



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1322.

6 Julie 1988

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

No. 72 van 1988: Wet op die Registrasie van Dienste-tipe Uniforms, 1988.

No. 1322.

6 July 1988

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

No. 72 of 1988: Registration of Services-type Uniforms Act, 1988.

WET

Om voorsiening te maak vir die instelling van 'n Adviesraad vir Dienste-tipe Uniforms; vir die registrasie en beskerming van Dienste-tipe uniforms; en vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Junie 1988.)

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) “ander instansie” ’n persoon of instelling wat nie ’n Diens is nie; (v) 5
 - (ii) “Departement” die Departement van Nasionale Opvoeding; (ii)
 - (iii) “Diens” die Suid-Afrikaanse Weermag vermeld in artikel 5 van die Verdedigingswet, 1957 (Wet No. 44 van 1957), die Suid-Afrikaanse Polisie vermeld in artikel 2 van die Polisie wet, 1958 (Wet No. 7 van 1958), of die Gevangenisdiens vermeld in artikel 2 van die Wet op Gevangenis, 1959 10 (Wet No. 8 van 1959); (ix)
 - (iv) “Dienste-tipe uniform” enige samestelling van kledingstukke voorgeskryf as ’n uniform in die dragregulasies van ’n Diens, of enige ander soortgelyke kleredrag, maar nie ook ’n uniform soos omskryf in die Heraldiekwet, 1962 (Wet No. 18 van 1962), nie; (x) 15
 - (v) “Direkteur-generaal” die Direkteur-generaal: Nasionale Opvoeding; (iii)
 - (vi) “hierdie Wet” ook ’n regulasie; (xi)
 - (vii) “Minister” die Minister van Nasionale Opvoeding; (iv)
 - (viii) “raad” die Adviesraad vir Dienste-tipe Uniforms by artikel 2 ingestel; (i)
 - (ix) “register” die register gehou ingevolge artikel 9; (vi) 20
 - (x) “registrasie” ’n inskrywing in die register; en het “geregistreer” ’n ooreenstemmende betekenis; (vii)
 - (xi) “regulasie” ’n regulasie uitgevaardig kragtens artikel 24. (viii)

Instelling van Adviesraad vir Dienste-tipe Uniforms

2. Daar word hierby ’n raad ingestel wat die Adviesraad vir Dienste-tipe Uniforms 25 heet.

Samestelling van raad

3. (1) Die raad bestaan uit sewe lede deur die Minister aangestel, van wie die Minister wat elke Staatsdepartement waaronder ’n Diens ressorteer, administreer, een aanwys, een ’n beamppte in die heeltidse diens van die Staat is en die uitvoerende 30 beamppte van die raad is, en een as voorsitter deur die Minister aangewys word.
- (2) Elke lid van die raad behalwe genoemde beamppte word aangestel vir die tydperk, maar hoogstens vier jaar, wat die Minister ten tyde van sy aanstelling bepaal, en kan by verstryking van sy ampstermyn weer aangestel word.

ACT

To provide for the establishment of an Advisory Council for Services-type Uniforms; for the registration and protection of Services-type uniforms; and for matters connected therewith.

(English text signed by the State President.)
(Assented to 23 June 1988.)

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

Definitions

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

- 5 (i) "council" means the Advisory Council for Services-type Uniforms established by section 2; (viii)
- (ii) "Department" means the Department of National Education; (ii)
- (iii) "Director-General" means the Director-General: National Education; (v)
- 10 (iv) "Minister" means the Minister of National Education; (vii)
- (v) "other body" means any person or institution that is not a Service; (i)
- (vi) "register" means the register kept in terms of section 9; (ix)
- (vii) "registration" means an entry in the register; and "registered" has a corresponding meaning; (x)
- (viii) "regulation" means any regulation made under section 24; (xi)
- 15 (ix) "Service" means the South African Defence Force mentioned in section 5 of the Defence Act, 1957 (Act No. 44 of 1957), the South African Police mentioned in section 2 of the Police Act, 1958 (Act No. 7 of 1958), or the Prisons Service mentioned in section 2 of the Prisons Act, 1959 (Act No. 8 of 1959); (iii)
- 20 (x) "Services-type uniform" means any combination of items of apparel prescribed as a uniform in the dress regulations of a Service, or any other similar apparel, but does not include a uniform as defined in the Heraldry Act, 1962 (Act No. 18 of 1962); (iv)
- (xi) "this Act" includes any regulation. (vi)

25 Establishment of Advisory Council for Services-type Uniforms

2. There is hereby established a council to be known as the Advisory Council for Services-type Uniforms.

Constitution of council

3. (1) The council shall consist of seven members appointed by the Minister, of whom the Minister administering every department of State under which a Service falls shall designate one, one shall be an officer in the full-time service of the State and shall be the executive officer of the council, and one shall be designated as the chairman by the Minister.

