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DEPARTMENT OF THE PRIME MINISTER

No. 1007.

11 May 1979.

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

No. 46 of 1979: Atomic Energy Amendment Act, 1979.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1007.

11 Mei 1979.

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

No. 46 van 1979: Wysigingswet op Atoomkrag, 1979.

Act No. 46, 1979.

ATOMIC ENERGY AMENDMENT ACT, 1979.

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Atomic Energy Act, 1967, so as to provide for the recovery of losses and damages caused to the Atomic Energy Board, and for matters connected therewith.

(English text signed by the State President.)
(Assented to 3 May 1979.)

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

Insertion of
sections 18A
and 18B in
Act 90 of 1967.

1. The following sections are hereby inserted in the Atomic Energy Act, 1967, after section 18:

“Accounting
officer.

18A. The president of the board or an officer of the board designated by that president shall be the accounting officer charged with the responsibility of accounting for all the moneys received, and for all payments made, by the board.

Recovery of
losses and
damages.

18B. (1) If any person who is or was in the employ of the board caused the board any loss or damage because he—

- (a) failed to collect board moneys for the collection of which he is or was responsible;
 - (b) is or was responsible for an irregular payment of board moneys or for a payment of such moneys not supported by a proper voucher;
 - (c) is or was responsible for fruitless expenditure of board moneys due to an omission to carry out his duties;
 - (d) is or was responsible for a deficiency in, or for the destruction of, or damage to, board moneys, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other board property;
 - (e) due to an omission to carry out his duties, is or was responsible for a claim against the board,
- the accounting officer contemplated in section 18A shall determine the amount of such loss or damage, and may order, by notice in writing, the said person to pay to him, within 30 days from the date of such notice, the whole or any part of the amount so determined.

(2) If any person who is in the employ of the board and who has in terms of subsection (1) been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the amount

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ALGEMENE VERDUIDELIKENDE NOTA:

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Wet op Atoomkrag, 1967, ten einde voorsiening te maak vir die verhaal van verliese en skade aan die Raad op Atoomkrag berokken, en vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Mei 1979.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Die volgende artikels word hierby in die Wet op Atoomkrag, 1967, na artikel 18 ingevoeg:

Invoeging van
artikels 18A
en 18B in
Wet 90 van 1967.

„Rekenpligtige beampte. **18A.** Die president van die raad of 'n beampte van die raad deur dié president aangewys, is die rekenpligtige beampte belas met die verantwoording van al die geld ontvang, en van al die betalings gedoen, deur die raad.

Verhaal van verliese en skade. **18B.** (1) Indien iemand wat in diens van die raad is of was die raad 'n verlies of skade berokken het deurdat hy—

- (a) versuim het om die raad se geld vir die invordering waarvan hy verantwoordelik is of was, in te vorder;
- (b) vir 'n onreëlmatige uitbetaling van die raad se geld of vir 'n uitbetaling van sodanige geld wat nie deur 'n behoorlike bewysstuk gestaaf word nie, verantwoordelik is of was;
- (c) weens versuim om sy pligte uit te voer, vir 'n vrugtelose uitgawe van die raad se geld verantwoordelik is of was;
- (d) vir 'n tekort in, of 'n vernietiging of beskadiging van, die raad se geld, seëls, sigwaardestukke en vorms wat 'n potensiële waarde het, sekuriteite, uitrusting, voorrade of ander eiendom van die raad verantwoordelik is of was;
- (e) weens versuim om sy pligte uit te voer, vir 'n eis teen die raad verantwoordelik is of was,
- moet die rekenpligtige beampte in artikel 18A bedoel die bedrag van sodanige verlies of skade vasstel, en kan hy genoemde persoon by skriftelike kennisgewing gelas om die geheel of 'n gedeelte van die bedrag wat aldus vasgestel is, binne 30 dae vanaf die datum van die kennisgewing aan hom te betaal.

