b) refuses or fails to answer to the best of his ability any question put to him by the said chairman, member of the board, person or member of the South African Police in the exercise of any power conferred by subsection (1);
- (c) hinders or obstructs the said chairman, member of the board, person or member of the South African Police in the exercise of his powers under subsection (1) or refuses or fails to afford the said chairman, member of the board, person or member of the South African Police all reasonable facilities and assistance in order to enable him to exercise any power conferred upon him by subsection (1); 20
- (d) without reasonable excuse refuses or fails to submit any information, book or document which he is required to submit in terms of the provisions of subsection (2);
- (e) after having received a notice referred to in subsection (4), without reasonable excuse refuses or fails to appear in pursuance of such notice or, having so appeared, refuses to answer to the best of his knowledge and belief any lawful question put to him or refuses to produce any book or document which he is required to produce in terms of such notice or refuses to be sworn or to make an affirmation when required by the chairman of the board to do so or who fails to remain in attendance until he is excused by the chairman of the board from further attendance; or 35
- (f) in reply to a requirement under subsection (2), furnishes, otherwise than in a sworn declaration, any information which is false, knowing it to be false, 40

shall be guilty of an offence.

(7) The board may, from money in the fund, compensate any person who has appeared before the board or the chairman of the board in response to a notice under subsection (4), for any loss sustained or expenses incurred by him in connection with his appearance, if such person has produced all books and documents which he was obliged to produce and has satisfactorily answered all questions which he was bound to answer: Provided that the total amount paid by way of compensation to any such person shall not exceed the amount which would in like circumstances have been payable to him had he been summoned to appear as a witness in a civil case before a magistrate's court. 55

Preservation of
secrecy.

12. (1) No person shall disclose any information obtained by him in the exercise of his powers or the performance of his duties under this Act, except—

- (a) to the extent to which it may be necessary for the proper administration of the provisions of this Act; or 60
- (b) for the purposes of any legal proceedings thereunder.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

is, en die regsreëls met betrekking tot privilegie, soos toepaslik op 'n getuie wat gedagvaar is om getuie af te lê of 'n boek of stuk voor te lê in 'n siviele geding voor 'n geregshof, is van toepassing in verband met die ondervraging van iemand wat aangesê is om te verskyn soos in hierdie artikel beoog en in verband met die voorlegging van 'n boek, stuk of inligting wat hy ingevolge so 'n aansegging moet voorlê.

(6) Iemand wat—

- (a) weier of versuim om na sy beste vermoë te voldoen aan enige vereiste gestel deur die voorsitter van die raad, 'n lid van die raad of 'n persoon gemagtig soos beoog in subartikel (1) of 'n lid van die Suid-Afrikaanse Polisie by die uitoefening van 'n bevoegdheid verleen by daardie subartikel;
- (b) weier of versuim om na sy beste vermoë te antwoord op enige vraag wat bedoelde voorsitter, lid van die raad, persoon of lid van die Suid-Afrikaanse Polisie by die uitoefening van 'n bevoegdheid verleen by subartikel (1) aan hom gestel het;
- (c) bedoelde voorsitter, lid van die raad, persoon of lid van die Suid-Afrikaanse Polisie by die uitoefening van sy bevoegdhede kragtens subartikel (1) hinder of belemmer of weier of versuim om aan bedoelde voorsitter, lid van die raad, persoon of lid van die Suid-Afrikaanse Polisie alle redelike fasiliteite en hulp te verleen ten einde hom in staat te stel om 'n bevoegdheid by subartikel (1) aan hom verleen, uit te oefen;
- (d) sonder redelike verskoning weier of versuim om inligting te verstrek of 'n boek of stuk voor te lê wat hy ingevolge die bepalings van subartikel (2) moet verstrek of voorlê;
- (e) nadat hy 'n kennisgewing bedoel in subartikel (4) ontvang het, sonder redelike verskoning weier of versuim om in nakoming van so 'n kennisgewing te verskyn of, nadat hy aldus verskyn het, weier om na sy beste wete en geloof te antwoord op 'n wettige vraag aan hom gestel of weier om 'n boek of stuk voor te lê wat hy ingevolge so 'n kennisgewing moet voorlê of weier om 'n eed af te lê of 'n bevestiging te doen wanneer hy deur die voorsitter van die raad gelas word om dit te doen of versuim om aanwesig te bly totdat die voorsitter van die raad aan hom verlof verleen het om weg te bly; of
- (f) in antwoord op 'n aansegging kragtens subartikel (2), anders as in 'n beëdigde verklaring inligting verstrek wat vals is, wetende dat dit vals is,

is aan 'n misdryf skuldig.

(7) Die raad kan, uit geld in die fonds, enigiemand wat ingevolge 'n kennisgewing kragtens subartikel (4) voor die raad of die voorsitter van die raad verskyn het, vergoed vir verlies deur so iemand gely of koste deur hom aangegaan in verband met sy verskynning, indien so iemand alle boeke en stukke voorgelê het wat hy verplig was om voor te lê en alle vrae wat hy verplig was om te beantwoord, op 'n bevredigende wyse beantwoord het. Met dien verstande dat die totale bedrag by wyse van vergoeding aan so iemand betaal, nie die bedrag te bowe gaan nie wat onder dergelike omstandighede aan hom betaalbaar sou gewees het indien hy gedagvaar was om as 'n getuie in 'n siviele geding voor 'n landdroshof te verskyn.

12. (1) Niemand mag inligting openbaar wat hy by die Geheimhouding. uitoefening van sy bevoegdhede of die uitvoering van sy pligte kragtens hierdie Wet verkry het nie, behalwe—

- (a) in die mate waarin dit vir die behoorlike toepassing van die bepalings van hierdie Wet nodig mag wees; of
 - (b) vir die doeleindes van 'n regsgeding daarkragtens.
- (2) Iemand wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig.

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

Establishment of
Diamond Cutting
Fund.

13. (1) The board shall establish a fund to be known as the Diamond Cutting Fund, and for that purpose shall open an account with a commercial bank approved for that purpose by the Minister after consultation with the board, into which shall be deposited—
- (a) all money received by the board by virtue of the provisions of this Act; 5
 - (b) interest received by the board from the investment of money at the disposal of the board;
 - (c) all other money which may accrue to the board from any other source. 10
- (2) The fund shall be controlled and administered by the board and the money in the fund shall be utilized to defray the expenses incurred by the board in the exercise of its powers and the performance of its duties under this Act.
- (3) No money deposited in the bank account referred to in subsection (1) shall be paid out otherwise than by means of an order signed by two persons approved by the board, directing payment on behalf of the board. 15
- (4) The income and gains of the board shall be exempt from the provisions of any law relating to payment of tax on income or 20 gains.

Records and
accounts of board's
transactions.

14. (1) The secretary of the board shall keep full and true records of the transactions of the board, and shall cause the books and accounts relating to such transactions to be balanced as at the thirty-first day of December in each year and thereafter prepare a statement showing in all necessary detail the income and expenditure of the board during the preceding financial year, and a balance sheet showing the assets and liabilities of the board as at the end of that financial year.
- (2) The Minister shall require the books, statements of account and balance sheet of the board to be audited by a person registered as an accountant and auditor under the provisions of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and approved by the Minister, and a copy of the auditor's report to be furnished to him. 35
- (3) Any costs incurred in connection with any auditing contemplated in subsection (2) shall be defrayed out of the fund.

Annual fee payable
by holder of
diamond cutting
licence.

15. (1) Every holder of a diamond cutting licence shall, subject to the provisions of subsection (2), annually pay to the board before the thirty-first day of January a fee determined by the board in every particular case on the basis of the number of registered employees of each class or category in the employ of the licensee concerned, or on such other basis as the board may in a particular case deem desirable. 40
- (2) Notwithstanding the provisions of subsection (1) the fee referred to in that subsection shall, in the case of a new licensee, be payable before such date as the board may determine and shall be reduced by an amount equal to one-twelfth of the amount which would have been payable in respect of such fee if the licensee concerned had been a licensee other than a new licensee, for every completed month which has expired as from the first day of January of the year in which the new licence has been issued to the date on which the new licence has been issued. 50
- (3) Interest at a rate determined by the board shall be payable on all fees referred to in subsection (1) which are in arrear. 55

Control of diamond
polishing.

16. (1) No person shall saw, cleave, cut, divide in any manner, facet, brillianteer or in any other manner alter any unpolished diamond unless he is—
- (a) the holder of the appropriate licence prescribed by section 17; or 60
 - (b) a registered employee acting in the course of his employment with the holder of such a licence.
- (2) Any person whose licence has been suspended under any provision of this Act shall during the period of such suspension be deemed not to be the holder of a licence. 65
- (3) Any person who contravenes any provision of subsection (1) shall be guilty of an offence.