(2) Every member of the council other than the said officer shall be appointed for 35 such period, not exceeding four years, as the Minister may determine at the time of his appointment, and shall be eligible for reappointment at the expiry of his term of office.

Wet No. 72, 1988

WET OP DIE REGISTRASIE VAN DIENSTE-TIPE UNIFORMS, 1988

Ontruiming van amp deur lede van raad

4. (1) 'n Lid van die raad ontruim sy amp indien—
- (a) sy boedel gesekwestreer word of hy met sy skuldeisers 'n skikking aangaan;
 - (b) hy ingevolge die een of ander wet as 'n geestesongestelde persoon aangehou word; 5
 - (c) hy sonder verlof van die raad van drie agtereenvolgende vergaderings van die raad afwesig is;
 - (d) hy skriftelik sy bedanking by die Minister indien; of
 - (e) in die geval van 'n lid wat lid van 'n Diens is, hy ophou om 'n lid van daardie Diens te wees. 10
- (2) Die Minister kan, op aanbeveling van die raad, 'n lid van die raad te eniger tyd van sy amp onthef indien daar na die oordeel van die Minister gegronde redes bestaan om dit te doen.

Vergaderings van raad

5. (1) Die vergaderings van die raad word gehou op die tye en plekke wat die 15 voorsitter bepaal.
- (2) Die verrigtinge van die raad is nie ongeldig bloot op grond daarvan dat 'n vakature in die raad bestaan nie.
- (3) Indien die voorsitter van 'n vergadering van die raad afwesig is, moet die aanwesige lede iemand uit hul midde kies om op daardie vergadering voor te sit. 20
- (4) Die raad kan met die goedkeuring van die Minister reëls opstel met betrekking tot die prosedure by en kworum vir sy vergaderings, met inbegrip van die getal stemme vereis vir 'n beslissing.

Toelaes en besoldiging van lede van raad

6. Die voorsitter en 'n lid van die raad wat nie in die heeltidse diens van die Staat 25 is nie moet ten opsigte van sy dienste as lid van die raad, uit geld wat die Parlement vir dié doel bewillig—
- (a) die reis-, verblyf- en ander toelaes; en
 - (b) in die geval van die voorsitter van die raad, daarby die besoldiging, betaal word wat die Minister van tyd tot tyd met die instemming van die Minister van 30 Finansies bepaal.

Bepaling van algemene beleid

7. Die Minister kan na oorlegpleging met die raad die algemene beleid bepaal wat met betrekking tot die registrasie van Dienste-tipe uniforms gevolg moet word.

Werksaamhede van raad

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8. Die raad moet die Minister adviseer met betrekking tot—
- (a) die algemene beleid betreffende die registrasie van Dienste-tipe uniforms;
 - (b) aansoeke om registrasie en die wysiging van die registrasie van Dienste-tipe uniforms;
 - (c) enige ander aangeleentheid betreffende die registrasie en die wysiging van 40 die registrasie van Dienste-tipe uniforms wat die Minister of die Direkteur-generaal na die raad verwys.

Register van Dienste-tipe uniforms

9. Die Direkteur-generaal moet 'n register laat hou waarin die besonderhede wat hy bepaal, aangeteken moet word ten opsigte van— 45
- (a) die Dienste-tipe uniform van 'n Diens wie se Dienste-tipe uniform voor die inwerkingtreding van hierdie Wet ingevolge die bepalings van die een of ander wet of andersins in gebruik geneem is, en daarna word sodanige uniform geag ingevolge artikel 15 geregistreer te wees; en

REGISTRATION OF SERVICES-TYPE UNIFORMS ACT, 1988

Act No. 72, 1988

Termination of office by members of council

4. (1) Any member of the council shall vacate his office if—
- (a) his estate is sequestrated or he enters into a compromise with his creditors;
 - (b) he is detained as a mentally disordered person in terms of any law;
 - 5 (c) he is without its leave absent from three consecutive meetings of the council;
 - (d) he tenders to the Minister his resignation in writing; or
 - (e) in the case of a member who is a member of a Service, he ceases to be a member of that Service.
- 10 (2) The Minister may, on the recommendation of the council, at any time discharge from his office any member of the council if in the opinion of the Minister there exist sound reasons for doing so.

