

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.



**REPUBLIC OF SOUTH AFRICA**

# **GOVERNMENT GAZETTE**

---

## **STAATSKOERANT**

**VAN DIE REPUBLIEK VAN SUID-AFRIKA**

*Registered at the Post Office as a Newspaper*

*As 'n Nuusblad by die Poskantoor Geregistreer*

**PRICE (GST included) 30c PRYS (AVB ingesluit)  
ABROAD 40c BUITELANDS  
POST FREE · POSVRY**

Vol. 215

CAPE TOWN, 4 MAY 1983

No. 8692

KAAPSTAD, 4 MEI 1983

**OFFICE OF THE PRIME MINISTER**

**KANTOOR VAN DIE EERSTE MINISTER**

No. 918.

4 May 1983

No. 918.

4 Mei 1983

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

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

No. 55 of 1983: Advocate-General Amendment Act, 1983.

No. 55 van 1983: Wysigingswet op die Advokaat-generaal, 1983.

Act No. 55, 1983

ADVOCATE-GENERAL AMENDMENT ACT, 1983

**GENERAL EXPLANATORY NOTE:**

**[** Words in bold type in square brackets indicate omissions from existing enactments.

       Words underlined with solid line indicate insertions in existing enactments.

# ACT

To amend the Advocate-General Act, 1979, so as to make further provision in regard to the Advocate-General's powers of investigation; and to further regulate the appointment and conditions pertaining to the office of Advocate-General; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)  
(Assented to 27 April 1983.)*

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

Amendment of  
section 1 of  
Act 118 of 1979.

1. Section 1 of the Advocate-General Act, 1979 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of "prescribe" of the following definition:

"public moneys" means—

(a) State moneys as defined in section 1 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975); 10

(b) revenue accruing to—

(i) the Railway and Harbour Fund, the Post Office Fund and a provincial revenue fund;

(ii) any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); 15

(iii) any statutory body as defined in section 1 (1) of the Exchequer and Audit Act, 1975, excluding any Government, body or institution referred to in section 35 of the National States Constitution Act, 1971 (Act No. 21 of 1971); 20

(iv) any body, association or organization deemed in terms of section 42 (5) of the Exchequer and Audit Act, 1975, to be a statutory body as defined in section 1 (1) of that Act; 25

(v) any institution or body referred to in section 16 (3) (b) or (c) of the Provincial Finance and Audit Act, 1972 (Act No. 18 of 1972); 30

(c) all other moneys whatever received or held for, or on account of, a fund, institution, body, association or organization referred to in any subparagraph of paragraph (b);" and 35

(b) by the deletion of the definition of "State moneys".

## Act No. 55, 1983

## ADVOCATE-GENERAL AMENDMENT ACT, 1983

Amendment of  
section 2 of  
Act 118 of 1979.

## 2. Section 2 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The State President shall appoint, in a full-time or in a part-time capacity, a person who by virtue of his qualifications is entitled to be admitted and authorized to practise and be enrolled as an advocate in terms of the provisions of section 3 of the Admission of Advocates Act, 1964 (Act No. 74 of 1964), and who, after obtaining such qualifications, was concerned in the application of the law for a continuous period of at least ten years.”; and

(b) by the substitution in subsection (3) for the words preceding the proviso of the following words:

“The Advocate-General shall be paid such salary as the State President may from time to time determine, and the other conditions (if any) pertaining to his office shall be as prescribed:”

Amendment of  
section 4 of  
Act 118 of 1979.

## 3. Section 4 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) **[State]** public moneys have been or are being dealt with in a dishonest manner;”;

(b) by the substitution for subparagraphs (i), (ii) and (iii) of paragraph (b) of subsection (1) of the following subparagraphs, respectively:

“(i) in connection with the affairs of the State or of an institution, a body, an association or an organization referred to in the definition of ‘public moneys’ in section 1;

(ii) by any person while he is performing service as an employee of the State or of an institution, a body, an association or an organization referred to in the definition of ‘public moneys’ in section 1; or

(iii) at the expense of the State or of an institution, a body, an association or an organization referred to in the definition of ‘public moneys’ in section 1;”;

(c) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) the grounds **[in so far as they are known to him]** on which the suspicion is based; and”.

Amendment of  
section 7 of  
Act 118 of 1979.

## 4. Section 7 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Such direction shall be by way of a subpoena **[in the prescribed form]** containing particulars of the matter in connection with which the person subpoenaed is required to appear before the Advocate-General and signed by the Advocate-General and served on the person subpoenaed either by a registered letter sent through the post or by delivery by a person authorized thereto by the Advocate-General.”.

Amendment of  
section 8 of  
Act 118 of 1979.

## 5. Section 8 of the principal Act is hereby amended by the deletion of subsection (4).

Short title.

## 6. This Act shall be called the Advocate-General Amendment Act, 1983.