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GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1366.

19 June 1979.

No. 1366.

19 Junie 1979.

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

No. 88 of 1979: State Trust Board Bill, 1979.

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

No. 88 van 1979: Wet op die Staatstrustraad, 1979.

Act No. 88, 1979

STATE TRUST BOARD BILL, 1979.

ACT

To provide for the enforcement of all rights, the liquidation of all assets and the fulfilment of all liabilities of the State created by or arising from any agreement concluded by or on behalf of the former Department of Information or from the application of secret State funds, and for that purpose to establish the State Trust Board; for the constitution, object, rights, duties, powers and disestablishment of that board; and for matters incidental thereto.

*(English text signed by the Acting State President.)
(Assented to 15 June 1979.)*

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

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “affected company” means any company of which one 5 or more shares are affected shares, and includes any subsidiary of such company; (iii)
 - (ii) “affected share” means any share in any company acquired through or by virtue of the application of secret State funds; (ii) 10
 - (iii) “application”, in relation to secret State funds, means the lending out or making available by the former department of such funds to any individual, organization, company or other body or persons, whether directly or through the agency of another individual, 15 organization, company or other body of persons; (i)
 - (iv) “board” means the State Trust Board established by section 2; (vi)
 - (v) “former department” means the former Department of Information abolished on 30 June 1978; (vii) 20
 - (vi) “Minister” means the Minister administering the Information Service of South Africa; (iv)
 - (vii) “secret State funds” means all money, except any money appropriated for the former department by any appropriation Act, applied for any project initiated by 25 the former department, any interest and any other income which at any time accrued or accrues to any person by virtue of the application of money received by him from the former department. (v)

Establishment of State Trust Board.

2. (1) There is hereby established a board to be called the State 30 Trust Board.

(2) The board shall consist of not fewer than three and not more than five members who shall be appointed by the Minister, one of whom shall be designated by the Minister as chairman.

(3) The chairman of the board shall be a full-time member, and 35 the Minister shall determine whether the other members of the board shall be full-time or part-time members.

WET

Om voorsiening te maak vir die afdwinging van alle regte, die tegeldemaking van alle bates en die nakoming van alle verpligtinge van die Staat wat geskep is deur of voort-spruit uit 'n ooreenkoms aangegaan deur of namens die voormalige Departement van Inligting of uit die aanwending van geheime Staatsfondse, en om vir dié doel die Staatstrustraad in te stel; vir die samestelling, oogmerk, regte, pligte, bevoegdhede en ontbinding van daardie raad; en vir bykomstige aangeleenthede.

(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 15 Junie 1979.)

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

1. In hierdie Wet, tensy uit die samehang anders blyk, 5 beteken—
- (i) „aanwending”, met betrekking tot geheime Staatsfondse, die uitleen of beskikbaarstelling van sodanige fondse deur die voormalige departement aan enige individu, organisasie, maatskappy of ander liggaam van persone, hetsy direk of deur tussenkoms van 'n ander individu, organisasie, maatskappy of ander liggaam van persone; (iii)
- (ii) „geaffekteerde aandeel” 'n aandeel in 'n maatskappy wat deur of uit hoofde van die aanwending van geheime Staatsfondse verkry is; (ii)
- (iii) „geaffekteerde maatskappy” 'n maatskappy waarvan een of meer aandeel geaffekteerde aandeel is, en ook 'n filiaal van sodanige maatskappy; (i)
- (iv) „Minister” die Minister wat die Inligtingsdiens van Suid-Afrika administreer; (vi)
- (v) „geheime Staatsfondse” alle geld, uitgesonderd geld vir die voormalige departement by 'n Begrotingswet bewillig, aangewend vir enige projek geïnisieer deur die voormalige departement, enige rente en enige ander inkomste wat enige persoon te eniger tyd toegeval het of toeval uit hoofde van die aanwending van geld wat hy van die voormalige departement ontvang het; (vii)
- (vi) „raad” die by artikel 2 ingestelde Staatstrustraad; (iv)
- (vii) „voormalige departement” die voormalige Departement van Inligting wat op 30 Junie 1978 afgeskaf is. (v)

2. (1) Daar word hierby 'n raad ingestel met die naam die Staatstrustraad. Instelling van Staatstrustraad.