Meetings of council

5. (1) The meetings of the council shall be held at the times and places determined
15 by the chairman.
- (2) The proceedings of the council shall not be invalid solely on the ground of a vacancy in the council.
- (3) If the chairman is absent from any meeting of the council, the members present shall elect one of their number to preside at such meeting.
- 20 (4) The council may with the approval of the Minister frame rules regarding the procedure at and quorum for its meetings, including the number of votes required for a decision.

Allowances and remuneration of members of council

6. The chairman and a member of the council who is not in the full-time employ
25 of the State shall, out of moneys appropriated by Parliament for the purpose, be paid in respect of his services as a member of the council—
- (a) such travelling, subsistence and other allowances; and
 - (b) in the case of the chairman of the council, in addition thereto, such remuneration,
- 30 as the Minister may from time to time determine with the concurrence of the Minister of Finance.

Determination of general policy

7. The Minister may after consultation with the council determine the general policy to be pursued in relation to the registration of Services-type uniforms.

35 Functions of council

8. The council shall advise the Minister with regard to—
- (a) the general policy concerning the registration of Services-type uniforms;
 - (b) applications for registration and the amendment of the registration of Services-type uniforms;
 - 40 (c) any other matter concerning the registration and the amendment of the registration of Services-type uniforms which the Minister or the Director-General may refer to the council.

Register of Services-type uniforms

9. The Director-General shall cause a register to be kept in which the particulars
45 determined by him shall be entered in respect of—
- (a) the Services-type uniform of any Service whose Services-type uniform was prior to the commencement of this Act taken into use in terms of the provisions of any law or otherwise, whereafter such uniform shall be deemed to have been registered in terms of section 15; and

Wet No. 72, 1988

WET OP DIE REGISTRASIE VAN DIENSTE-TIPE UNIFORMS, 1988

- (b) enige ander Dienste-tipe uniform waarvan die aansoek om registrasie of wysiging van registrasie kragtens artikel 13 goedgekeur is.

Aansoeke om registrasie en wysiging van registrasie van Dienste-tipe uniforms

10. (1) (a) 'n Ander instansie wat 'n Dienste-tipe uniform by die inwerkingtreding van hierdie Wet in gebruik het of dit daarna in gebruik wil neem en 'n Diens wat na die inwerkingtreding van hierdie Wet 'n ander as sy ingevolge artikel 9 (a) aangetekende Dienste-tipe uniform in gebruik wil neem, moet by die Departement aansoek doen om die registrasie van daardie uniform.
- (b) 'n Diens of ander instansie moet by die Departement aansoek doen om enige wysiging in of skrapping uit die register van enige geregistreerde Dienste-tipe uniform.
- (2) 'n Aansoek bedoel in subartikel (1) word by die Departement ingedien in die vorm wat die Direkteur-generaal bepaal en gaan vergesel van die dokumente wat hy bepaal, asook van die gelde wat die Minister met die instemming van die Minister van Finansies bepaal.

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Kennisgewing van aansoeke

11. Die Direkteur-generaal gee in die *Staatskoerant* kennis van 'n aansoek ingevolge artikel 10 ingedien, en van die tydperk waarbinne en die wyse waarop enige beswaar ingevolge artikel 12 by die Departement ingedien moet word.

Beswaar teen aansoeke

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12. 'n Diens of ander instansie wat teen die registrasie van 'n Dienste-tipe uniform of teen die wysiging of skrapping van die registrasie van 'n Dienste-tipe uniform beswaar wil aanteken op grond daarvan dat so 'n registrasie, wysiging of skrapping inbreuk sal maak op 'n reg wat hom toekom, kan so 'n beswaar by die Departement indien op die wyse en binne die tydperk waarvan die Direkteur-generaal ingevolge artikel 11 kennis gee.

Oorweging van aansoeke deur Minister

13. (1) (a) Die Direkteur-generaal moet elke aansoek bedoel in artikel 10 en enige beswaar daarteen wat deur die Departement ontvang word, verwys na die raad vir sy advies aan die Minister daaromtrent.
- (b) Indien die raad enige verdere inligting of besonderhede oor die aansoek verlang wat die raad nodig ag om die Minister oor die aansoek te adviseer, kan die Direkteur-generaal dit van die betrokke aansoeker aanvra.
- (2) Die Minister kan na oorweging van die aansoek, enige besware daarteen en die advies van die raad, die aansoek goedkeur of afkeur.