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

13. (1) Die raad moet 'n fonds met die naam die Diamantslyp-fonds instel en moet vir daardie doel 'n rekening open by 'n handelsbank wat vir dié doel deur die Minister na oorlegpleging met die raad goedgekeur is en waarin gestort moet word—
- 5 (a) alle geld ontvang deur die raad uit hoofde van die bepalings van hierdie Wet;
- (b) rente ontvang deur die raad uit die belegging van geld waaroor die raad beskik;
- 10 (c) alle ander geld wat die raad uit enige ander bron toeval.
- (2) Die fonds moet deur die raad beheer en bestuur word en die geld in die fonds moet aangewend word om die uitgawes te bestry wat deur die raad aangegaan word by die uitoefening van sy bevoegdhede en die verrigting van sy pligte kragtens hierdie Wet.
- 15 (3) Geen geld wat in die bankrekening bedoel in subartikel (1) gestort is, word uitbetaal nie behalwe deur middel van 'n order wat onderteken is deur twee persone deur die raad goedgekeur en waarby betaling namens die raad gelas word.
- (4) Die inkomste en winste van die raad is vrygestel van die 20 bepalings van enige wet betreffende die betaling van belasting op inkomste of winste.
14. (1) Die sekretaris van die raad moet volledige en juiste aantekeninge hou van die transaksies van die raad en moet die boeke en rekenings met betrekking tot bedoelde transaksies op die 25 een-en-dertigste dag van Desember in elke jaar laat balanseer, en moet daarna 'n staat opstel met al die nodige besonderhede van die inkomste en uitgawes van die raad gedurende die voorafgaande boekjaar, en 'n balansstaat wat die bates en laste van die raad aan die einde van daardie boekjaar aantoon.
- 30 (2) Die Minister moet eis dat die boeke, rekenings en balansstaat van die raad geouditeer word deur 'n persoon wat kragtens die bepalings van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), as rekenmeester en ouditeur geregistreer is en deur die Minister goedgekeur is, en dat 'n afskrif 35 van die ouditeur se verslag aan hom verstrek word.
- (3) Enige koste aangegaan in verband met 'n ouditering beoog in subartikel (2) word uit die fonds bestry.
15. (1) Elke houer van 'n diamantslyplisensie moet, behoudens die bepalings van subartikel (2), jaarliks voor die een-en-dertigste 40 dag van Januarie aan die raad die gelde betaal wat die raad in elke bepaalde geval vasstel op die grondslag van die aantal geregistreerde werknemers van elke klas of kategorie in diens van die betrokke lisensiehouer, of op die ander grondslag wat die raad in 'n bepaalde geval wenslik ag.
- 45 (2) Ongeag die bepalings van subartikel (1) is die gelde bedoel in daardie subartikel in die geval van 'n nuwe lisensiehouer betaalbaar voor 'n datum wat die raad bepaal en word dit verminder met 'n bedrag gelyk aan een twaalfde van die bedrag wat ten opsigte van sodanige gelde betaalbaar sou gewees het 50 indien die betrokke lisensiehouer 'n ander lisensiehouer as 'n nuwe lisensiehouer was, vir elke voltooië maand wat verstryk het vanaf die eerste dag van Januarie van die jaar waarin die nuwe lisensie uitgereik is tot die datum waarop die nuwe lisensie uitgereik is.
- 55 (3) Rente teen 'n koers wat die raad bepaal, is betaalbaar op alle gelde bedoel in subartikel (1) wat agterstallig is.
16. (1) Niemand mag 'n ongeslypte diamant saag, kloof, sny, op enige wyse verdeel, fasetteer, briljanteer of op enige ander 60 wyse verander nie tensy hy—
- (a) die houer is van die toepaslike lisensie wat by artikel 17 voorgeskryf word; of
- (b) 'n geregistreerde werknemer is wat handel in die loop van sy diens by die houer van so 'n lisensie.
- (2) Iemand wie se lisensie ingevolge enige bepaling van 65 hierdie Wet opgeskort is, word gedurende die tydperk van sodanige opskorting geag nie die houer van 'n lisensie te wees nie.
- (3) Iemand wat 'n bepaling van subartikel (1) oortree, is aan 'n misdryf skuldig.

Instelling van
Diamantslypfonds.Aantekeninge en
rekenings van raad se
transaksies.Jaarlikse gelde
betaalbaar deur
houer van
diamantslyplisensie.Beheer van slyp van
diamante.

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

Classification of
licences.

17. A licence in the prescribed form may be issued in terms of the provisions of this Act in respect of the following activities, namely—

- (a) the polishing of diamonds for purposes of business or trade (to be known as a diamond cutting licence); 5
- (b) the doing of research on the physical properties of diamonds, the uses to which diamonds can be put and cognate matters: Provided that such research shall not include the polishing of diamonds for purposes of business or trade (to be known as a diamond research 10 licence);
- (c) the setting in tools or implements of unpolished diamonds which are not suitable for polishing, or the crushing or altering of such diamonds for purposes of such setting or for other trade purposes (to be known as 15 a diamond tool-making licence); and
- (d) the repair or altering of polished diamonds set in jewellery or intended for such setting (to be known as a diamond repair licence).

Applications for new
licences.

18. (1) An application for a new licence shall be made to the 20 board in the prescribed form.

(2) An applicant shall furnish such particulars in connection with his application as may be prescribed or as the board may require.

(3) Every application for a new licence shall bear uncanceled 25 revenue stamps to the value of ten rand.

Grant or refusal of
applications for new
licences.

19. (1) After considering an application referred to in section 18 (1) the board shall submit such application, together with its recommendation in regard thereto as well as all other relevant documents, to the Minister. 30

(2) After receipt of the application, recommendation and documents referred to in subsection (1) the Minister may in his discretion—

- (a) subject to the provisions of subsections (5) and (6), grant or refuse the application; or 35
- (b) remit the application to the board for further investigation, consideration and the making of a further recommendation by the board and, on receipt of the board's further recommendation, grant or refuse the application subject to the provisions of subsections (5) and (6). 40

(3) If the Minister refuses an application in terms of subsection (2), he shall not be required to give any reasons for his decision and the Minister's decision in connection with an application shall be final.

(4) A new licence may be issued subject to such conditions as 45 the Minister may on the recommendation of the board impose when granting the application in question, and any such condition shall be endorsed on the licence, and the secretary of the board shall in writing notify the applicant concerned of any such condition. 50

(5) No licence referred to in section 17 shall be issued to any person under the age of twenty-one years.

(6) No diamond cutting licence shall be issued to—

- (a) a producer of diamonds;
- (b) a dealer; 55
- (c) any person who is not a South African citizen permanently resident in the Republic;
- (d) a company in which a controlling interest is held by a person referred to in paragraph (c); or
- (e) any partnership or other association of persons in which 60 a person referred to in paragraph (c) holds an interest by virtue of which he is entitled to more than half of the profits of such partnership or other association of persons.

(7) The Minister may on the recommendation of the board grant 65 an application for a temporary licence and authorize the issue thereof for such period, not exceeding one year, and subject to such conditions, as he may deem fit.

(8) Whenever an application for a new licence has been granted by the Minister in terms of this section, the secretary of the board

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

17. 'n Lisensie in die voorgeskrewe vorm kan ingevolge die bepaling van hierdie Wet uitgereik word ten opsigte van die volgende bedrywighede, naamlik—
- Indeling van lisensies.
- (a) die slyp van diamante vir besigheids- of handelsdoeleindes (wat 'n diamantslyplisensie genoem word);
 - (b) die doen van navorsing aangaande die fisiese eienskappe van diamante, die benutting van diamante en aanverwante aangeleenthede: Met dien verstande dat sodanige navorsing nie die slyp van diamante vir besigheids- of handelsdoeleindes insluit nie (wat 'n diamantnavorsinglisensie genoem word);
 - (c) die aanbring in gereedskap of werktuie van ongeslypte diamante wat nie geskik is om geslyp te word nie, of die fynmaak of verandering van sodanige diamante vir die doel om aldus aangebring te word of vir ander handelsdoeleindes (wat 'n diamantgereedskapvervaardiginglisensie genoem word); en
 - (d) die herstel of verander van geslypte diamante wat in juweliersware geset is of bestem is om aldus geset te word (wat 'n diamantherstellisensie genoem word).
18. (1) 'n Aansoek om 'n nuwe lisensie moet by die raad in die voorgeskrewe vorm gedoen word.
- Aansoeke om nuwe lisensies.
- (2) 'n Aansoeker moet in verband met sy aansoek die besonderhede verstrek wat voorgeskryf is of wat die raad verlang.
- (3) Elke aansoek om 'n nuwe lisensie moet ongeroeerde inkomsteseëls met 'n waarde van tien rand daarop hê.
19. (1) Na oorweging van 'n aansoek bedoel in artikel 18 (1) moet die raad daardie aansoek tesame met sy aanbeveling daaromtrent asook alle ander tersaaklike stukke aan die Minister voorlê.
- Toestaan of weiering van aansoeke om nuwe lisensies.
- (2) Na ontvangs van die aansoek, aanbeveling en stukke bedoel in subartikel (1) kan die Minister na goëddunke—
- (a) behoudens die bepaling van subartikels (5) en (6), die aansoek toestaan of weier; of
 - (b) die aansoek vir verdere ondersoek, oorweging en die doen van 'n verdere aanbeveling deur die raad na die raad terugverwys en, by ontvangs van die raad se verdere aanbeveling, die aansoek, behoudens die bepaling van subartikels (5) en (6), toestaan of weier.
- (3) Indien die Minister ingevolge subartikel (2) 'n aansoek weier, is hy nie verplig om redes vir sy beslissing te gee nie en die Minister se beslissing in verband met 'n aansoek is afdoende.
- (4) 'n Nuwe lisensie kan uitgereik word onderworpe aan die voorwaardes wat die Minister op aanbeveling van die raad oplê wanneer hy die betrokke aansoek toestaan, en so 'n voorwaarde moet op die lisensie geëndosseer word en deur die sekretaris van die raad skriftelik aan die betrokke aansoeker bekend gemaak word.
- (5) Geen lisensie bedoel in artikel 17 mag aan 'n persoon onder 50 die ouderdom van een-en-twintig jaar uitgereik word nie.
- (6) Geen diamantslyplisensie mag uitgereik word nie aan—
- (a) 'n produsent van diamante;
 - (b) 'n handelaar;
 - (c) 'n persoon wat nie 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is nie;
 - (d) 'n maatskappy waarin 'n beherende belang gehou word deur 'n persoon bedoel in paragraaf (c); of
 - (e) 'n vennootskap of ander vereniging van persone waarin 'n persoon bedoel in paragraaf (c) 'n belang hou uit hoofde waarvan hy geregtig is op meer as die helfte van die winste van sodanige vennootskap of ander vereniging van persone.
- (7) Die Minister kan op aanbeveling van die raad 'n aansoek om 'n tydelike lisensie toestaan en die uitreiking daarvan magtig vir die tydperk, van hoogstens 'n jaar, en onderworpe aan die voorwaardes, wat hy goedvind.
- (8) Wanneer 'n aansoek om 'n nuwe lisensie ingevolge hierdie artikel deur die Minister toegestaan is, moet die sekretaris van die

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

shall, on payment by the applicant of the appropriate fee prescribed by section 21, make out a licence in the prescribed form and in duplicate, retain one copy and hand the other to the applicant.