(2) Die raad bestaan uit minstens drie en hoogstens vyf lede wat deur die Minister aangestel word, van wie een as voorsitter deur die Minister aangewys word.

(3) Die voorsitter van die raad is 'n heelydse lid, en die Minister bepaal of die ander lede van die raad heelydse of deelydse lede is.

Act No. 88, 1979

STATE TRUST BOARD BILL, 1979.

(4) A member of the board shall hold office for such period, but not exceeding two years, and on such conditions as the Minister may determine with the concurrence of the Minister of Finance at the time of appointment.

(5) (a) A member of the board shall vacate his office if he 5
resigns or if the Minister removes him from office under paragraph (b).

(b) The Minister may at any time remove a member of the board from office if the Minister is of the opinion that there are good reasons for doing so. 10

(6) A member of the board whose period of office has expired shall be eligible for reappointment.

(7) The Minister may if he deems fit appoint any person as an additional member of the board for a particular purpose and for such period as the Minister may determine but a person so 15
appointed shall not have the right to vote at any meeting of the board.

Meetings and
proceedings
of board.

3. (1) The meetings of the board shall be held at such times and places as the chairman may determine.

(2) If the chairman for any reason does not attend any meeting 20
of the board, the members present thereat shall elect one of their number to preside at that meeting.

(3) The chairman, or the other person presiding at a meeting of the board, shall determine the procedure at such meeting.

(4) The decision of the majority of members present at any 25
meeting of the board, shall constitute a decision of the board.

(5) Two members of the board, if the board consists of three members, and three members of the board, if the board consists of four or five members, shall constitute a quorum for any meeting of the board. 30

(6) In the event of an equality of votes in regard to any matter, the chairman of the board, or the person elected under subsection (2) as chairman for the meeting concerned, shall in addition to his deliberative vote have a casting vote.

(7) The proceedings of the board shall not be invalid merely by 35
reason of the existence of a vacancy on the board.

Object of board.

4. The object of the board shall be to dispose of the rights and assets, and to fulfil the obligations transferred to it in terms of this Act, as soon as possible and in a manner which shall be least prejudicial to the interests of the State: Provided that wherever 40
practical the board at its discretion shall observe the regulations of the Treasury and the Tender Board in the disposal of rights and assets of the State.

Board to be a
juristic person.

5. The board shall be a juristic person.

Rights, duties
and powers of
board.

6. (1) All rights, assets and liabilities of the State created by or 45
arising from any agreement entered into, or purporting to have been entered into, by or on behalf of the former department, or which arise from the application of secret State funds, are hereby transferred to the board.

(2) (a) The board shall in accordance with the provisions of this 50
Act enforce or liquidate or fulfil all rights, all assets and all liabilities transferred to it under subsection (1), or shall deal with such rights and assets in a manner which shall be least prejudicial to the interests of the State and which is approved by the Minister acting with the 55
concurrence of the Minister of Finance, and shall perform such functions as the Minister may assign to it.

(b) A certificate issued by the board after such inquiry as it may deem fit to the effect that specified rights and assets have been created or arise as contemplated in subsection 60
(1) shall be proof that such rights and assets have been so created or do so arise, unless the contrary is proved.

(c) The board shall as soon as possible take all such steps as may be necessary to obtain the transfer of all affected shares in its name, and shall as the holder of 65

WET OP DIE STAATSTRUSTRAAD, 1979.

Wet No. 88, 1979.

