

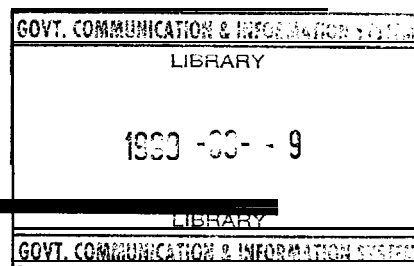
REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
PREVENTION OF ORGANISED
CRIME AMENDMENT BILL**

[B 2—99]

(As agreed to by the Portfolio Committee on Justice (National Assembly))

[B 2A—99]



REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
WYSIGINGSWETSONTWERP
OP DIE VOORKOMING VAN
GEORGANISEERDE MISDAAD**

[W 2—99]

(Soos goedgekeur deur die Portefeuljekomitee oor Justisie (Nasionale Vergadering))

[W 2A—99]

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AMENDMENTS AGREED TO

PREVENTION OF ORGANISED CRIME AMENDMENT BILL [B 2-99]

NEW CLAUSE

1. That the following be a new Clause:

Amendment of Preamble to Act 121 of 1998

1. The Preamble to the Prevention of Organised Crime Act, 1998 (hereinafter referred to as the principal Act), is hereby amended by the insertion, in the Afrikaans text, of the following heading:

“AANHEF”.

CLAUSE 1

1. On page 2, in line 4, to omit all the words after the second “the” up to and including “reference:” in line 6 and to substitute:

principal Act is hereby amended—

- (a) by the substitution in the Afrikaans text in item 21 for the expression “misdaad” of the expression “onregmatige aktiwiteite”;
- (b) by the substitution in the Afrikaans text for the heading “**INSTANDHOUDING VAN EIENDOM**” of the following heading:
“**EIENDOMSINSTANDHOUDINGSBEVELE**”;
- (c) by the substitution in the Afrikaans text in item 61 for the expression “gedinge” of the expression “aansoeke”; and
- (d) by the substitution for the reference to Schedules 2 and 3 of the following reference:

NEW CLAUSES

1. That the following be new Clauses:

Amendment of section 1 of Act 121 of 1998

3. Section 1 of the principal Act is hereby amended—

- (a) by the substitution for the definition of “Committee” in subsection (1) of the following definition:
“ ‘Committee’ means [a committee] the Criminal Assets Recovery Committee established in terms of section 65 ;”;
- (b) by the substitution for the definition of “Instrumentality of an offence” in subsection (1) of the following definition:
“ ‘[Instrumentality] instrumentality of an offence’ means any property which is concerned in the commission or suspected commission of an offence, whether within the Republic or elsewhere;”;
- (c) by the substitution in the definition of “proceeds of unlawful activities” in subsection (1) for the words preceding paragraph (a) of the following words:
“ ‘proceeds of unlawful activities’ means any property **[or part thereof]** or any service, advantage, benefit or reward

- which was derived, received or retained, directly or indirectly, in connection with or as a result of any unlawful activity carried on by any person, whether in the Republic or elsewhere, except for purposes of Chapter 5 where it means—.”; and
- (d) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
- “For the purposes of this Act a person ought reasonably to have known or suspected a fact if the conclusions that he or she ought to have reached are those which would have been reached by a reasonably diligent and vigilant person having both—”.

Amendment of section 2 of Act 121 of 199S

4. Section 2 of the principal Act is hereby amended—
- (a) by the substitution for subparagraphs (i) and (ii) of paragraph (a) of subsection (1) of the following subparagraphs, respectively,:
- “(i) receives or retains any property derived, directly or indirectly, from a pattern of racketeering activity; and
- (ii) knows or ought reasonably to have known that such property is so derived [, **directly or indirectly**]; and **[from a pattern of racketeering activity: and]”;**
- (b) by the substitution for subparagraph (ii) of paragraph (b) of subsection (1) of the following subparagraph:
- “(ii) **[who]** knows or ought reasonably to have known that such property derived or is derived from or through a pattern of racketeering activity:...;
- (c) by the substitution for subparagraph (ii) of paragraph (c) of subsection (1) of the following subparagraph:
- “(ii) **[who]** knows or ought reasonably to have known that such property derived or is derived from or through a pattern of racketeering activity.”; and
- (d) by the insertion after paragraph (f) of subsection (1) of the word “or”.

