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STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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No. 14073

CAPE TOWN, 26 JUNE 1992

KANTOOR VAN DIE STAATSPRESIDENT

No. 1766.

26 Junie 1992

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

No. 77 van 1992: Wysigingswet op die Beroep van Stads-klerke, 1992.

STATE PRESIDENT'S OFFICE

No. 1766.

26 June 1992

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

No. 77 of 1992: Profession of Town Clerks Amendment Act, 1992.

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.
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WET

Tot wysiging van die Wet op die Beroep van Stadsklerke, 1988, ten einde die verkryging van en insae in geouditeerde rekeningstate en balansstate deur persone wat ingevolge die Wet geregistreer is, te reël; die aanstelling van stadsklerke verder te reël; voorsiening te maak vir die kansellerung van registrasie; en voorsiening te maak dat 'n persoon wat ingevolge die Wet geregistreer is, skuldig is aan onbehoorlike gedrag indien hy versuim om sy jaarlikse gelde te betaal; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Junie 1992.)*

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

Wysiging van artikel 12 van Wet 75 van 1988

1. Artikel 12 van die Wet op die Beroep van Stadsklerke, 1988 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang: 5

“(4) Die raad [stuur afskrifte van] laat sodanige stukke, aldus geouditeer, by die kantoor van die registrateur ter insae lê, en stuur afskrifte daarvan aan elke persoon wat ingevolge hierdie Wet geregistreer is, op sy versoek en teen betaling van die gelde wat die raad bepaal.” 10

Wysiging van artikel 20 van Wet 75 van 1988

2. Artikel 20 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg: 15

“(5) Enige aanstelling van 'n persoon in die amp van stadsklerk in stryd met die bepalings van hierdie Wet is nietig.”

Invoeging van artikel 22A in Wet 75 van 1988

3. Die volgende artikel word hierby in die Hoofwet na artikel 22 ingevoeg:

“Kansellerung van registrasie

22A. (1) Die raad moet op skriftelike versoek van iemand wat ingevolge hierdie Wet geregistreer is, sy registrasie kanselleer, maar die kansellerung het geen uitwerking op enige aanspreeklikheid waaraan sodanige persoon voor die datum van sodanige versoek 20

GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.
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- _____** Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend the Profession of Town Clerks Act, 1988, so as to regulate the procuring and inspection of audited statements of account and balance sheets by persons registered in terms of the Act; to further regulate the appointment of town clerks; to provide for the cancellation of registration; and to provide that any person registered in terms of the Act, shall be guilty of improper conduct if he fails to pay his annual fee; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 18 June 1992.)*

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

Amendment of section 12 of Act 75 of 1988

1. Section 12 of the Profession of Town Clerks Act, 1988 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (4) of the following subsection:

10 “(4) **[Copies of]** The council shall cause such documents so audited **[shall be dispatched]** to be open for inspection at the office of the registrar, and shall dispatch copies thereof to every person who is registered in terms of this Act, at his request and on payment of the fee determined by the council.”.

Amendment of section 20 of Act 75 of 1988

2. Section 20 of the principal Act is hereby amended by the addition of the following subsection:

15 “**(5)** Any appointment of a person to the office of town clerk contrary to the provisions of this Act shall be null and void.”.

Insertion of section 22A in Act 75 of 1988

3. The following section is hereby inserted in the principal Act after section 22:

“Cancellation of registration

20 **22A.** (1) The council shall at the written request of any person registered in terms of this Act, cancel his registration, but the cancellation shall not affect any liability incurred by such person prior to the date of such request.

onderhewig geword het nie.

(2) Die registrator stel, na kansellering van die registrasie van 'n persoon kragtens subartikel (1), die betrokke persoon se werkewer onverwyld skriftelik in kennis van sodanige kansellering.

(3) Indien die raad die registrasie van 'n persoon kragtens subartikel (1) kanselleer—

- (a) en sodanige persoon 'n stadsklerk is, moet die plaaslike owerheid, ondanks die bepalings van enige ander wet, daardie persoon binne 21 dae vanaf die datum van die kennisgiving bedoel in subartikel (2) uit die amp van stadsklerk ontslaan;
- (b) moet hy binne sewe dae die registrasiesertifikaat wat ingevolge artikel 22(2) aan hom uitgereik is, aan die registrator terugbepaald word.

(4) Iemand wat versuum om aan die bepalings van subartikel (3)(b) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(5) Die bepalings van subartikel (3) word nie so uitgelê dat die betrokke persoon se diens by die plaaslike owerheid in enige ander hoedanigheid as stadsklerk beëindig word nie.”.

Wysiging van artikel 23 van Wet 75 van 1988

4. Artikel 23 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien 'n plaaslike owerheid iemand in die amp van stadsklerk aanstel, stel hy die registrator **[onverwyld]** binne 30 dae skriftelik van die aanstelling, die kwalifikasies van die persoon wat hy aangestel het en, indien die aanstelling voorwaardelik gemaak is, volle besonderhede van die voorwaardes, in kennis, en die registrator maak die nodige inskrywing in die toepaslike register.”.

Wysiging van artikel 24 van Wet 75 van 1988

5. Artikel 24 van die Hoofwet word hierby gewysig deur die volgende paragraaf by te voeg:

“(g) versuum om enige jaarlikse geld wat die raad kragtens artikel 8(b)(iii) bepaal het, voor die vervaldag vir sodanige betaling te betaal.”.

Kort titel

6. Hierdie Wet heet die Wysigingswet op die Beroep van Stadsklerke, 1992.

(2) Upon the cancellation of the registration of a person under subsection (1), the registrar shall forthwith in writing notify the employer of the person concerned of such cancellation.

5 (3) If the council cancels the registration of a person under subsection (1)—

- (a) and such person is a town clerk, the local authority shall, notwithstanding the provisions of any other law, within 21 days of the date of the notification referred to in subsection (2) remove such person from the office of town clerk;
- 10 (b) he shall within seven days return to the registrar the registration certificate issued to him in terms of section 22(2).

(4) Any person who fails to comply with the provisions of subsection (3)(b), shall be guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding three months.

15 (5) The provisions of subsection (3) shall not be so construed as to terminate the service of the person concerned with the local authority in any capacity other than that of town clerk.".

Amendment of section 23 of Act 75 of 1988

20 4. Section 23 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) If a local authority appoints a person to the office of town clerk it shall forthwith within 30 days in writing notify the registrar of the appointment, the qualifications of the person appointed and, if such appointment has been made conditionally, full details of the conditions, and the registrar shall make the necessary entry in the appropriate register.". 25

Amendment of section 24 of Act 75 of 1988

5. Section 24 of the principal Act is hereby amended by the addition of the following paragraph:

30 "(g) fails to pay any annual fee determined by the council under section 8(b)(iii) before the due date for such payment."

Short title

6. This Act shall be called the Profession of Town Clerks Amendment Act, 1992.