- (4) 'n Lid van die raad beklee sy amp vir die tydperk, maar hoogstens twee jaar, en op die voorwaardes wat die Minister met die instemming van die Minister van Finansies ten tyde van die aanstelling bepaal.
- 5 (5) (a) 'n Lid van die raad ontruim sy amp indien hy bedank of indien die Minister hom kragtens paragraaf (b) van sy amp onthef.
- (b) Die Minister kan te eniger tyd 'n lid van sy amp onthef indien die Minister van oordeel is dat daar gegronde redes daarvoor bestaan.
- 10 (6) 'n Lid van die raad wie se ampstermyn verstryk het, kan weer aangestel word.
- (7) Die Minister kan indien hy dit goedvind iemand aanstel as bykomende lid van die raad vir 'n bepaalde doel en vir die tydperk
- 15 wat die Minister bepaal, maar iemand aldus aangestel, het nie die reg om op 'n vergadering van die raad te stem nie.
3. (1) Die vergaderings van die raad word gehou op die tye en plekke wat die voorsitter bepaal.
- (2) Indien die voorsitter om die een of ander rede nie 'n
- 20 vergadering van die raad bywoon nie, kies die lede wat daarby teenwoordig is een uit hul geledere om by daardie vergadering voor te sit.
- (3) Die voorsitter, of die ander persoon wat op 'n vergadering van die raad voorsit, bepaal die prosedure op so 'n vergadering.
- 25 (4) Die beslissing van die meerderheid van lede van die raad wat op 'n vergadering van die raad aanwesig is, maak 'n beslissing van die raad uit.
- (5) Twee lede van die raad, indien die raad uit drie lede bestaan, en drie lede van die raad, indien die raad uit vier of vyf
- 30 lede bestaan, maak 'n kworum vir 'n vergadering van die raad uit.
- (6) In geval van 'n staking van stemme oor enige aangeleentheid het die voorsitter van die raad, of die persoon wat kragtens subartikel (2) as voorsitter vir die betrokke vergadering gekies is, benewens sy beraadslagende stem ook 'n beslissende stem.
- 35 (7) Die verrigtinge van die raad is nie ongeldig bloot op grond van die bestaan van 'n vakature in die raad nie.
4. Die oogmerk van die raad is om so spoedig moontlik en op 'n wyse wat die Staat se belange die minste sal benadeel, oor die regte en bates te beskik, en die verpligtinge na te kom, wat
- 40 ingevolge hierdie Wet aan hom oorgedra word: Met dien verstande dat, waar doenlik, die raad by die beskikking oor die regte en bates van die Staat, na goeddunke van die raad die regulasies van die Tesourie en die Tenderraad moet nakom.
5. Die raad is 'n regspersoon.
6. (1) Alle regte, bates en verpligtinge van die Staat wat geskep is deur of voortspruit uit 'n ooreenkoms wat deur of namens die voormalige departement aangegaan is of aangegaan heet te wees, of wat voortspruit uit die aanwending van geheime Staatsfondse, word hierby aan die raad oorgedra.
- 45 (2) (a) Die raad moet ooreenkomstig die bepalings van hierdie Wet alle regte, alle bates en alle verpligtinge kragtens subartikel (1) aan hom oorgedra, afdwing of te gelde maak of nakom, of moet met sodanige regte en bates handel op 'n wyse wat die Staat se belange die minste sal benadeel en wat deur die Minister handelende met die instemming van die Minister van Finansies goedgekeur word, en moet die ander werksaamhede verrig wat die Minister aan hom opdra.
- 55 (b) 'n Sertifikaat deur die raad uitgereik na die ondersoek wat die raad goedvind met die strekking dat bepaalde regte en bates geskep is of voortspruit soos in subartikel (1) bedoel, is bewys dat sodanige regte en bates aldus geskep is of voortspruit, tensy die teendeel bewys word.
- 60 (c) Die raad moet so spoedig moontlik al die stappe doen wat nodig is ten einde die oordrag van alle geaffekteerde aandele op sy naam te verkry, en is as die houër van 'n
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Vergaderings en verrigtinge van raad.

Oogmerk van raad.

Raad 'n regspersoon.

Regte, pligte en bevoegdhede van raad.