Duration of licences.

20. A new licence shall be issued and an existing licence shall be renewed in respect of a calendar year or a lesser period, subject, in the latter case, to expiration at the end of a quarter: Provided that every licence shall remain in force for a period of fourteen days as from the date on which the period expired in respect of which it has been issued or renewed and, if an application for renewal of such licence is received within such period of fourteen days, for such further period as may elapse from the date of such application to the date on which the application is granted or refused, as the case may be. 5 10

Fees payable in respect of licences.

21. The following fees shall be payable to the board in respect of licences: 15

- (a) Diamond cutting licence: eighty rand per annum or twenty rand per quarter;
- (b) diamond research licence: four rand per annum or one rand per quarter; 20
- (c) diamond tool-making licence or diamond repair licence: forty rand per annum or ten rand per quarter.

Issue of licence to a company, partnership or any other association of persons.

22. (1) In the case of any company, partnership or other association of persons the licence shall, subject to the provisions of subsections (5) and (6) of section 19, be issued to such company, partnership or other association of persons in the name of one or more natural persons nominated by that company, partnership or other association of persons and approved by the board. 25

(2) If such natural person ceases, or where there is more than one such person, all such persons cease to be associated with the licensee, the licensee shall forthwith apply to the board for the name or names of a new nominee or new nominees to be substituted for that of the former nominee or nominees, and on such application being made the board may, if it considers the new nominee or nominees suitable, authorize the secretary of the board to substitute in the licence the name or names of the new nominee or nominees for that of the former nominee or nominees. 35

(3) If the board is satisfied after proper investigation that a person nominated in terms of subsection (1) or (2) is not a suitable person to be concerned in the cutting or handling of diamonds, it may reject such nomination and may require a new nomination to be made. 40

(4) If the substitution of the name of a new nominee is not authorized as provided in subsection (2) within three months after the date on which a former nominee or the last of several former nominees ceased to be associated with the licensee concerned, the licence shall lapse unless the board otherwise directs. 45

(5) Any licensee who contravenes or fails to comply with the provisions of subsection (2) shall be guilty of an offence. 50

Transfer of licence.

23. (1) Subject to the provisions of subsection (4) a licence issued under this Act shall not be transferable and no licensee shall sell or in any other manner alienate or hypothecate any right under such a licence except with the written approval of the board. 55

(2) If a licensee is a—

- (a) company and any other person acquires a controlling interest in that company;
- (b) partnership or any other association of persons and a change occurs in the membership of such partnership or other association of persons,

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

raad, by betaling deur die aansoeker van die toepaslike gelde voorgeskryf by artikel 21, 'n lisensie in die voorgeskrewe vorm en in tweevoud uitmaak, een afskrif behou en die ander aan die aansoeker oorhandig.

- 5 20. 'n Nuwe lisensie word uitgereik en 'n bestaande lisensie Duur van lisensies.
word hernieu ten opsigte van 'n kalenderjaar of 'n korter tydperk, onderworpe, in laasgenoemde geval, aan verstryking aan die einde van 'n kwartaal: Met dien verstande dat elke lisensie van krag bly vir 'n tydperk van veertien dae vanaf die datum waarop die
10 tydperk verstryk het ten opsigte waarvan dit uitgereik of hernieu is en, indien 'n aansoek om hernuwing van so 'n lisensie ontvang word binne bedoelde tydperk van veertien dae, vir die verdere tydperk wat verloop vanaf die datum van so 'n aansoek tot die datum waarop die aansoek toegestaan of geweier word, na gelang
15 van die geval.

21. Die volgende gelde is ten opsigte van lisensies aan die raad betaalbaai: Gelde ten opsigte van lisensies betaalbaar.

- (a) Diamantslyplisensie: tagtig rand per jaar of twintig rand per kwartaal;
20 (b) diamantnavorsinglisensie: vier rand per jaar of een rand per kwartaal;
(c) diamantgereedskapvervaardiginglisensie of diamantherstellisensie: veertig rand per jaar of tien rand per kwartaal.

- 25 22. (1) In die geval van 'n maatskappy, vennootskap of ander vereniging van persone moet die lisensie, behoudens die bepalings van subartikels (5) en (6) van artikel 19, aan so 'n maatskappy, vennootskap of ander vereniging van persone uitgereik word in die naam van een of meer natuurlike persone wat deur daardie
30 maatskappy, vennootskap of ander vereniging van persone benoem en deur die raad goedgekeur word.

(2) Indien so 'n natuurlike persoon of, waar daar meer as een sodanige persoon is, al sodanige persone ophou om aan die lisensiehouer verbonde te wees, moet die lisensiehouer onverwyld
35 by die raad aansoek doen om die vervanging van die naam of name van die voormalige benoemde of benoemdes deur dié van 'n nuwe benoemde of nuwe benoemdes, en wanneer so 'n aansoek gedoen word, kan die raad, indien hy die nuwe benoemde of benoemdes geskik ag, die sekretaris van die raad magtig om die
40 naam of name van die voormalige benoemde of benoemdes op die lisensie te vervang deur dié van die nuwe benoemde of benoemdes.

(3) Indien die raad na behoorlike ondersoek oortuig is dat iemand wat ingevolge subartikel (1) of (2) benoem is, nie 'n
45 geskikte persoon is om by die slyp of hanteer van diamante betrokke te wees nie, kan hy so 'n benoeming verwerp en eis dat 'n nuwe benoeming gedoen word.

(4) Indien die vervanging deur die naam van 'n nuwe benoemde nie binne drie maande na die datum waarop 'n voormalige
50 benoemde of die laaste van verskeie voormalige benoemdes opgehou het om aan die betrokke lisensiehouer verbonde te wees, gemagtig word soos in subartikel (2) bepaal nie, vervall die lisensie tensy die raad anders gelas.

(5) 'n Lisensiehouer wat die bepalings van subartikel (2) oortree
55 of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

23. (1) Behoudens die bepalings van subartikel (4) is 'n lisensie Oordrag van lisensie.
wat kragtens hierdie Wet uitgereik is, nie oordraagbaar nie en mag geen lisensiehouer enige reg kragtens so 'n lisensie verkoop of op enige ander wyse vervreem of met 'n hipoteek beswaar nie
60 behalwe met die skriftelike goedkeuring van die raad.

(2) Indien 'n lisensiehouer—

- (a) 'n maatskappy is en 'n ander persoon 'n beherende belang in daardie maatskappy verwerf;
65 (b) 'n vennootskap of ander vereniging van persone is en daar 'n verandering in die lidmaatskap van so 'n vennootskap of ander vereniging van persone plaasvind,

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

the licence in question shall lapse immediately and shall be surrendered to the secretary of the board by the licensee for cancellation unless the board has on the written application of the licensee, submitted to the board before the date on which a change referred to in paragraph (a) or (b) comes into operation, approved of such change: Provided that the board may, if it is satisfied that failure by the licensee to submit such application timeously was due to circumstances beyond the control of the licensee, condone such failure and approve of such change.

(3) A licensee who fails to surrender his licence when required to do so in terms of the provisions of subsection (2), shall be guilty of an offence.

(4) If during the currency of a diamond cutting licence issued to a licensee other than a company, partnership or any other association of persons, the licensee is, for any reason deemed sufficient by the board, unable personally to carry on or to supervise the diamond polishing in respect of which the licence was issued, such licence shall lapse unless the board has, on application by the licensee, authorized, by endorsement on the licence, any other natural person whom the board deems fit, to carry on such diamond polishing for the unexpired term of such licence or for any lesser period.

(5) Any such person to whom a licence has been transferred in terms of subsection (4) shall for the purposes of this Act be deemed to be the licensee for the unexpired term of such licence, or for such lesser period.

Licences issued
under previous Act.

24. (1) A licence issued under the previous Act and which is in force at the commencement of this Act shall be deemed to be a licence issued under this Act and shall expire on the thirty-first day of December of the year in which this Act comes into operation.

(2) Any condition subject to which a licence referred to in subsection (1) was issued, shall be deemed to be a condition imposed under this Act, may be varied by the Minister after consultation with the board and shall otherwise remain in force until it is cancelled by the Minister after consultation with the board.

Renewal of licences.

25. (1) A licence, excluding a temporary licence referred to in section 19 (7), shall on expiration of the period in respect of which it has been issued, be renewed by the board if the licensee—

- (a) within fourteen days as from the date of such expiration applies to the board in the prescribed form for such renewal;
- (b) pays to the board the appropriate fee prescribed by section 21; and
- (c) satisfies the board, if so requested by the board, that he is actively carrying on the activity in respect of which the licence has been issued.

(2) When granting an application referred to in subsection (1) the board may with the approval of the Minister direct that the licence in question be renewed subject to such conditions as the Minister may, after consultation with the board, deem fit, either in addition to or in substitution for any conditions previously imposed in respect of the licence, or that any condition so previously imposed be cancelled or varied.

(3) If a licence has lapsed by virtue of the provisions of section 20 the person to whom such licence was issued shall not later than fourteen days as from the date on which it so lapsed, surrender such licence to the secretary of the board for cancellation.

(4) Any person who contravenes or fails to comply with the provisions of subsection (3) shall be guilty of an offence.

Cancellation and
suspension of
licences.