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Weiering van registrasie

14. (1) Die Minister kan 'n aansoek om die registrasie of 'n aansoek om die wysiging van die registrasie van 'n Dienste-tipe uniform afkeur indien—
- (a) daardie Dienste-tipe uniform ooreenstem of redelikerwys verwar kan word met 'n Dienste-tipe uniform of 'n wesentlike gedeelte daarvan wat in- 40 gevolg hierdie Wet geregistreer is;
- (b) die aansoek nie aan die bepalinge van hierdie Wet voldoen nie;
- (c) die aansoeker in gebreke bly om verdere inligting of besonderhede aangevra kragtens artikel 13 (1) (b), te verstrek; of
- (d) hy van oordeel is dat registrasie nie in die openbare belang sal wees nie.
- (2) Indien die Minister 'n aansoek kragtens subartikel (1) (a) afkeur, kan hy die aansoeker gelas om binne 'n redelike tyd sy Dienste-tipe uniform sodanig aan te pas dat dit ingevolge hierdie Wet geregistreer kan word.

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REGISTRATION OF SERVICES-TYPE UNIFORMS ACT, 1988

Act No. 72, 1988

- (b) any other Services-type uniform the application for registration or amendment of registration of which has been approved under section 13.

Applications for registration and amendment of registration of Services-type uniforms

10. (1) (a) Any other body that at the commencement of this Act has in use a Services-type uniform or thereafter desires to take such into use and a Service that desires to take a Services-type uniform other than one entered in terms of section 9 (a) into use, shall apply to the Department for the registration of that uniform.
- (b) A Service or other body shall apply to the Department for any amendment to or deletion from the register of any registered Services-type uniform.
- (2) An application referred to in subsection (1) shall be lodged with the Department in the form determined by the Director-General and shall be accompanied by the documents determined by him, and by the fees determined by the Minister with the concurrence of the Minister of Finance.

15 Notice of applications

11. The Director-General shall give notice in the *Gazette* of an application lodged in terms of section 10, and of the period within which and the manner in which any objection in terms of section 12 shall be lodged with the Department.

Objection to applications

12. Any Service or other body wishing to object to the registration of a Services-type uniform or to the amendment or deletion of the registration of a Services-type uniform on the grounds that such registration, amendment or deletion would encroach on any right to which it is legally entitled, may lodge such objection with the Department in such manner and within such period as the Director-General may notify in terms of section 11.

Consideration of applications by Minister

13. (1) (a) The Director-General shall refer every application referred to in section 10 and any objection thereto received by the Department, to the council for its advice to the Minister concerning it.
- (b) If the council requires any further information or particulars regarding the application which the council deems necessary in order to advise the Minister regarding the application, the Director-General may request such further information or particulars from the applicant concerned.
- (2) The Minister may after consideration of the application, any objections thereto and the advice of the council, approve or reject the application.

Rejection of registration

14. (1) The Minister may reject an application for the registration or an application for the amendment of the registration of a Services-type uniform if—
- (a) that Services-type uniform corresponds to or may reasonably be confused with a Services-type uniform or a material part thereof registered in terms of this Act;
- (b) the application does not comply with the provisions of this Act;
- (c) the applicant has failed to furnish any further information or particulars requested under section 13 (1) (b); or
- (d) he is of opinion that registration will not be in the public interest.
- (2) If the Minister rejects an application under subsection (1) (a), he may direct the applicant to adapt his Services-type uniform within a reasonable time in such a way that it may be registered in terms of this Act.

Wet No. 72, 1988

WET OP DIE REGISTRASIE VAN DIENSTE-TIPE UNIFORMS, 1988

Registrasie, wysiging of skrapping in register van Dienste-tipe uniform

15. (1) Indien 'n aansoek om die registrasie of 'n aansoek om die wysiging of skrapping van die registrasie van 'n Dienste-tipe uniform deur die Minister goedgekeur word, maak die Departement sodanige registrasie, wysiging of skrapping by kennisgewing in die *Staatskoerant* bekend en— 5

(a) teken hy, in die geval van 'n aansoek om registrasie of 'n aansoek om die wysiging van registrasie, die besonderhede wat die Direkteur-generaal bepaal ten opsigte van daardie Dienste-tipe uniform in die register aan en reik hy 'n sertifikaat van registrasie of 'n gewysigde sertifikaat van registrasie, na gelang van die geval, aan die aansoeker uit in die vorm wat 10 die Minister bepaal;

(b) skrap hy, in die geval van 'n aansoek om skrapping, die besonderhede wat ten opsigte van die betrokke Dienste-tipe uniform in die register ingeskryf is.