(2) Indien iemand wat in diens van die raad is en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om dié bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, word

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shall, subject to the provisions of subsections (4), (5) and (6), be deducted from his monthly salary: Provided that such deduction shall not in any month exceed one-fourth of his monthly salary.

(3) If any person who was in the employ of the board and who has, in terms of subsection (1), been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the said accounting officer may, subject to the provisions of subsections (4), (5) and (6), recover such amount from such person by legal process.

(4) If any person who has been ordered to pay an amount in terms of subsection (1) makes, within the period stipulated in the notice in question, an offer to pay the amount in instalments, the said accounting officer may allow payment in such instalments as he may consider reasonable.

(5) Any person who has in terms of subsection (1) been ordered to pay an amount may, within a period of 30 days from the date of such order, appeal to the board, stating the grounds for his appeal, and the board may, after such further investigation as it may deem necessary, dismiss the appeal or order that the appellant be exempted either wholly or partly, according as the board may consider fair and reasonable, from the payment of such amount.

(6) Any person who has in terms of subsection (1) been ordered to pay an amount may, instead of appealing to the board under subsection (5), apply within a period of 30 days from the date of such order, or within such further period as the court may allow, to a competent court for an order setting aside such first-mentioned order or reducing such amount, and the court may upon such an application, if it is not convinced by the said accounting officer on the merits of the case that the order was rightly made or that that amount is correct, make an order setting aside such first-mentioned order or reducing that amount, as the case may be.

(7) If an amount is reduced in terms of subsection (5) or (6), the reduced amount shall *mutatis mutandis* be recovered in accordance with the provisions of subsections (1), (2), (3) and (4)."

Short title.

2. This Act shall be called the Atomic Energy Amendment Act, 1979.

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dié bedrag, behoudens die bepalings van subartikels (4), (5) en (6), van sy maandelikse salaris afgetrek: Met dien verstande dat so 'n aftrekking nie in een maand meer as een vierde van sy maandelikse salaris mag beloop nie.

(3) Indien iemand wat in diens van die raad was en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om dié bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, kan genoemde rekenpligtige beampte, behoudens die bepalings van subartikels (4), (5) en (6), dié bedrag deur middel van geregtelike proses op dié persoon verhaal.

(4) Indien iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, binne die tydperk in die betrokke kennisgewing bepaal, aanbied om dié bedrag in paaiemente te betaal, kan genoemde rekenpligtige beampte hom toelaat om te betaal in die paaiemente wat, na hy meen, redelik is.

(5) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan binne 'n tydperk van 30 dae van die datum van die lasgewing by die raad appèl aanteken met opgaaf van die gronde vir sy appèl, en die raad kan, na die verdere ondersoek wat die raad nodig ag, die appèl verwerp of gelas dat die appellant geheel en al of ten dele, na gelang van wat die raad billik en redelik ag, van die betaling van daardie bedrag kwytgeskeld word.

(6) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan, in plaas van kragtens subartikel (5) by die raad appèl aan te teken, by 'n bevoegde hof aansoek doen, binne 'n tydperk van 30 dae van die datum van die lasgewing, of binne die verdere tydperk wat die hof toelaat, om 'n bevel waarby die lasgewing tersyde gestel of daardie bedrag verminder word, en die hof kan op so 'n aansoek, indien hy nie deur genoemde rekenpligtige beampte aan die hand van die omstandighede van die geval oortuig word nie dat die lasgewing tereg opgelê is of dat daardie bedrag juis is, 'n bevel uitreik waarby die lasgewing tersyde gestel word of daardie bedrag verminder word, na gelang van die geval.

(7) Indien 'n bedrag ingevolge subartikel (5) of (6) verminder word, word die verminderde bedrag *mutatis mutandis* ooreenkomstig die bepalings van subartikels (1), (2), (3) en (4) verhaal."

2. Hierdie Wet heet die Wysigingswet op Atoomkrag, 1979.

Kort titel.

