

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1558. 28 Augustus 1974.

No. 1558. 28 August 1974.

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

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

No. 33 van 1974: Wet op die Parlementsdiens, 1974.

No. 33 of 1974: Parliamentary Service Act, 1974.

PARLIAMENTARY SERVICE ACT, 1974.

Act No. 33, 1974

ACT

To give effect to a resolution of the Senate and of the House of Assembly to establish a staff of Parliament; for that purpose to amend the Electoral Consolidation Act, 1946, the Republic of South Africa Constitution Act, 1961, the Payment of Members of Parliament Act, 1961, the Justices of the Peace and Commissioners of Oaths Act, 1963, the Powers and Privileges of Parliament Act, 1963, the Customs and Excise Act, 1964, and the Parliamentary Service and Administrators' Pensions Act, 1971; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 27 August 1974.)*

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

1. (1) Except in so far as has been otherwise determined by resolution of the Senate and of the House of Assembly, any person who was prior to the date of commencement of this Act appointed as an officer to the staff of the Senate or of the House of Assembly or to the Joint Parliamentary Establishment, and who is at such commencement still serving as such, shall be deemed to have been appointed by the Speaker of the House of Assembly to the staff of Parliament established by resolutions adopted by the Senate and the House of Assembly on 25 February 1974. Certain members of staff of Senate and of House of Assembly and of Joint Parliamentary Establishment deemed to be members of staff of Parliament, and safeguarding of their conditions of employment.
- (2) The salary, salary scale and other conditions of employment of any officer to whom subsection (1) applies, shall not be altered to his detriment except with his own consent or in accordance with a resolution of the Senate and of the House of Assembly.
2. Section 89 of the Electoral Consolidation Act, 1946, is hereby amended by the substitution for the words "Secretary to the House of Assembly" of the words "Secretary to Parliament". Amendment of section 89 of Act 46 of 1946, as substituted by section 70 of Act 79 of 1973.
3. Section 175 of the Electoral Consolidation Act, 1946, is hereby amended by the substitution for the words "Secretary to the House of Assembly", wherever they occur, of the words "Secretary to Parliament". Amendment of section 175 of Act 46 of 1946, as substituted by section 30 of Act 99 of 1969.
4. Section 176 of the Electoral Consolidation Act, 1946, is hereby amended by the substitution for the words "Secretary to the House of Assembly", wherever they occur, of the words "Secretary to Parliament". Amendment of section 176 of Act 46 of 1946, as amended by section 51 of Act 72 of 1962 and section 48 of Act 58 of 1970.
5. Section 177 of the Electoral Consolidation Act, 1946, is hereby amended by the substitution for the words "Secretary to the House of Assembly" of the words "Secretary to Parliament". Amendment of section 177 of Act 46 of 1946, as amended by section 52 of Act 72 of 1962.

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6. Section 178 of the Electoral Consolidation Act, 1946, is hereby amended by the substitution for the words "Secretary to the House of Assembly", wherever they occur, of the words "Secretary to Parliament". Amendment of section 178 of Act 46 of 1946, as amended by section 53 of Act 72 of 1962.
7. Section 180 of the Electoral Consolidation Act, 1946, is hereby amended by the substitution in subsection (2) for the words "Secretary to the House of Assembly" of the words "Secretary to Parliament". Amendment of section 180 of Act 46 of 1946, as amended by section 54 of Act 72 of 1962.
8. Section 8 of the Republic of South Africa Constitution Act, 1961, is hereby amended by the substitution in subsection (2) for the words "Secretary to the House of Assembly" of the words "Secretary to Parliament". Amendment of section 8 of Act 32 of 1961, as amended by section 1 of Act 9 of 1967.
9. Section 65 of the Republic of South Africa Constitution Act, 1961, is hereby amended by the substitution for the words "Secretary to the House of Assembly" of the words "Secretary to Parliament". Amendment of section 65 of Act 32 of 1961.
10. Section 117 of the Republic of South Africa Constitution Act, 1961, is hereby amended—
 (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
 "(b) to the Clerk or the Clerk-Assistant of the Senate or the House of Assembly, or to the Secretary or the Deputy Secretary to the Senate or the House of Assembly, shall be construed as references to the Secretary or the Deputy Secretary, respectively, to Parliament."; and
 (b) by the deletion of subsection (2). Amendment of section 117 of Act 32 of 1961.
11. Section 4 of the Payment of Members of Parliament Act, 1961, is hereby amended by the substitution for the words "Secretary to the Senate or the Secretary to the House of Assembly" of the words "Secretary to Parliament". Amendment of section 4 of Act 58 of 1961.
12. The First Schedule to the Justices of the Peace and Commissioners of Oaths Act, 1963, is hereby amended by the substitution for the third and fourth items of the following item:
 "Secretary, Deputy Secretary, Under Secretary or Assistant Secretary to Parliament and the heads of the following sections, namely—
 Public Bill Section;
 Hansard Section (House of Assembly);
 Hansard Section (Senate);
 Translating Section;
 Serjeant-at-Arms Section;
 Accounts Section;
 Library of Parliament." Amendment of First Schedule to Act 16 of 1963, as substituted by section 5 of Act 21 of 1967 and amended by section 3 of Act 55 of 1970.
13. Section 1 of the Powers and Privileges of Parliament Act, 1963, is hereby amended—
 (a) by the substitution for the definition of "officer of Parliament" of the following definition:
 "'officer of Parliament' means the Secretary to Parliament, and any other person who may be appointed to the staff of Parliament;"; and
 (b) by the substitution for the definition of "Secretary" of the following definition:
 "'Secretary' means the Secretary to Parliament, or the person acting as such on the authority of the President and the Speaker;". Amendment of section 1 of Act 91 of 1963.