26. (1) A licence may be cancelled or suspended for a specified period by the board if the board is satisfied, after proper investigation, that the licensee—

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

verval die betrokke lisensie onmiddellik en moet dit deur die lisensiehouer by die sekretaris van die raad ingelewer word vir intrekking tensy die raad op skriftelike aansoek van die lisensiehouer, voorgelê aan die raad voor die datum waarop 'n 5 verandering bedoel in paragraaf (a) of (b) in werking tree, so 'n verandering goedgekeur het: Met dien verstande dat die raad, indien hy oortuig is dat versuim deur die lisensiehouer om so 'n aansoek betyds voor te lê, te wyte was aan omstandighede buite die beheer van die lisensiehouer, bedoelde versuim kan verskoon 10 en bedoelde verandering kan goedkeur.

(3) 'n Lisensiehouer wat versuim om sy lisensie in te lewer wanneer hy dit ingevolge die bepalinge van subartikel (2) moet doen, is aan 'n misdryf skuldig.

(4) Indien, gedurende die geldigheidstermyn van 'n diamant- 15 slyplisensie uitgereik aan 'n lisensiehouer wat nie 'n maatskappy, vennootskap of ander vereniging van persone is nie, die lisensiehouer, weens 'n rede wat deur die raad as voldoende geag word, nie in staat is om die slyp van diamante ten opsigte waarvan die lisensie uitgereik was, persoonlik te verrig of daarvoor toesig te 20 hou nie, verval daardie lisensie tensy die raad op aansoek deur die lisensiehouer 'n ander natuurlike persoon wat die raad geskik ag, deur endossement op die lisensie magtig om sodanige slyp van diamante vir die onverstreke termyn van daardie lisensie of vir 'n korter tydperk te verrig.

(5) So iemand aan wie 'n lisensie ingevolge subartikel (4) oorgedra is, word by die toepassing van hierdie Wet vir die onverstreke termyn van daardie lisensie of vir sodanige korter tydperk geag die lisensiehouer te wees.

24. (1) 'n Lisensie wat kragtens die vorige Wet uitgereik is en 30 wat by die inwerkingtreding van hierdie Wet van krag is, word geag 'n lisensie te wees wat kragtens hierdie Wet uitgereik is en verstryk op die een-en-dertigste dag van Desember van die jaar waarin hierdie Wet in werking tree. Lisensie uitgereik kragtens vorige Wet.

(2) 'n Voorwaarde onderworpe waaraan 'n lisensie bedoel in 35 subartikel (1) uitgereik is, word geag 'n voorwaarde te wees wat kragtens hierdie Wet opgelê is, kan deur die Minister na oorlegpleging met die raad gewysig word en bly andersins van krag totdat dit deur die Minister na oorlegpleging met die raad ingetrek word.

40 25. (1) 'n Lisensie, uitgesonderd 'n tydelike lisensie bedoel in artikel 19 (7), moet by verstryking van die tydperk ten opsigte waarvan dit uitgereik is, deur die raad hernieu word indien die lisensiehouer— Hernuwing van lisensies.

(a) binne veertien dae vanaf die datum van bedoelde 45 verstryking in die voorgeskrewe vorm by die raad aansoek doen om sodanige hernuwing;

(b) die toepaslike gelde by artikel 21 voorgeskryf, aan die raad betaal; en

(c) die raad oortuig, indien deur die raad daartoe versoek, 50 dat hy die bedrywigheid ten opsigte waarvan die lisensie uitgereik is, daadwerklik verrig.

(2) Wanneer die raad 'n aansoek bedoel in subartikel (1) (a) toestaan, kan hy met die goedkeuring van die Minister gelas dat die betrokke lisensie hernieu word onderworpe aan die voor- 55 waardes wat die Minister na oorlegpleging met die raad goedgevind, hetsy ter aanvulling of vervanging van voorwaardes wat vantevore ten opsigte van die lisensie opgelê is, of dat enige voorwaarde wat aldus vantevore opgelê is, ingetrek of gewysig word.

(3) Indien 'n lisensie uit hoofde van die bepalinge van artikel 20 60 verval het, moet die persoon aan wie daardie lisensie uitgereik was, nie later nie as veertien dae vanaf die datum waarop dit aldus verval het bedoelde lisensie by die sekretaris van die raad inlewer vir intrekking.

(4) Iemand wat die bepalinge van subartikel (3) oortree of 65 versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

26. (1) 'n Lisensie kan deur die raad ingetrek of vir 'n bepaalde tydperk opgeskort word indien die raad na behoorlike ondersoek oortuig is dat die lisensiehouer— Intrekking en opskorting van lisensies.

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

- (a) is, or was at any time either before or after the commencement of this Act, engaged in unlawful trade in or possession of unpolished diamonds or precious metals in contravention of this Act or any other law, or is suspected of assisting or of having assisted in such trade; 5
- (b) is or has been engaged in unlawful trade in any dependence-producing substance as defined in section 1 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act No. 41 of 1971); 10
- (c) has been convicted of any offence and sentenced to a term of imprisonment exceeding fourteen days without the option of a fine or to a fine exceeding one hundred rand, whether or not such sentence is suspended, and that such conviction renders the licensee unfit to carry 15 on the activity authorized by the licence issued to such licensee;
- (d) has failed or is unable to comply with any of the provisions of this Act;
- (e) has failed to comply with any condition imposed in 20 respect of the licence issued to such licensee;
- (f) has, in an application for a new licence or for the renewal of a licence, furnished false information knowing that such information is false; or
- (g) holds the licence, in the case of a licence issued to any 25 company, partnership or other association of persons, in the name of a person who subsequent to the issue of that licence became subject to any of the disqualifications mentioned in the preceding paragraphs.

(2) Any licence which has been cancelled or suspended by the board in terms of the provisions of subsection (1), shall be returned by the person to whom it was issued to the secretary of the board within seven days after the said secretary has in writing requested its return, and, in the case where such licence has been suspended, shall be held in safe-keeping by the said secretary 35 during the period of suspension.

(3) Any person who contravenes or fails to comply with the provisions of subsection (2) shall be guilty of an offence.

Appeal against
cancellation or
suspension of
licences.

27. (1) Any person aggrieved by the board's decision to cancel or suspend, in terms of the provisions of section 26, any licence 40 issued to such person may, after having given notice to the board in the prescribed manner, within a period of thirty days after the date of such decision appeal to the Minister in the prescribed manner against such decision.

(2) The board shall, within a period of fourteen days after the 45 date on which any notice referred to in subsection (1) is received by it, furnish the Minister with its reasons for the decision in question.

(3) The Minister may, after consideration of the board's reasons referred to in subsection (2) and the appellant's grounds of appeal, 50 confirm or set aside the board's decision, and the Minister's decision in this regard shall be notified to the appellant in writing by the chairman of the board.

Provisions regarding
licensed premises.

28. (1) (a) No licensee shall carry on diamond polishing or diamond repair work elsewhere than on the premises 55 approved by the board after consultation with the chief of the diamond branch and described in the licence issued to him or on any premises of which the address has been endorsed on such licence under the provisions of subsection (2). 60

(b) Any licensee who contravenes or fails to comply with any of the provisions of paragraph (a) shall be guilty of an offence.

(2) If the removal or extension of a licensee's place of business or work to premises other than those approved by the board and 65

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

- (a) betrokke is, of te eniger tyd hetsy voor of na die inwerkingtreding van hierdie Wet betrokke was, by onwettige handel in of besit van ongeslypte diamante of edele metale, in oortreding van hierdie Wet of enige ander wet, of daarvan verdink word dat hy by sodanige handel behulpsaam is of was;
- (b) by onwettige handel in 'n afhanklikheidsvormende stof soos omskryf in artikel 1 van die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet No. 41 van 1971), betrokke is of was;
- (c) aan enige misdryf skuldig bevind is en gevonnissen is tot 'n termyn gevangenisstraf van meer as veertien dae sonder die keuse van 'n boete of tot 'n boete wat honderd rand oorskry, hetsy so 'n vonnis opgeskort word al dan nie, en dat so 'n skuldigbevinding die lisensiehouer ongeskik maak om die bedrywigheid te verrig wat gemagtig word deur die lisensie wat aan daardie lisensiehouer uitgereik is;
- (d) versuim het of nie in staat is nie om aan enige van die bepalings van hierdie Wet te voldoen;
- (e) versuim het om 'n voorwaarde na te kom wat opgelê is ten opsigte van die lisensie wat aan bedoelde lisensiehouer uitgereik is;
- (f) in 'n aansoek om 'n nuwe lisensie of om die hernuwing van 'n lisensie, valse inligting verstrek het wetende dat sodanige inligting vals is; of
- (g) in die geval van 'n lisensie uitgereik aan 'n maatskappy, vennootskap of ander vereniging van persone, die lisensie hou in die naam van iemand wat na die uitreiking daarvan onderhewig geword het aan enige van die in die voorgaande paragrawe bedoelde onbevoegdhede.
- (2) 'n Lisensie wat ingevolge die bepalings van subartikel (1) deur die raad ingetrek of opgeskort is, moet deur die persoon aan wie dit uitgereik is, aan die sekretaris van die raad terugbesorg word binne sewe dae nadat bedoelde sekretaris skriftelik versoek het dat dit terugbesorg word, en moet, in die geval waar so 'n lisensie opgeskort is, deur bedoelde sekretaris veilig bewaar word gedurende die tydperk van opskorting.
- (3) Iemand wat die bepalings van subartikel (2) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.
27. (1) 'n Persoon wat hom veronreg voel deur die raad se besluit om ingevolge die bepalings van artikel 26 'n lisensie in te trek of op te skort wat aan so 'n persoon uitgereik is, kan, nadat hy op die voorgeskrewe wyse aan die raad kennis gegee het, binne 'n tydperk van dertig dae na die datum van so 'n besluit, op die voorgeskrewe wyse teen daardie besluit na die Minister appelleer.
- (2) Die raad moet, binne 'n tydperk van veertien dae na die datum waarop 'n kennisgewing bedoel in subartikel (1) deur hom ontvang is, sy redes vir die betrokke besluit aan die Minister verstrek.
- (3) Die Minister kan, na oorweging van die raad se redes bedoel in subartikel (2) en die appellant se gronde van appèl, die raad se besluit bekragtig of tersyde stel, en die Minister se besluit in dié verband moet deur die voorsitter van die raad skriftelik aan die appellant bekend gemaak word.
28. (1) (a) Geen lisensiehouer mag diamante slyp of herstel nie elders as op die perseel wat deur die raad na oorleg met die hoof van die diamanttak goedgekeur is en wat beskrywe is in die lisensie wat aan hom uitgereik is, of op 'n perseel waarvan die adres kragtens die bepalings van subartikel (2) op daardie lisensie geëndosseer is.
- (b) 'n Lisensiehouer wat die bepalings van paragraaf (a) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.
- (2) Indien die verskuiwing of uitbreiding van 'n lisensiehouer se besigheids- of werkplek na 'n ander perseel as dié wat deur die

Appèl teen
intrekking of
opskorting van
lisensies.