(2) Die Minister kan 'n instansie wie se lede of werknemers 'n Dienste-tipe 15 uniform dra wat nie ingevolge subartikel (1) (a) van hierdie artikel geregistreer is nie, gelas om binne die tydperk wat die Minister bepaal 'n aansoek om registrasie bedoel in artikel 10 (1) by die Departement in te dien.

(3) Die Minister kan—

(a) te eniger tyd 'n Diens of ander instansie gelas om voor of op die datum wat 20 die Minister bepaal redes aan te voer waarom 'n sertifikaat van registrasie ingevolge subartikel (1) (a) uitgereik, nie gewysig of ingetrek moet word nie; en

(b) na oorweging van die redes beoog in paragraaf (a), die betrokke Diens of instansie gelas om sy sertifikaat van registrasie by die Departement in te 25 lewer wat, na gelang van die Minister se besluit, die inskrywing in die register kan wysig of skrap en 'n gewysigde sertifikaat van registrasie kan uitreik, na gelang van die geval.

(4) Die Minister kan die registrasie van 'n Dienste-tipe uniform uit die register laat skrap indien— 30

(a) die Diens of ander instansie op wie se naam daardie Dienste-tipe uniform geregistreer staan, nie meer bestaan nie; of

(b) die lede of werknemers van 'n Diens of ander instansie nie meer daardie Dienste-tipe uniform gebruik nie.

Insae in register

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16. Die register is teen betaling van die gelde wat die Minister met die instemming van die Minister van Finansies bepaal, in die kantore van die Departement vir insae deur enige lid van die publiek beskikbaar.

Inligting uit register

17. Die Direkteur-generaal kan op versoek van— 40

(a) 'n Diens of ander instansie en teen betaling van die gelde wat die Minister met die instemming van die Minister van Finansies bepaal, 'n uittreksel uit die register of 'n volledige beskrywing van 'n geregistreerde Dienste-tipe uniform aan daardie Diens of instansie verstrek;

(b) 'n Diens of ander instansie op wie se naam 'n Dienste-tipe uniform 45 geregistreer staan, 'n duplikaat van die betrokke sertifikaat van registrasie uitreik teen betaling van die gelde wat die Minister met die instemming van die Minister van Finansies bepaal.

Verbetering van foute in register

18. Die Direkteur-generaal kan, uit eie beweging of op 'n skriftelike versoek 50 vergesel van die gelde wat die Minister met die instemming van die Minister van Finansies bepaal, magtiging verleen vir die verbetering van 'n klerklike fout in die register of in 'n dokument ingevolge hierdie Wet ingedien of uitgereik.

REGISTRATION OF SERVICES-TYPE UNIFORMS ACT, 1988

Act No. 72, 1988

Registration, amendment or deletion in register of Services-type uniform

15. (1) If an application for the registration or an application for the amendment or deletion of the registration of a Services-type uniform is approved by the Minister, the Department shall by notice in the *Gazette*, give notice of such registration, amendment or deletion, and—

(a) in the case of an application for registration or an application for the amendment of a registration, shall enter the particulars determined by the Director-General in respect of that Services-type uniform in the register and issue to the applicant a certificate of registration or an amended certificate of registration, as the case may be, in the form determined by the Minister;

(b) in the case of an application for deletion, shall delete the particulars entered in the register in respect of the Services-type uniform concerned.

(2) The Minister may order any body whose members or employees wear a Services-type uniform which has not been registered in terms of subsection (1) (a) of this section, to lodge an application referred to in section 10 (1) with the Department within the period determined by the Minister.

(3) The Minister may—

(a) at any time order any Service or other body to furnish reasons on or before a date determined by the Minister why a certificate of registration issued in terms of subsection (1) (a) shall not be amended or withdrawn;

(b) after consideration of the reasons contemplated in paragraph (a), order the Service or body concerned to deliver its certificate of registration to the Department, which, depending on the decision of the Minister, may amend or delete the entry in the register and issue an amended certificate of registration, as the case may be.

