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GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 571.

28 Maart 1980.

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

No. 9 van 1980: Meergebiede-ontwikkelingswysigingswet, 1980.

DEPARTMENT OF THE PRIME MINISTER

No. 571.

28 March 1980.

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

No. 9 of 1980: Lake Areas Development Amendment Act, 1980.

Wet No. 9, 1980

MEERGEBIEDE-ONTWIKKELINGSWYSIGINGSWET, 1980

ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Tot wysiging van die Meergebiede-ontwikkелingswet, 1975, ten einde die voorsitter van die Meergebiede-ontwikkелingsraad die rekenpligtige beampte van dié raad te maak; en voorsiening te maak vir die verhaal van verliese en skade in sekere omstandighede aan die raad berokken; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Maart 1980.)

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

Invoeging van
artikels 14A
en 14B in
Wet 39 van 1975.

1. Die volgende artikels word hierby in die Meergebiede-ontwikkелingswet, 1975, na artikel 14 ingevoeg: 5

„Reken-
pligtige
beampte.

14A. Die voorsitter van die raad is die rekenpligtige beampte belas met die verantwoording van al die geld ontvang, en van al die betalings gedoen, deur die raad.

Verhaal
van ver-
liese en
skade.

14B. (1) Indien iemand wat in diens van die raad is of was, die raad enige verlies of skade berokken het deurdat hy— 10

(a) versuim het om geld verskuldig aan die raad vir die invordering waarvan hy verantwoordelik is of was, in te vorder; 15

(b) vir 'n onreëlmatige uitbetaling van die raad se geld of vir 'n uitbetaling van sodanige geld wat nie deur 'n behoorlike bewysstuk gestaaf word nie, verantwoordelik is of was; 20

(c) weens versuim om sy pligte uit te voer, vir 'n vrugtelose uitgawe van die raad se geld verantwoordelik is of was; 25

(d) vir 'n tekort in, of die vernietiging of beskadiging van, die raad se geld, seëls, sigwaardestukke en vorms wat 'n potensiele waarde het, sekuriteite, uitrusting, voorrade of enige ander goed van die raad verantwoordelik is of was; 30

(e) weens versuim om sy pligte uit te voer, vir 'n eis teen die raad verantwoordelik is of was, moet die rekenpligtige beampte in artikel 14A bedoel die bedrag van sodanige verlies of skade vasstel en moet hy, behoudens die bepalings van subartikel (5), daardie persoon by skriftelike kennisgewing gelas om die bedrag wat aldus vasgestel is, binne 30 dae vanaf die datum van die kennisgewing aan hom te betaal. 35

(2) Indien iemand wat in diens van die raad is en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die

LAKE AREAS DEVELOPMENT AMENDMENT ACT, 1980

Act No. 9, 1980

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Lake Areas Development Act, 1975, so as to make the chairman of the Lake Areas Development Board the accounting officer of that board; and to provide for the recovery of losses and damages caused to the board in certain circumstances; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 18 March 1980.)*

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

1. The following sections are hereby inserted in the Lake Areas Development Act, 1975, after section 14:

Insertion of
sections 14A
and 14B in
Act 39 of 1975.

“Accounting
officer.

14A. The chairman of the board shall be the accounting officer charged with the accounting for all moneys received, and for all payments made, by the board.

10 Recovery of
losses and
damages.

14B. (1) If a person who is or was in the employ of the board caused the board any loss or damage because he—

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(a) failed to collect moneys due to the board for the collection of which he is or was responsible;

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(b) is or was responsible for an irregular payment of the board's moneys or for a payment of such moneys not supported by a proper voucher;

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(c) is or was responsible for fruitless expenditure of the board's moneys due to an omission to carry out his duties;

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(d) is or was responsible for a deficiency in, or for the destruction of, or any damage to, the board's moneys, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other property of the board;

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(e) due to an omission to carry out his duties, is or was responsible for a claim against the board, the accounting officer contemplated in section 14A shall determine the amount of such loss or damage and shall, subject to the provisions of subsection (5), by notice in writing, order that person to pay to him, within 30 days from the date of such notice, the amount so determined.

(2) If a person who is in the employ of the board and who has in terms of subsection (1) been ordered to pay an amount, fails to pay the amount within the

tydperk in die betrokke kennisgewing bepaal, word die bedrag, behoudens die bepalinge van subartikels (4), (6) en (7), van sy salaris of loon afgetrek: Met dien verstande dat so 'n aftrekking nie meer as 'n vierde van sy salaris of loon op 'n keer behoort te wees. 5

(3) Indien iemand wat in diens van die raad was en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, moet genoemde rekenpligtige beampte, behoudens die bepalinge van subartikels (4), (5), (6) en (7), die bedrag deur middel van geregtelike prosedure op die betrokke persoon verhaal. 10

(4) Indien iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, binne die tydperk in die betrokke kennisgewing bepaal, aanbied om die bedrag in paaiemente te betaal, kan genoemde rekenpligtige beampte hom toelaat om te betaal in die paaiemente wat daardie beampte redelik ag. 15