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14. Section 5 of the Powers and Privileges of Parliament Act, 1963, is hereby amended by the deletion of the words "to the Senate or the House of Assembly, as the case may be". Amendment of section 5 of Act 91 of 1963.
15. Section 6 of the Powers and Privileges of Parliament Act, 1963, is hereby amended by the deletion of the words "or officer of Parliament", and of the words "or an officer" wherever they occur. Amendment of section 6 of Act 91 of 1963.
16. Section 18 of the Powers and Privileges of Parliament Act, 1963, is hereby amended by the deletion in subsection (1) of the words "to the House of Assembly". Amendment of section 18 of Act 91 of 1963.
17. Section 24 of the Powers and Privileges of Parliament Act, 1963, is hereby amended— Amendment of section 24 of Act 91 of 1963.
- (a) by the substitution in subsection (1) for the words "of whichever he is a member, officer or shorthand writer" of the words "as the case may be"; and
- (b) by the deletion in subsection (2) of the words "to the Senate or to the House of Assembly, as the case may be".
18. The following section is hereby substituted for section 35 of the Powers and Privileges of Parliament Act, 1963: Substitution of section 35 of Act 91 of 1963.
- "Removal of Secretary from office. 35. The Secretary shall be removable from office only in accordance with a resolution of the Senate and the House of Assembly."
19. Section 58 of the Customs and Excise Act, 1964, is hereby amended by the substitution in subsection (7) for the words "Secretary of the House of Assembly" of the words "Secretary to Parliament". Amendment of section 58 of Act 91 of 1964.
20. Section 1 of the Parliamentary Service and Administrators' Pensions Act, 1971, is hereby amended by the substitution in the definition of "service" for the words "Secretary to the Senate or the Secretary to the House of Assembly, as the case may be", wherever they occur, of the words "Secretary to Parliament". Amendment of section 1 of Act 81 of 1971.
21. Section 22 of the Parliamentary Service and Administrators' Pensions Act, 1971, is hereby amended by the substitution in subsection (1) for the words "Secretary to the Senate or the Secretary to the House of Assembly, as the case may be" of the words "Secretary to Parliament". Amendment of section 22 of Act 81 of 1971.
22. As from the date of commencement of this Act, any reference to the Secretary to the Senate or the Secretary to the House of Assembly or to the Secretary to the Senate and the Secretary to the House of Assembly, in any other law or any rule, document, contract, deed or other instrument, shall be construed as a reference to the Secretary to Parliament, and anything done or deemed to have been done by the Secretary to the Senate or the Secretary to the House of Assembly or by the Secretary to the Senate and the Secretary to the House of Assembly prior to the said commencement, shall be deemed to have been done by the said Secretary to Parliament. References in other laws or rules, documents and instruments to certain officers of Parliament to be construed as references to Secretary to Parliament.
23. This Act shall be called the Parliamentary Service Act, 1974, and shall be deemed to have come into operation on 1 August 1974. Short title and commencement.