



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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CAPE TOWN, 18 JULY 1979

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1560. 18 Julie 1979.

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

No. 118 van 1979: Wet op die Advokaat-generaal, 1979.

DEPARTMENT OF THE PRIME MINISTER

No. 1560. 18 July 1979.

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

No. 118 of 1979: Advocate-General Act, 1979.

Act No. 118, 1979

ADVOCATE-GENERAL ACT, 1979.

ACT

To establish the office of Advocate-General; to provide for the appointment of a person to that office; to determine the duties and powers of the Advocate-General; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 2 July 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) "Advocate-General" means the person appointed in terms of section 2 to the office of Advocate-General; (i) 5
 - (ii) "inquiry" means an inquiry conducted under the provisions of section 5 by the Advocate-General; (iii)
 - (iii) "prescribe" means prescribe by regulation; (vi)
 - (iv) "regulation" means a regulation made under section 10; 10 (iv)
 - (v) "State moneys" means State moneys as defined in section 1 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), and includes—
 - (a) revenue accruing to the Railway and Harbour Fund, 15 the Post Office Fund and a provincial revenue fund;
 - (b) all other moneys whatever received or held for, or on account of, a fund referred to in paragraph (a); (v)
 - (vi) "this Act" includes the regulations. (ii) 20

Appointment and conditions pertaining to the office of Advocate-General.

2. (1) There shall be an Advocate-General for the Republic.
- (2) The State President shall appoint to the office of Advocate-General 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 25 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.
- (3) The Advocate-General shall be paid such salary as the State President may from time to time determine and the other 30 conditions pertaining to his office shall be as prescribed: Provided that a salary so determined in respect of a particular Advocate-General shall not be reduced during his term of office, except by an Act of Parliament.
- (4) The Advocate-General shall not perform or commit himself 35 to perform remunerative work outside his official duties without the permission of the State President.

WET

Om die amp van Advokaat-generaal in te stel; voorsiening te maak vir die aanstelling van iemand in daardie amp; die pligte en bevoegdhede van die Advokaat-generaal te bepaal; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Julie 1979.)*

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

1. Tensy uit die samehang anders blyk, beteken in hierdie Woordomskrywing.
5 Wet—

- (i) „Advokaat-generaal” die persoon wat ingevolge artikel 2 in die amp van Advokaat-generaal aangestel is; (i)
- (ii) „hierdie Wet” ook die regulasies; (vi)
- 10 (iii) „ondersoek”, wanneer dit as ’n naamwoord gebruik word, ’n ondersoek wat kragtens die bepalings van artikel 5 deur die Advokaat-generaal gedoen word; (ii)
- (iv) „regulasie” ’n regulasie wat kragtens artikel 10 uitgevaardig is; (iv)
- 15 (v) „Staatsgeld” Staatsgeld soos omskryf in artikel 1 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), en ook—
 - (a) inkomste wat die Spoorweg- en Hawefonds, die Poskantoorfonds en ’n provinsiale inkomstefonds toeval;
 - 20 (b) alle ander geld hoegenaamd wat vir of op rekening van ’n fonds bedoel in paragraaf (a) ontvang is of gehou word; (v)
- (vi) „voorskryf” by regulasie voorskryf. (iii)

2. (1) Daar is in die Republiek ’n Advokaat-generaal.

25 (2) Die Staatspresident moet iemand in die amp van Advokaat-generaal aanstel wat uit hoofde van sy kwalifikasies geregtig is om ingevolge die bepalings van artikel 3 van die Wet op die Toelating van Advokate, 1964 (Wet No. 74 van 1964), toegelaat en gemagtig te word om as advokaat te praktiseer en
30 ingeskryf te word en wat na verwerping van sodanige kwalifikasies vir ’n ononderbroke tydperk van minstens tien jaar by die toepassing van die reg betrokke was.

(3) Aan die Advokaat-generaal word die salaris betaal wat die Staatspresident van tyd tot tyd bepaal, en sy ander ampsvoorwaardes is soos voorgeskryf: Met dien verstande dat die salaris aldus bepaal ten opsigte van ’n bepaalde Advokaat-generaal nie gedurende sy ampstermyn verminder mag word nie, behalwe by
35 Parlements wet.

(4) Die Advokaat-generaal mag nie sonder die toestemming van
40 die Staatspresident besoldigde werk buite sy ampspligte verrig of hom verbind om dit te verrig nie.

Aanstelling en
amptvoorwaardes
van
Advokaat-generaal.

Act No. 118, 1979

ADVOCATE-GENERAL ACT, 1979.

(5) The Advocate-General shall not be suspended or removed from office except in accordance with the provisions of subsections (6), (7), (8) and (9).

(6) (a) The State President may suspend the Advocate-General and, subject to the provisions of this subsection, remove him from office—

(i) for misconduct; or

(ii) for unfitness for the duties of his office or incapacity to carry them out efficiently.