Amendment of section 3 of Act 121 of 199S

5. Section 3 of the principal Act is hereby amended—
- (a) by the substitution in the Afrikaans text for subsection (1) of the following subsection:
- “(1) Iemand wat skuldig bevind word aan ’n misdryf bedoel in artikel 2(1) is strafbaar met . n boete van hoogstens R 1 000 miljoen of met gevangenisstraf vir . n tydperk van **[lebenslang]** tot **lebenslange gevangenisstraf**.”; and
- (b) by the substitution in the Afrikaans text for the words preceding paragraph (a) of subsection (2) of the following words:
- “Ondanks enige ander wet wat handel met die strafjurisdiksie van die streekhof, indien ‘n streekhof, nadat hy ‘n beskuldigde skuldig bevind het aan ‘n misdryf bedoel in artikel 2(1) wat volg op **[’n]**—”.

Amendment of section 4 of Act 121 of 1998

6. Section 4 of the principal Act is hereby amended—
- (a) by the substitution in the Afrikaans text for the words preceding paragraph (a) of the following words:
- “Iemand wat weet of redelikerwys behoort te **[weet]** gewet het dat eiendom die opbrengs van onregmatige aktiwiteite is of deel van sodanige opbrengs uitmaak, en—”: and

- (b) by the substitution for paragraph (i) of the following paragraph:
 “(i) of concealing or disguising the nature, source, location, disposition or movement of the said property or **[its] the ownership thereof** or any interest which anyone may have in respect thereof; or”.

Amendment of section 5 of Act 121 of 1998

7. Section 5 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“Any person who knows or ought reasonably to have known that another person has obtained the proceeds of unlawful activities, and who enters into any agreement with anyone or engages in any arrangement or transaction whereby—”.

Substitution of section 6 of Act 121 of 1998

8. The following section is hereby substituted for section 6 of the principal Act:

“Acquisition, possession or use of proceeds of unlawful activities

6. Any person who—
 (a) acquires;
 (b) uses; or
 (c) has possession of,
[of] property and who knows or ought reasonably to have known that it is or forms part of the proceeds of unlawful activities of another person, shall be guilty of an offence.”.

Amendment of section 7 of Act 121 of 1998

9. Section 7 of the principal Act is hereby amended—
- (a) by the substitution for the words preceding paragraph (a) of subsection (1) of the following words:
 “Any person who carries on a business or is in charge of, or manages a business undertaking or who is employed by a business undertaking and who suspects or ought reasonably to have suspected fiat—”;
 - (b) by the substitution for the expression “activity” in subparagraph (ii) of paragraph (c) of subsection (1) of the expression “activities”;
 - (c) by the substitution in the Afrikaans text for the words following subparagraph (ii) of paragraph (c) of subsection (1) of the following words:
 “is verplig om sy of haar suspisie en alle beskikbare inligting rakende die gronde waarop dit berus, binne ‘n redelike tyd aan te meld by ‘n persoon deur die Minister aangewys en meet alle redelike stappe doen om sodanige verpligting na te kom. ”;
 - (d) by the insertion in the Afrikaans text after paragraph (a) of subsection (3) of the word “en”;
 - (e) by the substitution for paragraph (a) of subsection (5) of the following paragraph:
 “(a) No obligation as to secrecy and no other restriction on the disclosure of information as to the affairs or business of another, whether imposed by any law, the common law or any agreement, shall affect any obligation imposed under this section to report or disclose information or to permit access to

any registers, records or other documents unless that obligation of secrecy or other restriction is based on the common law right to professional privilege between an attorney and his or her client in respect of information communicated to the attorney so as to enable him or her to provide advice, to defend the client or to render other legal assistance to the client in connection with an offence under any law in respect of which the client is charged, in respect of which he or she has been arrested or summoned to appear in court or in respect of which an investigation with a view to institute criminal proceedings is being conducted against him or her.”; and

(f) by the substitution in the Afrikaans text for subsection (6) of the following subsection:

“(6) Iemand wat ‘n party is tot ‘n transaksie ten opsigte waarvan hy of sy ‘n suspisie vorm wat na sy of haar mening gerapporteer moet word kragtens subartikel (1), mag met daardie transaksie voortgaan en moet verseker dat alle rekords rakende daardie transaksie behou word en dat alle redelike stappe [geneem] gedoen word om die verpligting kragtens hierdie artikel na te kom.”.

Insertion of section 7A in Act 121 of 1998

10. The following section is hereby inserted in the principal Act after section 7:

“Defence

7A. If a person is charged with negligently committing an offence under section 4, 5 or 6, that person may raise as a defence the fact that he or she had reported a suspicion in terms of section 7.”.