(4) The Minister may cause the registration of a Services-type uniform to be deleted from the register if—

(a) the Service or other body in whose name that Services-type uniform has been registered, no longer exists; or

(b) the members or employees of any Service or other body no longer use that Services-type uniform.

Register open for inspection

16. The register shall, on payment of the fees determined by the Minister with the concurrence of the Minister of Finance, be open for inspection by any member of the public in the offices of the Department.

Information from register

17. The Director-General may at the request of—

(a) any Service or other body and on payment of the fees determined by the Minister with the concurrence of the Minister of Finance, furnish that Service or body with an extract from the register or a full description of any registered Services-type uniform;

(b) any Service or other body in whose name a Services-type uniform has been registered, issue a duplicate of the certificate of registration concerned, on payment of the fees determined by the Minister with the concurrence of the Minister of Finance.

Correction of errors in register

18. The Director-General may of his own accord or upon a request in writing accompanied by the fees determined by the Minister with the concurrence of the Minister of Finance, authorize the correction of any clerical error in the register or in any document lodged or issued in terms of this Act.

Voorbehoude

19. (1) Die bepalings van hierdie Wet belet niemand om 'n geregistreerde Dienste-tipe uniform te gebruik tydens of vir die doeleindes van 'n toneelopvoering, historiese optog of ander vorm van opvoering of vermaaklikheid, of 'n rolprent nie, mits dit nie op so 'n wyse of in sodanige omstandighede gebruik word dat dit 5 bespotlik gemaak of in minagting gebring word of die landsveiligheid benadeel nie.

(2) 'n Diens of ander instansie is geregtig om enige Dienste-tipe uniform wat onmiddellik voor die inwerkingtreding van hierdie Wet deur sy lede of werknemers wettiglik gebruik is, na die inwerkingtreding te bly gebruik totdat, na gelang van die geval, die ingevolge artikel 9 (a) bedoelde besonderhede ten opsigte van die uniform 10 aangeteken is of die Minister sy beslissing ingevolge artikel 13 (2) ten opsigte van die aansoek om registrasie van die uniform gedoen het.

Skadevergoeding weens misbruik van geregistreerde Dienste-tipe uniforms

20. Iemand wat sonder die skriftelike magtiging van 'n Diens of ander instansie op wie se naam 'n Dienste-tipe uniform geregistreer staan, of sonder dat hy 'n lid of 'n 15 werknemer van daardie Diens of instansie is, so 'n uniform of 'n wesentlike deel daarvan of 'n replika of weergawe daarvan of 'n nabootsing wat redelikerwys met so 'n uniform verwar kan word, dra, gebruik, verkoop, ruil, verkwansel of daarmee handel dryf, kan, sonder om afbreuk te doen aan enige ander reg wat so 'n Diens of ander instansie andersins mag hê, deur so 'n Diens of instansie in 'n geregshof 20 gedagvaar word vir—

- (a) 'n bedrag van hoogstens R5 000, en so 'n hof kan sonder bewys van enige skade en benewens die koste van die geding, die bedrag toeken, wat genoemde bedrag nie te bowe gaan nie, wat aan hom onder die omstandighede van die geval redelik voorkom; of 25
- (b) skadevergoeding of 'n interdik of vir skadevergoeding sowel as 'n interdik, en so 'n hof kan benewens die koste van die geding, die skadevergoeding toeken wat aan hom onder die omstandighede redelik voorkom of 'n interdik verleen of skadevergoeding toeken sowel as 'n interdik verleen.

Strafbepaling vir misbruik van Dienste-tipe uniforms

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21. (1) Iemand wat sonder die skriftelike toestemming van 'n Diens of ander instansie op wie se naam 'n Dienste-tipe uniform geregistreer staan, of sonder 'n ander wettige rede, so 'n uniform of 'n wesentlike deel daarvan of 'n replika of weergawe daarvan of 'n nabootsing daarvan wat redelikerwys daarmee verwar kan word, dra, verkoop, verkwansel, vir gewin gebruik of daarmee handel dryf, is, 35 behoudens die bepalings van artikel 19, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R5 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf.