(5) Indien genoemde rekenpligtige beampte, om watter rede ook al, van mening is dat die bedrag van 'n verlies of skade bedoel in subartikel (1) nie verhaal behoort te word nie of slegs ten dele verhaal behoort te word op die persoon wat daarvoor verantwoordelik is, kan hy die raad versoek om daardie persoon die betaling van die geheel of 'n gedeelte van daardie bedrag kwyt te skeld, en die raad kan na goedgekeurde goedkeuring dat die geheel of 'n gedeelte van daardie bedrag nie verhaal word nie. 20 25

(6) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan binne 'n tydperk van 30 dae vanaf die datum van die lasgewing skriftelik na die raad teen daardie lasgewing appelleer, met opgaaf van die gronde vir sy appèl, en die raad kan, na die ondersoek wat hy nodig ag, die appèl verwerp of gelas dat die appellant geheel en al of ten dele, na gelang van wat die raad billik en redelik ag, van die betaling van daardie bedrag kwytgeskeld word. 30 35

(7) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan, in plaas van ooreenkomstig subartikel (6) na die raad te appelleer, by 'n bevoegde hof aansoek doen, binne 'n tydperk van 30 dae vanaf die datum van die lasgewing, of binne die verdere tydperk wat die hof toelaat, om 'n bevel waarby daardie lasgewing tersyde gestel of daardie bedrag verminder word, en die hof kan op so 'n aansoek, indien hy nie deur genoemde rekenpligtige beampte aan die hand van die omstandighede van die geval oortuig word dat die lasgewing tereg opgelê is of dat daardie bedrag juis is nie, 'n bevel uitreik waarby daardie lasgewing tersyde gestel word of daardie bedrag verminder word, na gelang van die geval. 40 45 50

(8) Indien 'n bedrag ingevolge subartikel (5), (6) of (7) verminder word, word die verminderde bedrag *mutatis mutandis* ooreenkomstig die bepalinge van subartikels (1), (2), (3) en (4) verhaal. 55

(9) Wanneer iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om daardie bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, is rente daarop betaalbaar vanaf die datum wat onmiddellik volg op die datum waarop daardie tydperk verstryk, teen 'n koers gelyk aan die rentekoers, indien enige, wat ingevolge artikel 26 (6) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), bepaal is ten opsigte van so 'n soort skuld aan die Staat en wat op eersgenoemde datum van toepassing is. 60 65

LAKE AREAS DEVELOPMENT AMENDMENT ACT, 1980

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period stipulated in the notice in question, the amount shall, subject to the provisions of subsections (4), (6) and (7), be deducted from his salary or wage: Provided that such deduction shall not exceed one-fourth of his salary or wage at a time.

(3) If a person who was in the employ of the board and who has in terms of subsection (1) been ordered to pay an amount, fails to pay the amount within the period stipulated in the notice in question, the said accounting officer shall, subject to the provisions of subsections (4), (5), (6) and (7), recover the amount from the person concerned by legal process.

(4) If a person who has in terms of subsection (1) been ordered to pay an amount, makes, within the period stipulated in the notice in question, an offer to pay the amount in instalments, the said accounting officer may allow payment in such instalments as he may consider reasonable.

(5) If for any reason whatsoever the said accounting officer is of the opinion that the amount of a loss or damage referred to in subsection (1) should not be recovered or should be recovered in part only from the person responsible therefor, he may request the board to exempt that person from payment of the whole or a portion of that amount, and the board may in its discretion approve of the whole or a portion of that amount not being recovered.

(6) A person who has in terms of subsection (1) been ordered to pay an amount may, within a period of 30 days from the date of the order, appeal in writing against that order to the board, stating the grounds for his appeal, and the board may, after such investigation as it may deem necessary, dismiss the appeal or order that the appellant be exempted either wholly or partly, according as the board may consider fair and reasonable, from the payment of that amount.

(7) A person who has in terms of subsection (1) been ordered to pay an amount may, instead of appealing to the board in accordance with subsection (6), apply within a period of 30 days from the date of the order, or within such further period as the court may allow, to a competent court for an order setting aside the first-mentioned order or reducing that amount, and the court may upon such an application, if it is not convinced by the said accounting officer on the merits of the case that the order was rightly made or that that amount is correct, make an order setting aside the first-mentioned order or reducing that amount, as the case may be.

(8) If an amount is reduced in terms of subsection (5), (6) or (7), the reduced amount shall *mutatis mutandis* be recovered in accordance with the provisions of subsections (1), (2), (3) and (4).

(9) Whenever a person who has in terms of subsection (1) been ordered to pay an amount, fails to pay that amount within the period stipulated in the notice in question, interest thereon shall be payable from the date immediately following on the date on which that period expires, at a rate equal to the interest rate, if any, which has been determined in terms of section 26 (6) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), in respect of such a category of debt to the State and which is applicable on the first-mentioned date."

65 2. This Act shall be called the Lake Areas Development Short title.
Amendment Act, 1980.

