



REPUBLIC OF SOUTH AFRICA

**GOVERNMENT GAZETTE**

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**STAATSKOERANT**

**VAN DIE REPUBLIEK VAN SUID-AFRIKA**

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KAAPSTAD, 18 JUNIE 1975

DEPARTMENT OF THE PRIME MINISTER

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No. 1202. 18 June 1975.

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

No. 54 of 1975: National Supplies Procurement Amendment Act, 1975.

DEPARTEMENT VAN DIE EERSTE MINISTER

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No. 1202. 18 Junie 1975.

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

No. 54 van 1975: Wysigingswet op die Verkryging van Landsvoorrade, 1975.

Act No. 54, 1975 NATIONAL SUPPLIES PROCUREMENT AMENDMENT ACT, 1975.

# ACT

To amend the provisions of the National Supplies Procurement Act, 1970, so as to further regulate the powers of the Minister in respect of goods; to provide for the liability of employers and principals for certain acts and omissions of their managers, employees or agents, the admissibility of certain statements and records in prosecutions for offences under the said Act and the application of a certain presumption in certain prosecutions; to amend certain provisions of certain Acts with reference to the application of such provisions in respect of certain offences and sentences; to authorize the Minister to declare the provisions of certain notices to be applicable to persons in the employment of the State acting in the performance of their duties, and to grant certain exemptions; and to provide for incidental matters.

*(English text signed by the State President.)  
(Assented to 12 June 1975.)*

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

Amendment of section 2 of Act 89 of 1970.

1. (1) Section 2 of the National Supplies Procurement Act, 1970 (hereinafter referred to as the principal Act), is hereby amended by the insertion in paragraph (b) after subparagraph (i) of the following subparagraph:

“(iA) in order to effect saving or economy in the use of goods specified in the notice, regulate in such manner as he may deem fit, or prohibit—

(aa) the use of such goods for specified purposes or for the performance of a specified act in a specified manner or for the use of other specified goods;  
(bb) the possession of specified goods;”.

(2) Subsection (1) shall be deemed to have come into operation on 16 November 1973.

Insertion of sections 16A, 16B, 16C and 16D in Act 89 of 1970.

2. The following sections are hereby inserted in the principal Act after section 16:

“Liability of employer or principal.

16A. (1) An act or omission of an employee, manager or agent which constitutes an offence under this Act shall be deemed to be the act or omission of his employer or principal and such employer or principal may be convicted and sentenced in respect thereof unless he proves—

(a) that he did not permit or connive at such act or omission; and

(b) that he took all reasonable measures to prevent an act or omission of the nature in question; and

(c) that an act or omission, whether legal or illegal, of the nature in question did not under any

## Act No. 54, 1975 NATIONAL SUPPLIES PROCUREMENT AMENDMENT ACT, 1975.

condition or in any circumstances fall within the course of the employment or the scope of the authority of the employee, manager or agent concerned.

(2) For the purposes of subsection (1) (b) the fact that an employer or principal forbade an act or omission of the nature in question shall not by itself be regarded as sufficient proof that he took all reasonable measures to prevent such an act or omission.

(3) The provisions of subsection (1) shall not relieve the employee, manager or agent concerned from liability to be convicted and sentenced in respect of the act or omission in question.

Evidence.

**16B. (1)** At the trial of any person charged with an offence under this Act, any statement or record contained in any book or document kept by the accused or any employee or agent of the accused, in respect of any goods or service specified in a notice under section 2 (b), shall be admissible in evidence against the accused as an admission of the facts set out in that statement or record, unless it is proved that the statement or record was not made by such person or his employee or agent.

(2) If in any prosecution for a contravention of a prohibition imposed under section 2 (b) relating to the use of goods specified in the charge, it is proved that the accused performed an act which would have constituted the contravention if such goods had been used for the performance of that act, it shall be presumed unless the contrary is proved, that the accused used such goods for the performance of that act.

Application of provisions of certain Acts.

**16C. (1)** In the application of section 258, 259, 309*bis* or 351 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), in respect of an offence under this Act, a reference in the section in question to an amount of one hundred rand shall be construed as a reference to an amount of five hundred rand.

(2) In the application of section 96 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), to a sentence in a criminal case in respect of an offence under this Act, a reference to an amount of two hundred and fifty rand shall be construed as a reference to an amount of five hundred rand.

Application of certain notices to persons in employment of State.

**16D. (1)** The Minister may by notice in the *Gazette* declare a notice under section 2 (b), or one or more of the provisions thereof, to be applicable to any person in the employment of the State acting in the performance of his duties.

(2) A notice under subsection (1) may grant exemption from the provisions thereof or may provide for the granting of such exemption."

Short title.

**3.** This Act shall be called the National Supplies Procurement Amendment Act, 1975.