Act No. 88, 1979

STATE TRUST BOARD BILL, 1979.

any share in an affected company be entitled and compelled to exercise all powers and to carry out all duties conferred or imposed upon the holder of any such share.

Claims by or against board: jurisdiction of courts, service of process and other documents, and time for appearance.

7. (1) Jurisdiction in respect of any proceedings instituted by or against the board shall be vested in the magistrate's court for the district of Pretoria or in the Transvaal Provincial Division of the Supreme Court, as the case may be.

(2) Jurisdiction referred to in subsection (1) shall be vested as contemplated in that subsection irrespective of where the cause of action arose or where the defendant is domiciled, and irrespective of whether the defendant possesses any assets in the Republic and whether jurisdiction is by agreement vested also in any other court.

(3) It shall be deemed that any process in connection with any claim instituted by the board, was duly served upon the defendant if the process was published in every province of the Republic in an English and an Afrikaans newspaper circulating within that province, in the form provided for in the rules of the court concerned in respect of the service of process by way of publication.

(4) The time which shall be allowed for entering an appearance in connection with any process issued in connection with any claim by or against the board shall not exceed 21 days as from the date of the service thereof.

(5) The provisions of subsections (3) and (4) shall *mutatis mutandis* apply in respect of any notice, writ of execution, application for sequestration or liquidation and any order of court issued against any defendant in connection with any claim referred to in this section.

Funds of board and audit.

8. (1) There is hereby established an account to be called the Information Trust Account, which shall, notwithstanding anything to the contrary in any law contained, be credited with—

(a) all amounts received by the board in terms of section 6; and

(b) money appropriated by Parliament for that account.

(2) Money in the account shall—

(a) in the case of money referred to in subsection (1) (a), be transferred to the State Revenue Fund as and when determined by the Treasury; and

(b) in the case of money referred to in subsection (1) (b), be utilized for defraying the expenditure of the board.

(3) The board shall keep a proper record of all money received and spent by it.

(4) The banking account for money in the Information Trust Account shall be kept in the Paymaster-General's Account referred to in section 9 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975).

(5) Notwithstanding anything to the contrary in any law contained, money in the account shall at the end of a financial year be transferred as a credit to the next succeeding financial year.

(6) The Information Trust Account shall be audited by the Auditor-General.

Staff, accommodation and facilities.

9. The administrative work connected with the performance by the board of its functions shall be performed by officers in the public service serving in the Information Service of South Africa, and the accommodation and facilities required by the board for the performance of its functions shall be provided by the said Information Service.

Reports by board.

10. (1) The board shall report to the Minister as often as the board may deem fit, but at least once every six months.

(2) A report referred to in subsection (1) which in the opinion of the Minister may be made known without prejudice to the security of the State or its foreign relations, shall as soon as possible be laid on the Table in the Senate and in the House of Assembly.

WET OP DIE STAATSTRUSTRAAD, 1979.

Wet No. 88, 1979

aandeel in 'n geaffekteerde maatskappy bevoeg en verplig om alle bevoegdhede uit te oefen en alle pligte te verrig wat aan die houer van so 'n aandeel verleen of hom opgelê word.