Bepalings in verband
met gelisensieerde
persele.

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

described in his licence in terms of subsection (1) becomes necessary, the board may, on application made by the licensee to the board, authorize such removal or extension to other premises approved by the board after consultation with the chief of the diamond branch, and direct the secretary of the board to endorse on the licence the address at which such other premises are situated. 5

(3) Every licensee shall affix and keep affixed in some conspicuous place on the outside of and over or by the side of the outer door of the approved premises his full name or, in the case of a licensee which is a company, partnership or any other association of persons, its name, style or title, and after such name, style or title a description indicating that the licensee is a licensed diamond cutter, diamond research worker, diamond tool-maker or diamond repairer, as the case may be. 10 15

(4) Such name, style or title and such description shall be affixed in printed capital letters at least five centimetres in height and plainly visible and legible.

(5) A licensee who contravenes or fails to comply with any of the provisions of subsection (3) or (4) shall be guilty of an offence. 20

Acquisition of
unpolished diamonds
by licensee.

29. (1) Any licensee who buys or in any other manner acquires or receives any unpolished diamond—

- (a) for a purpose other than the activity authorized by the licence issued to him; or 25
- (b) from any person who is not in lawful possession of such diamond,

shall be guilty of an offence.

(2) No licensee shall in any way receive or acquire any unpolished diamond elsewhere than on his approved premises, or in or upon the approved office or business premises, as contemplated in the Precious Stones Act, 1964 (Act No. 73 of 1964), of any producer of diamonds or any dealer, or in such other place as the board may approve or as may be prescribed. 30

(3) Save as is otherwise prescribed, no licensee shall keep any unpolished diamond elsewhere than on his approved premises or in a safe deposit vault maintained by a bank referred to in the definition of "banker" in section 1 of the Precious Stones Act, 1964, or at such other place as the board may approve. 35

(4) A licensee who contravenes or fails to comply with any of the provisions of subsection (2) or (3) shall be guilty of an offence. 40

Prohibited interests.

30. Any holder of a diamond cutting licence or a diamond repair licence who has any interest, direct or indirect, in the business of a dealer, or who permits any dealer to have any interest, direct or indirect, in his business or establishment, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand for every day on which the offence continues. 45

Notes of sale,
purchase, delivery
and receipt.

31. (1) Whenever a licensee purchases or receives any unpolished diamond for alteration on his own behalf or on behalf of any other person, he shall complete a note of sale and purchase, or of delivery and receipt, as the circumstances may require, in the prescribed form. 50

(2) The licensee shall retain such note in his place of business for a period of at least one year after the date on which he has returned or otherwise disposed of the last of any diamonds referred to in such note. 55

(3) Any licensee who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence.

Registration of
employees.

32. (1) No licensee shall employ in diamond polishing or diamond repair any person who is not a registered employee. 60

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

raad goedgekeur en in sy lisensie beskrywe is ingevolge subartikel (1), noodsaaklik word, kan die raad, indien aansoek daarom deur die lisensiehouer by die raad gedoen word, sodanige verskuiwing of uitbreiding na 'n ander perseel wat deur die raad na oorleg met 5 die hoof van die diamanttak goedgekeur is, magtig en die sekretaris van die raad gelas om die adres waar sodanige ander perseel geleë is, op die lisensie te endosseer.

(3) Elke lisensiehouer moet op 'n in die oog vallende plek aan die buitekant van en bo of langs die buitedeur van die 10 goedgekeurde perseel sy volle naam of, in die geval van 'n lisensiehouer wat 'n maatskappy, vennootskap of ander vereniging van persone is, sy naam, beskrywing of titel en na sodanige naam, beskrywing of titel 'n beskrywing wat aandui dat die lisensiehouer 'n gelisensieerde diamantslyper, diamantnavorsers, diamantge- 15 reedskapvervaardiger of diamanthersteller is, na gelang van die geval, aanheg en aangeheg hou.

(4) Sodanige naam, beskrywing of titel en sodanige ander beskrywing moet in druk-hoofletters, minstens vyf sentimeters hoog en duidelik sigbaar en leesbaar, aangebring word.

20 (5) 'n Lisensiehouer wat enige van die bepalings van subartikel (3) of (4) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

29. (1) 'n Lisensiehouer wat 'n ongeslypte diamant koop of op enige ander wyse verkry of ontvang— Verkryging van ongeslypte diamant deur lisensiehouer.

25 (a) vir 'n ander doel as die bedrywigheid wat gemagtig word deur die lisensie wat aan hom uitgereik is; of

(b) van iemand wat nie in wettige besit van daardie diamant is nie, is aan 'n misdryf skuldig.

30 (2) Geen lisensiehouer mag enige ongeslypte diamant op enige wyse ontvang of verkry nie elders as op sy goedgekeurde perseel, of in of op die goedgekeurde kantoor of besigheidsperseel, soos beoog in die Wet op Edelgesteentes, 1964 (Wet No. 73 van 1964), van 'n produsent van diamante of 'n handelaar, of op die ander plek 35 wat die raad goedkeur of wat voorgeskryf is.

(3) Behalwe waar anders voorgeskryf word, mag geen lisensiehouer 'n ongeslypte diamant op 'n ander plek hou nie as op sy goedgekeurde perseel of in 'n brandkluis wat deur 'n bank vermeld in die omskrywing van „bankier” in artikel 1 van die 40 Wet op Edelgesteentes, 1964, in stand gehou word of op die ander plek wat die raad goedkeur.

(4) 'n Lisensiehouer wat enige van die bepalings van subartikel (2) of (3) oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

45 30. Enige houer van 'n diamantslyplisensie of 'n diamantherstellisensie wat enige belang, direk of indirek, in die besigheid van 'n handelaar het, of wat 'n handelaar toelaat om enige belang, direk of indirek, in sy besigheid of saak te hê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van 50 hoogstens vyftig rand vir elke dag waarop die misdryf voortduur. Verbode belang.

31. (1) Wanneer 'n lisensiehouer 'n ongeslypte diamant koop of ontvang om vir homself of ten behoeve van iemand anders verander te word, moet hy 'n verkoop- en koopbrief of 55 afleverings- en ontvangsbrief, na gelang van die geval, in die voorgeskrewe vorm voltooi. Verkoop-, koop-, afleverings- en ontvangsbriewe.

(2) Die lisensiehouer moet so 'n brief in sy besigheidsplek hou vir 'n tydperk van minstens een jaar na die datum waarop hy die laaste van die diamante in die brief genoem, terugbesorg of andersins daarvoor beskik het.

60 (3) 'n Lisensiehouer wat enige van die bepalings van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

32. (1) Geen lisensiehouer mag iemand wat nie 'n geregi- 65 streerde werknemer is, by die slyp van diamante of die herstel van diamante in diens hê nie. Registrasie van werknemers.

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

- (2) (a) On application for registration made to him in the prescribed form and manner by an employee or a prospective employee, as the case may be, in diamond polishing or diamond repair, the chief of the diamond branch shall, subject to the provisions of subsection (3), 5 issue to such employee or prospective employee a certificate of registration in the prescribed form.
- (b) Such certificate of registration shall authorize the holder thereof to perform work only for the licensee and on the premises specified therein, and if such holder leaves the 10 service of such licensee for any reason, he shall forthwith return the certificate of registration to the chief of the diamond branch for cancellation.
- (3) The issue of such a certificate may be refused, and a certificate issued under this section may be cancelled, or 15 suspended for a specified period, by the chief of the diamond branch if the applicant for registration, or the registered employee, as the case may be—
- (a) has at any time been convicted of any offence which in the opinion of the chief of the diamond branch renders 20 such applicant or employee unfit to be employed by a licensee in diamond polishing or diamond repair;
- (b) is on good grounds suspected by the chief of the diamond branch, or associates with any person suspected on good grounds by the chief of the diamond 25 branch, of contravening any law relating to the possession or disposal of unpolished diamonds or precious metals or any dependence-producing substance referred to in section 26 (1) (b) or to liquor traffic;
- (c) is addicted to any dependence-producing substance 30 referred to in section 26 (1) (b);
- (d) has failed or is unable to comply with any provision of this Act which it is his duty to comply with;
- (e) conducts or conducted himself, or instigates or instigated other persons to conduct themselves, in a manner 35 calculated to endanger, disturb or harm the discipline or good order in the work-place of the licensee or in the diamond cutting industry in general; or
- (f) without the written authority of the licensee brings onto the licensee's approved premises polished diamonds not 40 set in jewellery:

Provided that such applicant or registered employee shall have a right of appeal against such refusal, cancellation or suspension, as the case may be, to the board, whose decision on any such appeal shall be final. 45

(4) Any certificate of registration issued under the previous Act and which is in force at the commencement of this Act, shall be deemed to be a certificate of registration issued under this section.

(5) If a certificate of registration is suspended under any provision of this Act, the person to whom it has been issued shall 50 during the period of suspension be deemed not to be the holder of a certificate of registration.

(6) When the chief of the diamond branch has under subsection (3) cancelled or suspended a certificate of registration, he shall forthwith and in writing notify the board as well as the employer 55 of the employee concerned of such cancellation or suspension.