Amendment of section 9 of Act 121 of 1998

11. Section 9 of the principal Act is hereby amended by the substitution for the words following paragraph (c) of subsection (2) of the following words:

“shall be guilty of [any] an offence.”.

Amendment of section 10 of Act 121 of 1998

12. Section 10 of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections, respectively:

“(2) If the offence contemplated in section 9 is committed on the premises or grounds of, or within 500 metres of a public or private school, or any other educational institution, during hours in which the facility is open for classes or school-related programmed or when minors are using the facility, such [circumstance] fact shall be regarded as an aggravating [factor] circumstance.

(3) If a court, after having convicted an accused of any offence, other than an offence contemplated in this Chapter, finds that the accused was a member of a criminal gang at the time of the commission of the offence, such [factor] finding shall be regarded as an aggravating [factor] circumstance for sentencing purposes.”.

Amendment of section 11 of Act 121 of 1998

13. Section 11 of the principal Act is hereby amended—
(a) by the substitution in the Afrikaans text for paragraph (c) of the following paragraph:

- “(c) in ‘n besondere kriminele bende se gebied bly of dikwels daar verkeer en hulle styl van **[klere, die]** kleredrag, gebruik van **[hulle]** handtekens, taal of **[hul]** tatoeëermerke **[aangeneem]** bet] aanneem, en met bekende lede van ‘n kriminele bende omgaan;”; and
- (b) by the substitution in paragraph (d) for the expression “activity” of the expression “activities”.

Amendment of section 12 of Act 121 of 1998

14. Section 12 of the principal Act is hereby amended—

- (a) by the insertion after subparagraph (a) of paragraph (i) of subsection (1) of the word “or”;
- (b) by the insertion after subparagraph (a) of paragraph (iv) of subsection (1) of the word ‘or’;
- (c) by the substitution in the Afrikaans text for the expression “kurator” in subparagraph (i) of paragraph (a) of subsection (2) of the expression “eksekuteur”; and
- (d) by the substitution for subsection (3) of the following subsection:

“(3) For the purposes of this Chapter, a person has benefited from unlawful **[activity]** activities if he or she has at any time, whether before or after the commencement of this Act, received [any advantage, payment, service or reward including **any** property or part thereof in connection with any criminal activity carried on **by** him or her or **by** any other person] or retained any proceeds of unlawful activities..’.

Amendment of section 15 of Act 121 of 1998

15. Section 15 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) If at the particular time referred to in subsection (2) the recipient holds—

- (a) the property, other than cash, which he or she received, the value concerned shall be the value of the property at the particular time; or
- (b) property [, or any part thereof,] which directly or indirectly represents in his or her hands the property which he or she received, the value concerned shall be the value of the property, in so far as it represents the property which he or she received, at the relevant time.”.

Amendment of section 19 of Act 121 of 1998

16. Section 19 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
- “(1) Subject to the provisions of subsection (2), the value of a defendant’s proceeds of unlawful activities shall be the sum of the values of the [payments or other] property, services, advantages, benefits or rewards received by him or her at any time, whether before or after the commencement of this Act, in connection with the [criminal] unlawful activity carried on by him or her or any other person.”;
- (b) by the substitution in the Afrikaans text for subparagraph (ii) of paragraph (a) of subsection (2) of the following subparagraph:
- “(ii) eiendom [, of ‘n **deel daarvan,**] te gewees het wat regstreeks of onregstreeks in die verweerder se hande die eiendom verteenwoordig het wat hy of sy in daardie verband ontvang bet, ‘; and
- (c) by the substitution in the Afrikaans text for the expression “moes” in paragraph (b) of subsection (2) of the expression “meet”.

Amendment of section 20 of Act 121 of 1998

17. Section 20 of the principal Act is hereby amended—

- (a) by the substitution for the words preceding paragraph (a) of subsection (1) of the following words:
“For the purposes of section [18(1)(b)] 18(2)(b) or 21 (3)(a), the amount which might be realised at the time of the making of a confiscation order against a defendant shall be the amount equal to the sum of—”; and
- (b) by the insertion in the Afrikaans text after subparagraph (ii) of paragraph (a) of subsection (4) of the word “of”.

