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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

No. 781. 16 April 1980.

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

No. 26 of 1980: South African Tourist Corporation Amendment Act, 1980.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 781. 16 April 1980.

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

No. 26 van 1980: Wysigingswet op die Suid-Afrikaanse Toeristekorporasie, 1980.

Wet No. 26, 1980

WYSIGINGSWET OP DIE SUID-AFRIKAANSE
TOERISTEKORPORASIE, 1980**ALGEMENE VERDUIDELIKENDE NOTA:**

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

WET

Tot wysiging van die Wet op die Suid-Afrikaanse Toeristekorporasie, 1947, ten einde die voorsitter van die raad van beheer van die Suid-Afrikaanse Toeristekorporasie die rekenpligtige beampte van dié korporasie te maak; en voorsiening te maak vir die verhaal van verliese en skade in sekere omstandighede aan die Korporasie berokken; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 31 Maart 1980.)

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

Invoeging van
artikels 12A
en 12B in
Wet 54 van 1947.

1. Die volgende artikels word hierby in die Wet op die Suid-Afrikaanse Toeristekorporasie, 1947, na artikel 12 ingevoeg: 5

„Reken-
pligtige
beampte.

12A. 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 Korporasie.

Verhaal van
verliese en
skade.

12B. (1) Indien iemand wat in diens van die Korporasie is of was, die Korporasie enige verlies of skade berokken het deurdat hy— 10

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

(b) vir 'n onreëlmatige uitbetaling van die Korporasie 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 Korporasie se geld verantwoordelik is of was; 25

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

(e) weens versuim om sy pligte uit te voer, vir 'n eis teen die Korporasie verantwoordelik is of was, moet die rekenpligtige beampte in artikel 12A 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

SOUTH AFRICAN TOURIST CORPORATION AMENDMENT ACT,
1980

Act No. 26, 1980

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the South African Tourist Corporation Act, 1947, so as to make the chairman of the board of control of the South African Tourist Corporation the accounting officer of that corporation; and to provide for the recovery of losses and damages caused to the Corporation in certain circumstances; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 31 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 South African Tourist Corporation Act, 1947, after section 12:

Insertion of
sections 12A
and 12B in
Act 54 of 1947.

“Accounting
officer.

12A. 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 Corporation.

10 Recovery
of losses
and damages.

12B. (1) If a person who is or was in the employ of the Corporation caused the Corporation any loss or damage because he—

(a) failed to collect moneys due to the Corporation 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 Corporation'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 Corporation'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 damage to, the Corporation's moneys, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other property of the Corporation;

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(e) due to an omission to carry out his duties, is or was responsible for a claim against the Corporation,

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the accounting officer contemplated in section 12A 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.

Wet No. 26, 1980

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TOERISTEKORPORASIE, 1980

(2) Indien iemand wat in diens van die Korporasie is 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, word die bedrag, behoudens die bepalinge van subartikels (4), (6) en (7), van sy maandelikse salaris afgetrek: Met dien verstande dat so 'n aftrekking nie in een maand meer as 'n vierde van sy maandelikse salaris mag beloop nie. 5

(3) Indien iemand wat in diens van die Korporasie 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 proses op die betrokke persoon verhaal. 10 15

(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 paaie te betaal, kan genoemde rekenpligtige beampte hom toelaat om te betaal in die paaie wat daardie beampte redelik ag. 20

(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 kwy te skeld, en die raad kan na goedgekeur dat die geheel of 'n gedeelte van daardie bedrag nie verhaal word nie. 25 30

(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 kwygeskeld word. 35 40

(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 daardie bedrag juis is nie, 'n bevel uitreik waarby daardie lasgewing tersyde gestel word of daardie bedrag verminder word, na gelang van die geval. 45 50 55

(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. 60

(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 65

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5 (2) If a person who is in the employ of the Corporation 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 amount shall, subject to the provisions of subsections (4), (6) and (7), be deducted from his monthly salary: Provided that such deduction shall not in any month exceed one-fourth of his monthly salary.

10 (3) If a person who was in the employ of the Corporation 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.

20 (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.

25 (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.

35 (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.

45 (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.

55 (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).

60 (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

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Wet No. 26, 1980

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TOERISTEKORPORASIE, 1980

1975), bepaal is ten opsigte van so 'n soort skuld aan
die Staat en wat op eersgenoemde datum van
toepassing is."

Kort titel.

2. Hierdie Wet heet die Wysigingswet op die Suid-Afrikaanse
Toeristekorporasie, 1980. 5

SOUTH AFRICAN TOURIST CORPORATION AMENDMENT ACT,
1980

Act No. 26, 1980

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."

2. This Act shall be called the South African Tourist Short title.
5 Corporation Amendment Act, 1980.