(2) 'n Ander instansie en enige direkteur, eienaar, vennoot of uitvoerende 40 beampte daarvan wat, nadat dit ingevolge artikel 15 (2) gelas is om 'n aansoek om registrasie in te dien, versuim om binne die tydperk wat die Minister daarvoor bepaal het, daaraan te voldoen, is aan 'n misdryf skuldig, en by skuldigbevinding is so 'n instansie strafbaar met 'n boete van hoogstens R5 000 en sodanige direkteur, eienaar, vennoot of uitvoerende beampte met 'n boete van hoogstens R2 000 of met 45 gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met daardie boete sowel as daardie gevangenisstraf.

Botsing van bepalings

22. Vir sover die bepalings van hierdie Wet onbestaanbaar is met die bepalings van 'n ander wet, geld die bepalings van hierdie Wet. 50

Delegering van bevoegdhede

23. (1) Die Minister kan 'n bevoegdheid wat by artikel 13, 14 of 15 aan hom verleen is, aan die Direkteur-generaal delegeer.

(2) Die Direkteur-generaal kan 'n bevoegdheid wat by artikel 17 of 18 aan hom verleen is, aan 'n ander beampte in die Departement delegeer. 55

REGISTRATION OF SERVICES-TYPE UNIFORMS ACT, 1988

Act No. 72, 1988

Savings

19. (1) Nothing in this Act shall prevent any person from using any registered Services-type uniform in the course of or for the purpose of any stage production, historical pageant or other form of performance or entertainment, or any cinematographic film, provided it is not used in such a manner or under such circumstances as may ridicule it or bring it into contempt or endanger national security.

(2) After the commencement of this Act, a Service or other body shall be entitled to continue using any Services-type uniform which its members or employees lawfully used immediately prior to its commencement until, as the case may be, the particulars intended in section 9 (a) in respect of the uniform have been entered or the Minister has made his decision in terms of section 13 (2) in respect of the application for registration of the uniform.

Damages for misuse of registered Services-type uniforms

20. Any person who without the written authority of any Service or other body in whose name a Services-type uniform has been registered, or without being a member or employee of such Service or body, wears, uses, sells, exchanges, barter or trades in any such uniform or a material part thereof or any replica or reproduction thereof or any imitation which might reasonably be confused with such uniform, may, without derogating from any right which such a Service or other body otherwise may have, be sued in a court of law by such Service or body for—

- (a) an amount not exceeding R5 000, and such court may without proof of any damages, and in addition to the costs of the action, award such amount, not exceeding the said amount, as may in the circumstances of the case appear to it to be reasonable; or
- (b) damages or an interdict or for both damages and an interdict, and such court may, in addition to the costs of the action, award such damages as may appear to it to be reasonable in the circumstances, or grant an interdict or both award damages and grant an interdict.

Penalties for misuse of Services-type uniforms

21. (1) Any person who without the written permission of any Service or other body in whose name any Services-type uniform has been registered, or without any other lawful reason, wears, sells, barter or uses for gain or trades in such uniform or any material part thereof or any replica or reproduction thereof or any imitation thereof which might reasonably be confused therewith, shall, subject to the provisions of section 19, be guilty of an offence and liable on conviction to a fine not exceeding R5 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(2) Any other body or any director, owner, partner or executive officer thereof that, after it has in terms of section 15 (2) been ordered to lodge an application for registration, fails to comply with it within the period determined therefor by the Minister, shall be guilty of an offence and on conviction such other body shall be liable to a fine not exceeding R5 000 and such director, owner, partner or executive officer to a fine not exceeding R2 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

Conflict of provisions

22. In so far as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall prevail.

Delegation of powers

23. (1) The Minister may delegate any power conferred upon him by section 13, 14 or 15, to the Director-General.

(2) The Director-General may delegate any power conferred upon him by section 17 or 18, to any other officer of the Department.

Wet No. 72, 1988

WET OP DIE REGISTRASIE VAN DIENSTE-TIPE UNIFORMS, 1988

Regulasies

24. Die Minister kan regulasies uitvaardig met betrekking tot alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf om aan die bepalings van hierdie Wet gevolg te gee.

Kort titel en inwerkingtreding

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25. Hierdie Wet heet die Wet op die Registrasie van Dienste-tipe Uniforms, 1988, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

REGISTRATION OF SERVICES-TYPE UNIFORMS ACT, 1988

Act No. 72, 1988

Regulations

24. The Minister may make regulations with regard to all matters which he considers it necessary or expedient to prescribe to give effect to the provisions of this Act.

5 Short title and commencement

25. This Act shall be called the Registration of Services-type Uniforms Act, 1988, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