CLAUSE 2

1. On page 2, in line 16, to omit all the words after “amended” up to the end of the Clause and to substitute:

- (a) by the substitution in the Afrikaans text in subsection (1) for the expression “belange” of the expression “belang”;
- (b) by the substitution in the Afrikaans text in subsection (2) for the words preceding paragraph (a) of the following words:
“Vir die doeleindes van ‘n ondersoek kragtens artikel 18(1), indien bevind word dat ‘n hof die verweerder beveel het om enige feite kragtens artikel 26(7) te openbaar en dat die verweerder sander voldoende rede versuim het om sodanige feite te openbaar of, nadat hy of sy daartoe beveel is, valse inligting verstrek bet, wetende dat die inligting vals is of nie glo dat dit waar is nie, meet die hof hierdie feite as *prima facie*-getuienis aanvaar dat enige eiendom [o f **deel daarvan, waartoe] waarmee** die inligting verband hou—”;
- (c) by the substitution for subsection (3) of the following subsection:
“(3) For the purposes of determining the value of a defendant’s proceeds of unlawful activities in an enquiry under section [20(1)] 18(1)—
 - (a) if the court finds that he or she has benefited from an offence and that—
 - (i) he or she held property at any time at, or since, his or her conviction; or
 - (ii) property was transferred to him or her at any time since the beginning of a period of seven years before the fixed date,
the court shall accept these facts as *prima facie* evidence that the property was received by him or her at the earliest time at which he or she held it, as an advantage, payment, service or reward in connection with the offences or related criminal activities referred to in section 18(1);
 - (b) if the court finds that he or she has benefited from an offence and that expenditure had been incurred by him or her since the beginning of the period contemplated in paragraph (a), the court shall accept these facts as *prima facie* evidence that any such expenditure was met out of the advantages, payments, services or

- rewards, including any property received by him or her in connection with the offences or related criminal activities referred to in section 18(1) committed by him or her.’; and
- (d) by the deletion in the Afrikaans text in subsection (4) of the words “of deeldaarvan”.

CLAUSE 3

1. On page 4, after line 4. to insert:
 - (b) by the substitution for subsection (5) of the following subsection:

“(5) A court conducting an enquiry under [subsection (2)] this section shall not apply sections 21 and 22.”; and

CLAUSE 4

1. On page 4, in line 11, to omit all the words after “amended” up to and including “subsection:” in line 12 and to substitute:
 - (a) by the substitution in the Afrikaans text for paragraph (b) of subsection (6) of the following paragraph:

“(b) vir die redelike regskoste van so ‘n persoon in verband m e t enige [geregtelike stappe] verrigtinge wat ingevolge hierdie Hoofstuk teen hom of haar ingestel is o f enige strafregtelike [prosedure waartoe] verrigtinge waarmee sodanige [prosedure] verrigtinge mag verband hou.”; and
 - (b) by the substitution for subsection (9) of the following subsection:

CLAUSE 6

1. In the Afrikaans text, on page 5, in line 24, to omit all the words after “(2)” up to and including the second “paragraaf” in line 26 and to substitute:

die woorde wat subparagraaf (i) van paragraaf (a) voorafgaan deur die volgende woorde
2. In the Afrikaans text, on page 5, in line 26, to omit “(a)”.
3. On page 4, in line 27, to omit “27 [28] or” and to substitute “[27,28 or]”.
4. On page 4, in line 28, after “29” to insert “, 30 or 31...”

NEW CLAUSES

1. That the following be new Clauses:

Amendment of section 44 of Act 121 of 1998

24. Section 44 of the principal Act is hereby amended by the substitution in the Afrikaans text for subsection (1) of the following subsection:

“(1) [’n **Hoe Hof** wat ‘n eiendomsinstandhoudingsbevel **verleen,**] ‘n Eiendomsinstandhoudingsbevel kan die voorsiening maak wat [by] die **Hoe Hof** goeddink vir—

- (a) **[vir die]** redelike lewenskostes van 'n persoon wat 'n belang besit in eiendom wat aan 'n eiendomsinstandhoudingsbevel onderhewig is en sy of haar familie of gesin; en
- (b) **[vir die]** redelike regskoste van so 'n persoon in verband met enige **[geregtelike stappe]** verrigtinge wat ingevolge hierdie **[hoofstuk]** Wet teen horn of haar **[gedoen]** ingestel word of enige ander verbandhoudende strafregtelike verrigtinge. ”.