- 5 7. (1) Jurisdiksie ten opsigte van enige geding ingestel deur of teen die raad is gevestig in die landdroshof vir die distrik Pretoria of in die Transvaalse Provinsiale Afdeling van die Hooggeregshof, na gelang van die geval. Eise deur of teen raad: jurisdiksie van howe, betekening van proses- en ander stukke, en tyd vir verskyning.
- (2) Jurisdiksie in subartikel (1) vermeld, word gevestig soos in daardie subartikel bedoel, ongeag waar die skuldoorsaak ontstaan het of waar die verweerder gedomisilieer is, en ongeag of die verweerder bates in die Republiek het en of jurisdiksie by ooreenkoms ook in 'n ander hof gevestig is.
- 10 (3) Daar word geag dat 'n prosesstuk in verband met 'n eis deur die raad ingestel, behoorlik aan die verweerder beteken is indien die prosesstuk in elke provinsie van die Republiek in 'n Engelse en 'n Afrikaanse nuusblad wat in daardie provinsie in omloop is, gepubliseer is in die vorm wat in die reëls van die betrokke hof bepaal word ten opsigte van die betekening van prosesstukke by
- 15 wyse van publikasie.
- (4) Die tydperk toegelaat om verskyning aan te teken in verband met 'n prosesstuk wat uitgereik is ten opsigte van 'n eis deur of teen die raad ingestel, mag nie meer as 21 dae vanaf die datum van betekening daarvan wees nie.
- 20 (5) Die bepalings van subartikels (3) en (4) is *mutatis mutandis* van toepassing ten opsigte van enige kennisgewing, lasbrief vir eksekusie, aansoek om sekwestrasie of likwidasie en enige hofbevel uitgereik teen 'n verweerder in verband met 'n eis in hierdie artikel vermeld.
- 30 8. (1) Hierby word 'n rekening ingestel met die naam die Inligtingstrustrekening, wat ondanks andersluidende wetsbepalings gekrediteer word met— Finansies van raad en audit.
- (a) alle bedrae ingevolge artikel 6 deur die raad ontvang; en
- (b) geld deur die Parlement vir dié rekening bewillig.
- 35 (2) Geld in die rekening word—
- (a) in die geval van geld in subartikel (1) (a) vermeld, soos en wanneer die Tesourie bepaal na die Staatsinkomstrekening oorgedra; en
- (b) in die geval van geld in subartikel 1 (b) vermeld, aangewend ter bestryding van die uitgawes van die raad.
- 40 (3) Die raad moet behoorlik boekhou van alle geld deur hom ontvang en bestee.
- (4) Die bankrekening vir geld in die Inligtingstrustrekening word in die Betaalmeester-generaalrekening vermeld in artikel 9
- 45 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), gehou.
- (5) Ondanks andersluidende wetsbepalings word geld in die rekening aan die einde van 'n boekjaar as 'n kredit in die rekening na die daaropvolgende boekjaar oorgedra.
- 50 (6) Die Inligtingstrustrekening word deur die Ouditeur-generaal geouditeer.
9. Die administratiewe werk-verbondé aan die verrigting deur die raad van sy werksaamhede word verrig deur beamptes in die staatsdiens wat diens doen in die Inligtingsdiens van Suid-Afrika, Personeel, akkommodasie en fasiliteite.
- 55 en die akkommodasie en fasiliteite wat die raad vir die verrigting van sy werksaamhede nodig het, word deur gemelde Inligtingsdiens verskaf.
10. (1) Die raad doen so dikwels as die raad goedvind, maar minstens een keer elke ses maande, aan die Minister verslag Verslae deur raad.
- 60 aangaande sy werksaamhede.
- (2) 'n Verslag in subartikel (1) bedoel wat volgens oordeel van die Minister sonder benadeling van die veiligheid van die Staat of sy buitelandse betrekkinge bekend gemaak kan word, moet so gou moontlik in die Senaat en in die Volksraad ter Tafel gelê word.

Act No. 88, 1979

STATE TRUST BOARD BILL, 1979.

Dissolution of
board.

11. The State President may upon completion by the board of its functions dissolve the board by proclamation in the *Gazette* on a date mentioned in the proclamation, on which date all money in the Information Trust Account shall be deposited in the State Revenue Fund.

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Short title.

12. This Act shall be called the State Trust Board Act, 1979.

WET OP DIE STAATSTRUSTRAAD, 1979.

Wet No. 88, 1979

11. Die Staatspresident kan na voltooiing deur die raad van sy werksaamhede die raad by proklamasie in die *Staatskoerant* op 'n datum in die proklamasie vermeld, ontbind, op watter datum alle geld in die Inligtingstrustrekening in die Staatsinkomsterekening 5 gestort word.

Ontbinding
van raad.

12. Hierdie Wet heet die Wet op die Staatstrustraad, 1979.

Kort titel.