(7) Subject to the proviso to subsection (3), every person whose certificate of registration has been cancelled or suspended in terms of this section shall, within seven days after being requested in writing by the chief of the diamond branch to do so, hand in such 60 certificate of registration at an office of the South African Police designated by the said chief, and any person who fails to comply with the provisions of this subsection or subsection (2) (b) shall be guilty of an offence.

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

- (2) (a) Wanneer aansoek om registrasie deur 'n werknemer of voornemende werknemer, na gelang van die geval, by die slyp van diamante of die herstel van diamante by hom in die voorgeskrewe vorm en op die voorgeskrewe wyse gedoen word, moet die hoof van die diamanttak, behoudens die bepalinge van subartikel (3), aan so 'n werknemer of voornemende werknemer 'n registrasiesertifikaat in die voorgeskrewe vorm uitreik.
- (b) So 'n registrasiesertifikaat magtig die houer daarvan om slegs vir die lisensiehouer en op die perseel of persele daarin vermeld, werk te verrig, en indien so 'n houer om enige rede die diens van so 'n lisensiehouer verlaat, moet hy die registrasiesertifikaat onverwyld aan die hoof van die diamanttak vir intrekking terugbesorg.
- (3) Die uitreik van so 'n sertifikaat kan geweier word, en 'n sertifikaat wat ingevolge hierdie artikel uitgereik is, kan ingetrek of vir 'n bepaalde termyn opgeskort word deur die hoof van die diamanttak indien die aansoeker om registrasie, of die geregistreerde werknemer, na gelang van die geval—
- (a) te eniger tyd skuldig bevind is aan 'n misdryf wat na die oordeel van die hoof van die diamanttak sodanige aansoeker of werknemer ongeskik maak om by 'n lisensiehouer by die slyp of herstel van diamante in diens te wees;
- (b) op goeie gronde deur die hoof van die diamanttak verdink word, of omgaan met iemand wat deur die hoof van die diamanttak op goeie gronde verdink word, van die oortreding van enige wetsbepaling op die besit of van die hand sit van ongeslypte diamante of edele metale of 'n afhanklikheidsvormende stof bedoel in artikel 26 (1) (b) of op die drankhandel;
- (c) verslaaf is aan 'n afhanklikheidsvormende stof bedoel in artikel 26 (1) (b);
- (d) versuim het of nie in staat is nie om te voldoen aan enige bepaling van hierdie Wet waaraan hy moet voldoen;
- (e) hom gedra of gedra het, of ander persone aanstig of aangestig het om hul te gedra, op 'n wyse wat bereken is om die dissipline of goeie orde in die werksplek van die lisensiehouer of in die diamantslypbedryf in die algemeen in gevaar te stel, te versteur of te benadeel; of
- (f) sonder die skriftelike magtiging van die lisensiehouer geslypte diamante wat nie in juweliersware geset is nie op die lisensiehouer se goedgekeurde perseel bring.
- Met dien verstande dat so 'n aansoeker of geregistreerde werknemer teen so 'n weiering, intrekking of opskorting, na gelang van die geval, 'n reg van appèl na die raad het, wie se beslissing insake so 'n appèl afdoende is.
- (4) 'n Registrasiesertifikaat wat kragtens die vorige Wet uitgereik is en wat by die inwerkingtreding van hierdie Wet van krag is, word geag 'n registrasiesertifikaat te wees wat kragtens hierdie artikel uitgereik is.
- (5) Indien 'n registrasiesertifikaat kragtens enige bepaling van hierdie Wet opgeskort word, word die persoon aan wie dit uitgereik is, gedurende die termyn van opskorting geag nie die houer van 'n registrasiesertifikaat te wees nie.
- (6) Wanneer die hoof van die diamanttak kragtens subartikel (3) 'n registrasiesertifikaat ingetrek of opgeskort het, moet hy onverwyld die raad sowel as die werkgewer van die betrokke werknemer skriftelik van die intrekking of opskorting verwittig.
- (7) Behoudens die voorbehoudsbepaling by subartikel (3) moet elke persoon wie se registrasiesertifikaat ingevolge hierdie artikel ingetrek of opgeskort is, daardie registrasiesertifikaat by 'n kantoor van die Suid-Afrikaanse Polisie deur die hoof van die diamanttak aangewys, inlewer binne sewe dae nadat hy skriftelik deur bedoelde hoof versoek is om dit te doen, en iemand wat versuim om aan die bepalinge van hierdie subartikel of subartikel (2) (b) te voldoen, is aan 'n misdryf skuldig.

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

(8) Any licensee who—

- (a) contravenes or fails to comply with the provisions of subsection (1);
- (b) employs in diamond polishing or diamond repair any person whose certificate of registration has been cancelled in terms of this section;
- (c) employs in diamond polishing or diamond repair any person whose certificate of registration has been suspended, during the period of such suspension,

shall be guilty of an offence.

10

Provisions relating to the supply of unpolished diamonds to licensed diamond cutters.

33. (1) In order to ensure that licensed diamond cutters shall obtain a regular supply of unpolished diamonds to enable them to carry on without interruption their diamond polishing operations, the Minister may make arrangements or enter into an agreement with any dealer or with any organization or association of producers of diamonds, for the making available for sale to such cutters, at regular intervals, of diamonds of such classes, qualities, sizes and descriptions as may be required by such cutters: Provided that such diamonds shall be offered to such cutters and shall be taken up by them in assortments made up according to shape, quality, colour and size, in accordance with the custom of the trade.

15

20

(2) Notwithstanding anything to the contrary contained in any law, the Minister may, on the recommendation of the board, by notice in writing require a producer of diamonds to sell, during a period specified in such notice, to a dealer with whom or to an organization or association of producers of diamonds with which the Minister has made an arrangement or entered into an agreement in terms of subsection (1), diamonds of such classes, qualities, sizes and descriptions as may be determined by the Minister and specified in such notice.

25

30

(3) The Minister shall in a notice referred to in subsection (2) fix and determine terms and conditions of sale, including provisions as to the manner in which all questions and disputes which may arise between the dealer, organization or association and the diamond producer concerned, in regard to such sale, shall be finally settled.

35

(4) A dealer with whom or an organization or association of producers of diamonds with which the Minister has made an arrangement or entered into an agreement in terms of subsection (1), shall allocate to licensed diamond cutters, on a basis and in a manner determined by such dealer, organization or association with the concurrence of the board, all unpolished gem diamonds produced in the Republic of South Africa which are available to him or it and which in the opinion of the board are capable of being polished in the Republic of South Africa: Provided that if such dealer, organization or association and the board are unable to agree on the basis or manner of such allocation, the Minister shall determine the basis on or the manner in which such diamonds shall be so allocated.

40

45

50

(5) The Minister may direct a dealer with whom or an organization or association of producers of diamonds with which he has made an arrangement or entered into an agreement in terms of subsection (1), to grant to licensed diamond cutters to whom diamonds are made available for sale in terms of that subsection, a rebate fixed by the Minister on the purchase price of such diamonds produced in the Republic of South Africa and on which no export duty has been paid: Provided that the amount of such rebate shall not exceed the amount which would have been payable in respect of export duty on such diamonds had they been exported from the Republic of South Africa: Provided, further, that the Minister may fix different rebates in respect of different classes, categories, sizes or qualities of diamonds.

55

60

(6) A producer of diamonds who refuses or fails to comply with the requirements of a notice under subsection (2), shall be guilty of an offence.

65

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

- (8) 'n Lisensiehouer wat—
- (a) die bepalings van subartikel (1) oortree of versuim om daaraan te voldoen;
 - (b) iemand wie se registrasiesertifikaat ingevolge hierdie artikel ingetrek is, in diens hou by die slyp van diamante of die herstel van diamante;
 - (c) iemand wie se registrasiesertifikaat opgeskort is, in diens hou, gedurende die tydperk van sodanige opskorting, by die slyp van diamante of die herstel van diamante,
- 10 is aan 'n misdryf skuldig.

33. (1) Ten einde te verseker dat gelisensieerde diamantslypers 'n gereelde toevoer van ongeslypte diamante verkry om hulle in staat te stel om sonder onderbreking hul diamantslypbedrywighede voort te sit, kan die Minister met enige handelaar of met enige organisasie of vereniging van diamantprodusente reëlings tref of 'n ooreenkoms aangaan vir die beskikbaarstelling, met gereelde tussenpose, vir verkoop aan sodanige slypers, van diamante van die klasse, kwaliteite, groottes en beskrywings wat bedoelde slypers nodig het: Met dien verstande dat sodanige diamante aan sodanige slypers aangebied moet word en deur hulle opgeneem moet word in sorterings saamgestel volgens vorm, kwaliteit, kleur en grootte, ooreenkomstig die handelsgebruik.

Bepalings betreffende die verskaffing van ongeslypte diamante aan gelisensieerde diamantslypers.

(2) Ondanks andersluidende wetsbepalings kan die Minister op aanbeveling van die raad 'n diamantprodusent by skriftelike kennisgewing aansê om gedurende 'n in die kennisgewing vermelde tydperk diamante van die klasse, kwaliteite, groottes en beskrywings wat die Minister bepaal en in die kennisgewing vermeld word, te verkoop aan 'n handelaar of aan 'n organisasie of vereniging van diamantprodusente met wie die Minister 'n reëling getref of ooreenkoms aangegaan het ingevolge subartikel (1).

(3) Die Minister moet in 'n kennisgewing bedoel in subartikel (2) verkoopsbedinge en -voorwaardes vasstel en bepaal, met inbegrip van die wyse waarop alle vraagstukke en geskille wat in verband met so 'n verkoping mag ontstaan tussen die handelaar, organisasie of vereniging en die betrokke diamantprodusent, finaal besleg moet word.