Amendment of section 47 of Act 121 of 1998

25. Section 47 of the principal Act is hereby amended by the substitution in the Afrikaans text in subsection (1) for subparagraph (ii) of paragraph (a) of the following subparagraph:

“(ii) meet die [bevel] eiendomsinstandhoudingsbevel intrek indien die **[betrokke eiendomsinstandhoudingsbevel ingetrek word]** verrigtinge teen die betrokke verweerder afgehandel is.”.

NEW CLAUSES

1. That the following be new Clauses:

Amendment of section 49 of Act 121 of 1998

27. Section 49 of the principal Act is hereby amended by the substitution in the Afrikaans text for paragraph (a) of subsection (4) of the following paragraph:

“(a) meet die Hof enige bevel rakende koste teen die applikant verleen; **[of]** en”.

Amendment of section 50 of Act 121 of 1998

28. Section 50 of the principal Act is hereby amended by the substitution in the Afrikaans text in subsection (2) for the expression “tegeldemaking” of the expression “fasilitering”.

CLAUSE 9

1. On page 4, after line 47, to insert:

(b) by the substitution in the Afrikaans text for subsection (4) of the following subsection:

“(4) 'n Hoe Hof wat 'n bevel verleen vir die uitsluiting van 'n belang in eiendom kragtens subartikel (1), kan, in die belang van die regspleging of die openbare belang, [¹n] daardie bevel verleen op die voorwaardes wat die Hof geskik ag, met inbegrip van 'n voorwaarde wat van die persoon wat om die uitsluiting aansoek gedoen bet, vereis **[word]** om alle redelike stappe te doen, binne 'n tydperk wat die Hof mag bepaal, om die toekomstige gebruik van die eiendom **[in]** as 'n misdad-instrument van 'n misdryf bedoel in Bylae 1 te voorkom.”.

NEW CLAUSES

1. That the following be new Clauses:

Amendment of section 53 of Act 121 of 1998

30. Section 53 of the principal Act is hereby amended—

- (a) by the substitution in the Afrikaans text for paragraph (b) of subsection (1) of the following paragraph:
“(b) die bevel maak wat die hof in die omstandighede geskik ag; of”; and
- (b) by the substitution in the Afrikaans text for subsection (4) of the following subsection:
“(4) Die hof kan, by die aanvoer van oortuigende gronde, die bevel by verstek wysig of intrek of **[die een of ander bevel verleen]**. n ander aanwysing maak op die voorwaardes wat hy goeddink.”.

Amendment of section 54 of Act 121 of 1998

31. Section 54 of the principal Act is hereby amended—

- (a) by the substitution in the Afrikaans text for subsection (3) of the following subsection:
“(3) Die aanhoor van die aansoek meet, in die mate wat dit **[praktiese en bestaanbaar]** is met die **regsbelange** **[prakties en met die belang van die regspleging bestaanbaar is]**, binne 30 dae vanaf die indiening van die aansoek **[gehou word]** plaasvind.”;
- (b) by the substitution in the Afrikaans text for subsection (6) of the following subsection:
“(6) Die Nasionale Direkteur of die **betrokke curator bonis**, of ‘n persoon wat skriftelik deur hulle daartoe gemagtig is, kan getuienis en getuies **aanbied** ter **[voorlegging]** weerlegging, en ter verdediging van hul **[eis tot]** **aanspraak** op die eiendom **[aanvoer]** en kan ‘n getuie wat by die verhoor verskyn, **[ondervra]** **kruisondervra**.”; and
- (c) by the substitution in the Afrikaans text for paragraph (c) of subsection (9) of the following paragraph:
“(c) Iemand wat skuldig bevind word **aan ‘n misdryf** kragtens hierdie subartikel, is strafbaar met [‘n] die straf wat by wet vir meened voorgeskryf word.”.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 57 of Act 121 of 1998

33. Section 57 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
“(1) The *curator bonis* must, subject to any order for the exclusion of interests in forfeited property under section **52(2)(a)** or 54(8) and in accordance with the directions of the Committee—
(a) deposit any moneys forfeited under section 56(2) into the Account;
(b) deliver property forfeited under section 56(2) to the Account; or
(c) dispose of property forfeited under section 56(2) by sale or any other means [subject to the directions of the High Court] and deposit the proceeds of the sale or disposition into the Account.”; and
- (b) by the deletion of subsection (4).

