

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 20c Prys
Overseas 30c Oorsee
POST FREE—POSVRY

Vol. 113]

CAPE TOWN, 29 NOVEMBER 1974

KAAPSTAD, 29 NOVEMBER 1974

[No. 4520

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 2233. 29 November 1974.

No. 2233. 29 November 1974.

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. 89 of 1974: National Supplies Procurement Amendment Act, 1974.

No. 89 van 1974: Wysigingswet op die Verkryging van Landsvoorrade, 1974.

NATIONAL SUPPLIES PROCUREMENT
AMENDMENT ACT, 1974

Act No. 89, 1974

ACT

To amend the provisions of the National Supplies Procurement Act, 1970, relating to definitions; so as to further regulate the appointment by the Minister of controllers, officials and inspectors, the constitution by him of bodies, and the powers, duties and functions of such persons; and so as to provide for the granting of exemptions; for the disposal of certain moneys; and for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 11 November 1974.)*

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

1. Section 1 of the National Supplies Procurement Act, 1970 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of section 1 of Act 89 of 1970.

- (a) by the substitution in the definition of "controller" for the expression "section 10" of the expression "section 10 (1)"; and
- (b) by the substitution in the definition of "inspector" for the expression "section 10" of the expression "section 10 (1)".

2. The following section is hereby substituted for section 10 of the principal Act:

Substitution of section 10 of Act 89 of 1970.

"Appoint-
ment and
authoriza-
tion of
officials,
inspectors,
controllers,
etc., de-
termination
of their
powers, etc.,
and inci-
dental
matters.

- 10.** (1) The Minister may—
- (a) subject to the laws governing the public service, appoint—
 - (i) a controller in respect of any goods or service specified in a notice issued under section 2 (b); and
 - (ii) officials and inspectors in or outside the Republic;
 - (b) on such conditions and at such remuneration as he may, in consultation with the Treasury, determine—
 - (i) constitute one or more bodies; and
 - (ii) appoint or authorize any other person or class of persons, to act as controllers or inspectors.
- (2) Subject to the provisions of this Act—
- (a) the persons referred to in subsection (1) shall assist the Minister in the exercise of his powers and the performance of his functions under this Act; and

NATIONAL SUPPLIES PROCUREMENT
AMENDMENT ACT, 1974

Act No. 89, 1974

- (b) an inspector shall have authority to investigate any offence created by this Act, or any attempt or conspiracy, or incitement of any person, to commit any such offence, which is on reasonable grounds suspected of having been committed.
- (3) (a) The Minister—
- (i) shall determine, subject to the provisions of this Act, the powers, duties and functions of the persons referred to in subsection (1); and
- (ii) may, in connection with the investigation by inspectors of offences referred to in subsection (2) (b), by notice in the *Gazette* confer upon inspectors such powers as he may deem necessary, expedient or useful in respect of—
- (aa) the searching without warrant of any person, premises or other place, vehicle, vessel, aircraft, or any receptacle of whatever nature;
- (bb) the seizure, retention and disposal without warrant of any goods or things; and
- (cc) the arrest and detention without warrant of any person.
- (b) (i) Different powers, duties and functions may be determined under paragraph (a) (i), in respect of different persons or classes of persons, in each of the categories of persons mentioned in subsection (1); and
- (ii) different powers may be conferred under paragraph (a) (ii), in respect of different inspectors or categories of inspectors.
- (4) Any person engaged in exercising any power, or performing any duty or function conferred, imposed or entrusted by this section, or determined or conferred thereunder, shall be subject to the directions and control of the Minister.
- (5) A document in the form determined by the Minister, certifying that any person has been appointed, or authorized to act, as an inspector under this Act, and purporting to have been signed by a person designated by the Minister, shall be *prima facie* proof of such appointment or authorization.”.

3. The following section is hereby inserted in the principal Act after section 15:

Insertion of
section 15A in
Act 89 of 1970.

“Exemptions.

15A. The Minister may by notice in the *Gazette* or by notice in writing to the person or persons concerned—

- (a) grant any person or category of persons exemption to the extent and subject to the conditions specified by the Minister in such notice, from any provision of this Act, or of a notice published or given, or an order issued, thereunder, as the case may be; and

NATIONAL SUPPLIES PROCUREMENT
AMENDMENT ACT, 1974

Act No. 89, 1974

- (b) without assigning any reason therefor, and without the person or persons concerned having any right to be heard in respect thereof, modify to the extent and subject to the conditions specified by the Minister in such notice, or withdraw, any such exemption.”.

4. The following section is hereby inserted in the principal Act after section 17:

Insertion of
section 17A in
Act 89 of 1970.

“Disposal
of certain
moneys.

17A. The Minister, acting in consultation with the Minister of Finance, may in such manner as he may deem fit—

- (a) direct from time to time that moneys recovered by way of fines or estreated bail, in connection with an offence or category of offences under this Act mentioned in the direction, shall be paid to a person, local authority, divisional council, administration or government designated in the direction, or determined in accordance with the requirements, circumstances or particulars stated therein;
- (b) validate subject to any arrangement or direction under paragraph (c), any payment made prior to the commencement of this section, of such moneys to any person, administration or government who was not entitled to such payment; and
- (c) make such arrangements with or issue such directions, as he may deem necessary or expedient for the further disposal of moneys paid as contemplated in paragraph (b), to any person, administration or government to whom such moneys were so paid; and
- (d) at any time amend or revoke any direction issued under paragraph (a).”.

5. (1) This Act shall be called the National Supplies Procurement Amendment Act, 1974, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and
commencement.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.