(4) 'n Handelaar of 'n organisasie of vereniging van diamantprodusente met wie die Minister 'n reëling getref het of 'n ooreenkoms aangegaan het ingevolge subartikel (1), moet op 'n grondslag en op 'n wyse deur so 'n handelaar, organisasie of vereniging met instemming van die raad bepaal, alle ongeslypte sierdiamante wat in die Republiek van Suid-Afrika geproduseer word en tot sy beskikking is en wat na die oordeel van die raad geskik is om in die Republiek van Suid-Afrika geslyp te word, aan gelisensieerde diamantslypers toewys: Met dien verstande dat indien so 'n handelaar, organisasie of vereniging en die raad nie kan ooreenkoms omtrent die grondslag of wyse van sodanige toewysing nie, die Minister die grondslag of die wyse bepaal waarop sodanige diamante aldus toegewys moet word.

(5) Die Minister kan 'n handelaar of 'n organisasie of vereniging van diamantprodusente met wie hy ingevolge subartikel (1) 'n reëling getref of 'n ooreenkoms aangegaan het, gelas om aan gelisensieerde diamantslypers aan wie diamante vir verkoop beskikbaar gestel word ingevolge daardie subartikel, 'n deur die Minister vasgestelde korting toe te staan op die koopprys van sodanige diamante wat in die Republiek geproduseer is en waarop geen uitvoerbelasting betaal is nie: Met dien verstande dat die bedrag van so 'n korting nie die bedrag te bowe gaan nie wat ten opsigte van uitvoerbelasting op sodanige diamante betaalbaar sou gewees het indien hulle uit die Republiek van Suid-Afrika uitgevoer sou gewees het: Met dien verstande voorts dat die Minister verskillende kortings ten opsigte van verskillende klasse, kategorieë, groottes of kwaliteite diamante kan vasstel.

(6) 'n Diamantprodusent wat weier of versuim om aan die vereistes van 'n kennisgewing kragtens subartikel (2) te voldoen, is aan 'n misdryf skuldig.

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

Export, sale,
delivery or disposal
of diamonds which
are not polished
diamonds.

34. (1) No licensee shall export, sell, deliver or dispose of diamonds which are not polished diamonds (other than such diamonds set in tools or implements or crushed or altered under authority of a diamond tool-making licence): Provided that a licensee may—

- (a) under the authority of a permit in the prescribed form issued by the chief of the diamond branch—
 - (i) sell, deliver or dispose of such diamonds to another licensee; or
 - (ii) export fragments, crushed diamonds or diamond dust resulting from the diamond polishing or diamond repair performed under the licence issued to him, on obtaining in respect of such fragments, crushed diamonds or diamond dust a certificate of valuation by the Government Diamond Valuator and Technical Adviser or by a person authorized by the Minister, after consultation with the board, to issue such a certificate;
- (b) under the authority of a permit in the prescribed form issued by the board, sell, deliver or dispose of such diamonds to a dealer or export such diamonds, on obtaining from the Government Diamond Valuator and Technical Adviser, or a person authorized by the Minister, after consultation with the board, to issue such a certificate, and furnishing to the board, a certificate of valuation in respect of such diamonds.

(2) All fragments, crushed diamonds and diamond dust referred to in paragraph (a) (ii) of subsection (1)—

- (a) shall be deemed to be diamonds for the purposes of any law relating to the payment of export duty on unpolished diamonds; and
- (b) shall be packed and sealed for export in the prescribed manner.

(3) If in connection with the export of diamonds the question arises whether a diamond is a partly manufactured diamond, the board's decision on such question shall be final.

(4) Any licensee who contravenes or fails to comply with any provision of this section shall be guilty of an offence.

Cancellation of
allocation of
unpolished
diamonds.

35. (1) If the board is satisfied that a licensee to whom unpolished diamonds have been allocated in terms of the provisions of section 33 (4), is unable to polish such diamonds, or whenever it comes to the notice of the board that such licensee regularly or frequently sells or disposes of diamonds so allocated to him to another licensee, the board may by notice in writing direct the dealer who or organization or association which has made the allocation to cancel such allocation, either permanently or for a period specified in such notice, and to allocate the diamonds in question to other licensees or to a particular licensee specified by the board in such notice.

(2) Any right acquired by a licensee under an allocation made in terms of the provisions of section 33 (4), shall not be transferable except in the event of an amalgamation, approved by the board, of such licensee's diamond cutting business with any other diamond cutting business, and if a licensee sells or in any other manner alienates his diamond cutting business, such right shall not be part of the alienable assets of such business, and the diamonds to which such allocation relates shall become available for allocation to other licensees: Provided that if the prospective buyer of such a business is another licensee, the board may, on such conditions as it may deem fit, approve of the transfer of such right to such buyer.

Unauthorized
erection or operation
of machinery.

36. (1) Any person, other than a licensee or a registered employee acting in the course of his employment with a licensee, who erects or operates any machine designed or adapted for diamond polishing, and any licensee who erects or operates any

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

34. (1) Geen lisensiehouer mag diamante wat nie geslypte diamante is nie (behalwe sodanige diamante wat kragtens 'n diamantgereedskapvervaardiginglisensie fyngemaak of verander of in gereedskap of werktuie aangebring is) uitvoer, verkoop, lewer 5 of van die hand sit nie: Met dien verstande dat 'n lisensiehouer—
- (a) kragtens 'n permit in die voorgeskrewe vorm deur die hoof van die diamanttak uitgereik—
- (i) sodanige diamante aan 'n ander lisensiehouer mag 10 verkoop, lewer of van die hand sit; of
- (ii) brokstukke, fyngemaakte diamante of diamantpoeier wat ontstaan uit die slyp of herstel van diamante kragtens die aan hom uitgereikte lisensie verrig, kan uitvoer indien hy ten opsigte van 15 sodanige brokstukke, fyngemaakte diamante of diamantpoeier 'n valuasiesertifikaat uitgereik deur die Staatsdiamantwaardeerder en Tegniese Adviseur of deur iemand wat deur die Minister na oorlegpleging met die raad gemagtig is om so 'n sertifikaat uit te reik, verkry;
- (b) kragtens 'n permit in die voorgeskrewe vorm deur die 20 raad uitgereik, sodanige diamante aan 'n handelaar mag verkoop, lewer of van die hand sit, of mag uitvoer, indien hy van die Staatsdiamantwaardeerder en Tegniese Adviseur of iemand wat deur die Minister na oorlegpleging met die raad gemagtig is om so 'n sertifikaat uit 25 te reik, 'n valuasiesertifikaat ten opsigte van sodanige diamante verkry en aan die raad verstrekket.
- (2) Alle brokstukke, fyngemaakte diamante en diamantpoeier bedoel in paragraaf (a) (ii) van subartikel (1)—
- (a) word by die toepassing van enige wetsbepaling op die 30 betaling van uitvoerbelasting op ongeslypte diamante, geag diamante te wees; en
- (b) moet op die voorgeskrewe wyse vir uitvoer verpak en verseël word.
- (3) Indien by die uitvoer van diamante die vraag ontstaan of 'n 35 diamant 'n gedeeltelik bewerkte diamant is, is die raad se beslissing aangaande so 'n vraag afdoende.
- (4) 'n Lisensiehouer wat enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf 40 skuldig.
35. (1) Indien die raad oortuig is dat 'n lisensiehouer aan wie ongeslypte diamante toegewys is ingevolge die bepalings van artikel 33 (4), nie in staat is om sodanige diamante te slyp nie, of 45 wanneer dit tot die raad se kennis kom dat so 'n lisensiehouer gereeld of dikwels diamante wat aldus aan hom toegewys is, aan 'n ander lisensiehouer verkoop of van die hand sit, kan die raad die handelaar, organisasie of vereniging wat die toewysing gedoen het by skriftelike kennisgewing aansê om so 'n toewysing in te 50 trek, hetsy permanent of vir 'n tydperk vermeld in die kennisgewing, en om die betrokke diamante toe te wys aan ander lisensiehouers of aan 'n bepaalde lisensiehouer deur die raad in die kennisgewing vermeld.
- (2) Enige reg deur 'n lisensiehouer verkry kragtens 'n toewysing gedoen ingevolge die bepalings van artikel 33 (4), is 55 nie oordraagbaar nie behalwe in die geval van 'n deur die raad goedgekeurde samesmelting van so 'n lisensiehouer se diamantslypsaak met 'n ander diamantslypsaak, en indien 'n lisensiehouer sy diamantslypsaak verkoop of op enige ander wyse vervreem, maak so 'n reg nie deel uit van die vervreembare bates van 60 daardie saak nie en raak die diamante waarop so 'n toewysing betrekking het, beskikbaar vir toewysing aan ander lisensiehouers: Met dien verstande dat indien die voornemende koper van so 'n saak 'n ander lisensiehouer is, die raad op die voorwaardes wat hy goedgevind die oordrag van so 'n reg aan so 'n koper kan goedkeur.
36. (1) Enige ander persoon as 'n lisensiehouer of as 'n 65 geregistreerde werknemer wat handel in die loop van sy diens by 'n lisensiehouer, wat 'n masjien wat vir die slyp van diamante ontwerp of aangepas is, oprig of gebruik, en enige lisensiehouer

Uitvoer, verkoop, lewering of van die hand sit van diamante wat nie geslypte diamante is nie.

Intrekking van toewysing van ongeslypte diamante.

Ongemagtigde oprigting of gebruik van masjinerie.

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

such machine on premises other than the approved premises, without having obtained, subject to the provisions of subsection (2), written permission from the board to do so, shall be guilty of an offence.

(2) The board shall grant permission in terms of subsection (1) only after consultation with the chief of the diamond branch.

(3) When granting permission in terms of subsection (1) the board may impose such conditions as it may deem fit.

Offences involving
certain
misrepresentations.