NEW CLAUSES

1. That the following be new Clauses:

Amendment of section 64 of Act 121 of 199S

35. Section 64 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of the following paragraph:
“(a) all moneys derived from the [execution] fulfilment of confiscation and forfeiture orders contemplated in Chapters 5 and 6;”;
- (b) by the insertion after paragraph (a) of the following paragraph:
“(aA) all property derived from the fulfillment of forfeiture orders as contemplated in section 57;”;
- (c) by the substitution for paragraph (c) of the following paragraph:
“(c) any property or moneys appropriated by Parliament, or paid into, or allocated to, the Account in terms of any other [act] Act;”;
- (d) by the substitution for paragraph (e) of the following paragraph:
“(e) any property or amount of money received or acquired from any source; and”;
- (e) by the substitution for paragraph (f) of the following paragraph:
“(f) all property or moneys transferred to the Account in terms of this Act.”.

Amendment of section 69 of Act 121 of 199S

36. Section 69 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of the following paragraph:
“(b) make recommendations to Cabinet with regard to the allocation of property and moneys from the Account to specific law enforcement agencies;”;
- (b) by the substitution for paragraph (c) of the following paragraph:
“(c) make recommendations to Cabinet with regard to the allocation of property and moneys from the Account to any institution, organisation or fund contemplated in section 68(c);”.

Insertion of section 69A in Act 121 of 199S

37. The following section is hereby inserted after section 69 of the principal Act:

“Utilisation of Account and accountability

69A. (1) The property and money allocated to, or standing to the credit of, the Account may be utilised by Cabinet, after considering the recommendations of the Committee, for—

- (a) the allocation of property and amounts of money from the Account to specific law enforcement agencies;
- (b) the allocation of property and amounts of money from the Account to any institution, organisation or fund contemplated in section 68(c); and
- (c) the administration of the Account.

(2) All amounts of money withdrawn, or property allocated, from the Account under subsection (1) shall be so withdrawn or allocated as a direct charge against the National Revenue Fund.

(3) (a) Whenever Cabinet allocates property or money under subsection (1) to a specific law enforcement agency or to an institution, organisation or fund contemplated in section 68(c)—

- (i) Cabinet shall indicate the specific purpose for which that property or money is to be utilised; and
- (ii) the Minister shall forthwith cause all particulars of such allocation to be tabled in Parliament.

(b) Property or money allocated under subsection (1) may not be utilised for any other purpose than that specified in terms of paragraph (a)(i).

(4) No allocation of property or money shall be made under subsection (1) to an institution, organisation or fund contemplated in section 68(c) unless an accounting officer for that institution, organisation or fund is appointed or designated for such institution, organisation or fund.

(5) An accounting officer appointed or designated under subsection (4) shall be charged with the responsibility of accounting for all money allocated under subsection (1), the acquisition, receipt, custody and disposal of all property so allocated and all payments made by him or her in respect of the purpose for which the allocation had been made.

(6) The Committee may, after consultation with the Treasury and the Auditor-General, in such manner as it deems necessary, issue guidelines to accounting officers appointed or designated under subsection (4) in connection with the systems of book-keeping and accounting to be followed by them.

(7) Accounting by a law enforcement agency or institution, organisation or fund for property and money allocated to it from the Account under subsection (1) shall be done separately from accounting for money and property received from any other source.

(8) The Auditor-General shall audit the books of accounts, accounting statements, financial statements and financial management of each law enforcement agency or institution, organisation or fund to which property or money had been allocated under subsection (1) in respect of that allocation, and the provisions of section 6 of the Auditor-General Act, 1989 (Act No. 52 of 1989), shall apply in respect of any such audit.

(9) The Auditor-General shall submit a copy of the report on an audit under subsection (8) to the Committee.”.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 80 of Act 121 of 1998

41. Section 80 of the principal Act is hereby amended by the substitution in the Afrikaans text for subsection (1) of the following subsection:

“(1) Die persoon wat vir doeleindes van artikel 31 van die Wet op die Opbrengs van Misdaad, 1996 (Wet No. 76 van 1996), aangewys is, en enige *curator bonis*, kurator of ander funksionaris wat ingevolge die bepalings van daardie Wet aangestel is, word by die inwerkingtreding van hierdie Wet geag behoorlik tot die ooreenstemmende pos kragtens hierdie Wet aangewys of aangestel te [wees] gewees het en gaan voort om daardie pos te beklee ooreenkomstig die toepaslike wette [wat van toepassing is].”.

LONG TITLE

1. On page 2, in the second line, after “improvements;” to insert:
to further regulate the Criminal Assets Recovery Account;