37. Any person—

- (a) who knowingly makes a false statement or a misrepresentation or conceals any fact of material importance with intent to obtain for himself, or to assist any other person to obtain, a licence, certificate of registration or any other document or advantage under this Act; 10
- (b) who forges, or with intent to deceive, alters, any licence, certificate of registration or any other document or any record for which provision was made in the previous Act or is made in this Act, or which was issued under the previous Act or this Act; or 15
- (c) not being a licensed diamond cutter, who— 20
 - (i) by words, conduct or demeanour pretends that he is a licensed diamond cutter; or
 - (ii) uses or in any manner publishes any name, style, title, description or advertisement indicating or conveying or purporting to indicate or to convey or calculated or likely to lead other persons to believe or infer that he is a licensed diamond cutter, 25

shall be guilty of an offence and liable on conviction to any penalty which may in law be imposed on a conviction of fraud.

Penalties.

38. Any person who is convicted of an offence in terms of this Act shall, if no penalty is expressly prescribed for such offence, be liable— 30

- (a) in the case of an offence referred to in section 12 (2), 22 (5), 23 (3), 25 (4), 26 (3), 28 (5), 31 (3) or 32 (7), to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months; 35
- (b) in the case of an offence referred to in section 11 (6) or 32 (8), to a fine not exceeding one thousand rand;
- (c) in the case of an offence referred to in section 29 (4) or 33 (6), to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to such imprisonment without the option of a fine or to both such fine and such imprisonment; and 40
- (d) in the case of an offence referred to in section 16 (3), 28 (1) (b), 29 (1), 34 (4) or 36 (1), to a fine not exceeding ten thousand rand or to imprisonment for a period not exceeding ten years or to such imprisonment without the option of a fine or to both such fine and such imprisonment. 45

Regulations.

39. (1) The Minister may, subject to the provisions of subsection (2), make regulations— 50

- (a) prescribing the procedure to be observed at meetings of the board and of the executive committee;
- (b) prescribing the forms of licences;
- (c) prescribing the form of any application to be made under this Act; 55
- (d) prescribing the form of any notice to be issued under this Act;
- (e) prescribing the form of any endorsement to be made on a licence under this Act; 60
- (f) relating to the form of and conditions attaching to any certificate, permit, permission or authorization provided for in this Act;

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

wat so 'n masjien oprig of gebruik op 'n ander perseel as die goedgekeurde perseel, sonder dat hy, behoudens die bepalings van subartikel (2), die skriftelike toestemming van die raad verkry het om dit te doen, is aan 'n misdryf skuldig.

5 (2) Die raad verleen toestemming ingevolge subartikel (1) slegs na oorlegpleging met die hoof van die diamanttak.

(3) By verlening van toestemming ingevolge subartikel (1) kan die raad die voorwaardes opleë wat hy goedvind.

37. Iemand—

- 10 (a) wat wetens 'n valse bewering of 'n wanvoorstelling maak of 'n feit van wesenlike belang verswyg, met die doel om 'n lisensie, registrasiesertifikaat of 'n ander stuk of gewin ingevolge hierdie Wet vir homself te verkry of om iemand anders te help om dit te verkry;
- 15 (b) wat 'n lisensie, registrasiesertifikaat of enige ander stuk of enige aantekeninge waarvoor in die vorige Wet voorsiening gemaak is of in hierdie Wet gemaak word, of wat ingevolge die vorige Wet of hierdie Wet uitgereik is, vervals of dit verander met die doel om te bedrieg; of
- 20 (c) wat nie 'n gelisensieerde diamantslyper is nie en wat—
 (i) deur woord, daad of gedrag voorgee dat hy 'n gelisensieerde diamantslyper is; of
 25 (ii) 'n naam, beskrywing, titel of advertensie gebruik of op enige wyse publiseer wat aandui of te kenne gee of heet aan te dui of te kenne te gee of wat bereken is om ander persone te laat vermoed of aflei of hulle waarskynlik sal laat vermoed of aflei dat hy 'n gelisensieerde diamantslyper is,
- 30 is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n straf wat regtens by 'n skuldigbevinding weens bedrog opgelê kan word.

Misdrywe
 waarby sekere
 wanvoorstellings
 betrokke is.

38. Iemand wat aan 'n misdryf ingevolge hierdie Wet skuldig bevind word, is, indien geen straf vir so 'n misdryf uitdruklik 35 bepaal word nie, strafbaar—

- (a) in die geval van 'n misdryf bedoel in artikel 12 (2), 22 (5), 23 (3), 25 (4), 26 (3), 28 (5), 31 (3) of 32 (7), met 'n boete van hoogstens vyfhonderd rand of met 40 gevangenisstraf vir 'n tydperk van hoogstens ses maande;
- (b) in die geval van 'n misdryf bedoel in artikel 11 (6) of 32 (8), met 'n boete van hoogstens duisend rand;
- (c) in die geval van 'n misdryf bedoel in artikel 29 (4) of 33 (6), met 'n boete van hoogstens tweeduisend rand of met 45 gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met daardie gevangenisstraf sonder die keuse van 'n boete of met daardie boete sowel as daardie gevangenisstraf; en
- (d) in die geval van 'n misdryf bedoel in artikel 16 (3), 28 (1) (b), 29 (1), 34 (4) of 36 (1), met 'n boete van 50 hoogstens tienduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens tien jaar of met daardie gevangenisstraf sonder die keuse van 'n boete of met daardie boete sowel as daardie gevangenisstraf.

Strafbepalings.

55 39. (1) Die Minister kan, behoudens die bepalings van subartikel (2), regulasies uitvaardig—

- (a) wat die prosedure voorskryf wat by vergaderings van die raad en van die uitvoerende komitee gevolg moet word;
- (b) wat die vorms van lisensies voorskryf;
- 60 (c) wat die vorm voorskryf van enige aansoek wat kragtens hierdie Wet gedoen moet word;
- (d) wat die vorm voorskryf van enige kennisgewing wat kragtens hierdie Wet uitgereik moet word;
- (e) wat die vorm voorskryf van enige endossement wat op 65 'n lisensie kragtens hierdie Wet aangebring moet word; met betrekking tot die vorm van en voorwaardes verbonde aan enige sertifikaat, permit, vergunning of magtiging waarvoor daar in hierdie Wet voorsiening gemaak word;

Act No. 89, 1979

DIAMOND CUTTING ACT, 1979.

- (g) relating to any matter incidental to the cancellation or suspension of a licence or certificate of registration;
- (h) prescribing the records to be kept and the returns to be furnished by licensees;
- (i) providing for the furnishing of such other returns and information as may be deemed necessary or expedient for the purposes of this Act; 5
- (j) for the maintenance of discipline and good order in and the well-being of the diamond cutting industry;
- (k) prescribing requirements to be complied with by a licensee in performing the activity authorized by his licence; 10
- (l) prescribing the procedure to be followed and the requirements to be complied with in connection with the export of polished diamonds and the degree to which diamonds intended for export shall be polished; 15
- (m) providing for the valuation of polished diamonds intended for export;
- (n) providing for the identification of employees in the diamond cutting industry and for the searching of such employees by licensees; 20
- (o) relating to any matter which by this Act is required or permitted to be prescribed by regulation; and
- (p) generally, relating to any matter which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs. 25

(2) Regulations under paragraph (m) of subsection (1) shall be made with the concurrence of the Minister of Finance. 30

(3) Regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of two thousand rand or imprisonment for a period of one year.

Repeal of Act 33 of 1955.

40. The Diamond Cutting Act, 1955, is hereby repealed. 35

Short title and commencement.

41. This Act shall be called the Diamond Cutting Act, 1979, and shall come into operation on 1 October 1979.

WET OP DIAMANTSLYPERY, 1979.

Wet No. 89, 1979

- (g) met betrekking tot enige aangeleentheid wat met die intrekking of opskorting van 'n lisensie of registrasiesertifikaat in verband staan;
- 5 (h) wat die aantekeninge wat gehou moet word en die opgawes wat verstrekk moet word deur lisensiehouers, voorskryf;
- (i) wat voorsiening maak vir die verstrekking van die ander opgawes en inligting wat noodsaaklik of dienstig geag word vir die doeleindes van hierdie Wet;
- 10 (j) vir die handhawing van dissipline en goeie orde in en die welstand van die diamantslypbedryf;
- (k) wat die vereistes voorskryf wat deur 'n lisensiehouer nagekom moet word by die verrigting van die bedrywigheid wat deur sy lisensie gemagtig word;
- 15 (l) wat die prosedure wat gevolg moet word en die vereistes waaraan voldoen moet word in verband met die uitvoer van geslypte diamante en die mate waarin diamante wat vir uitvoer bestem is, geslyp moet word, voorskryf;
- 20 (m) wat voorsiening maak vir die valuering van geslypte diamante wat vir uitvoer bestem is;
- (n) wat voorsiening maak vir die identifisering van werknemers in die diamantslypbedryf en vir die visentering van sodanige werknemers deur lisensiehouers;
- 25 (o) met betrekking tot enige aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word; en
- (p) oor die algemeen, met betrekking tot enige aangeleentheid wat hy nodig of raadsaam ag om voor te skryf ten
- 30 einde die oogmerke van hierdie Wet te bereik, sonder dat die algemene aard van die bevoegdhede wat deur hierdie paragraaf verleen word deur die bepalinge van die voorgaande paragraawe beperk word.
- (2) Regulasies kragtens paragraaf (m) van subartikel (1) moet 35 met die instemming van die Minister van Finansies uitgevaardig word.
- (3) Regulasies kragtens hierdie artikel uitgevaardig, kan vir 'n oortreding daarvan of versuim om daaraan te voldoen strawwe voorskryf wat 'n boete van tweeduisend rand of gevangenisstraf 40 vir 'n tydperk van 'n jaar nie te bowe gaan nie.

40. Die Wet op die Slyp van Diamante, 1955, word hierby herroep. Herroeping van Wet 33 van 1955.

41. Hierdie Wet heet die Wet op Diamantslypery, 1979, en tree Kort titel en inwerkingtreding.
in werking op 1 Oktober 1979.