(b) A suspension of the Advocate-General and the reason therefor shall be communicated by message to the Senate and the House of Assembly within fourteen days after such suspension, if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

(c) If an address is at any time during such a session of Parliament presented to the State President by the Senate and the House of Assembly praying for the restoration to his office of the Advocate-General so suspended, the Advocate-General shall be restored to his office accordingly.

(d) If an address as contemplated in paragraph (c) is not presented to the State President, he shall confirm the suspension and remove the Advocate-General from his office.

(7) The State President shall also remove the Advocate-General from office if an address from the Senate and the House of Assembly in the same session praying for such removal on the ground of misconduct of the Advocate-General or unfitness for the duties of his office or his incapacity to carry them out efficiently, is presented to the State President.

(8) If the Advocate-General becomes afflicted with a permanent infirmity of mind or body which renders him incapable of discharging the duties of his office properly, the State President may—

(a) allow him to vacate his office; or

(b) subject to the provisions of subsection (6), remove him from office on the ground of incapacity.

(9) Subject to the provisions of subsection (10), the Advocate-General shall vacate his office on attaining the age of 70 years: Provided that if he attains the said age after the first day of any month, he shall be deemed to attain that age on the first day of the next succeeding month.

(10) If it is in the public interest to retain the Advocate-General in his office beyond the age at which he shall, in accordance with subsection (9), vacate his office, the State President may from time to time direct that he be so retained, but not for a period which exceeds, or periods which in the aggregate exceed, two years.

(11) If a vacancy occurs in the office of Advocate-General, the State President shall, subject to the provisions of subsection (2), appoint another person to that office.

(12) The State President may from time to time but subject to the provisions of subsection (2), appoint an acting Advocate-General to discharge the duties of the office of the Advocate-General whenever he is for any reason unable to perform the duties of his office, or while the appointment of a person to the office of Advocate-General is pending.

(13) (a) The State President may, subject to the provisions of subsection (2), appoint a person as an assistant or two or more persons as assistants to the Advocate-General to discharge duties and exercise powers, subject to the control and directions of the Advocate-General, imposed or conferred upon the Advocate-General by this Act.

(b) The provisions of subsections (3) to (10), inclusive, shall *mutatis mutandis* apply in respect of a person appointed under paragraph (a) and in respect of his office.

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Wet No. 118, 1979

(5) Die Advokaat-generaal mag nie in sy amp geskors of daarvan onthef word nie behalwe ooreenkomstig die bepalings van subartikels (6), (7), (8) en (9).

5 (6)(a) Die Staatspresident kan die Advokaat-generaal in sy amp skors en, behoudens die bepalings van hierdie subartikel, hom daarvan onthef—

(i) weens wangedrag; of

10 (ii) weens ongeskiktheid vir sy ampspligte of weens onvermoë om hulle op 'n bekwame wyse uit te voer.

(b) 'n Skorsing van die Advokaat-generaal en die rede daarvoor moet by boodskap aan die Senaat en die Volksraad meegedeel word binne veertien dae na die skorsing, as die Parlement dan in sessie is, of, as die Parlement nie dan in sessie is nie, binne veertien dae na die aanvang van sy eersvolgende sessie.

15 (c) As daar te eniger tyd gedurende so 'n sessie van die Parlement 'n versoekskrif deur die Senaat en die Volksraad om die herstel in sy amp van die Advokaat-generaal wat aldus geskors is, aan die Staatspresident voorgelê word, moet die Advokaat-generaal dienooreenkomstig in sy amp herstel word.

20 (d) As 'n versoekskrif soos bedoel in paragraaf (c) nie aan die Staatspresident voorgelê word nie, bekragtig hy die skorsing en onthef hy die Advokaat-generaal van sy amp.

(7) Die Advokaat-generaal moet ook deur die Staatspresident van sy amp onthef word indien daar 'n versoekskrif van die Senaat en die Volksraad in dieselfde sessie aan die Staatspresident 30 voorgelê word waarin op grond van wangedrag van die Advokaat-generaal of ongeskiktheid vir sy ampspligte of sy onvermoë om hulle op 'n bekwame wyse uit te voer, om sodanige ontheffing gevra word.

(8) As die Advokaat-generaal 'n blywende verstandelike of 35 liggaamlike gebrek opdoen wat hom ongeskik maak vir die behoorlike vervulling van sy ampspligte, kan die Staatspresident—

(a) hom toelaat om sy amp neer te lê; of

40 (b) hom, behoudens die bepalings van subartikel (6), op grond van onvermoë van sy amp onthef.

(9) Behoudens die bepalings van subartikel (10) moet die Advokaat-generaal sy amp neerlê wanneer hy die leeftyd van 70 jaar bereik: Met dien verstande dat as hy genoemde leeftyd na die eerste dag van 'n maand bereik, hy geag word bedoelde leeftyd op 45 die eerste dag van die eersvolgende maand te bereik.

(10) As dit in die openbare belang is om die Advokaat-generaal in sy amp in diens te hou na die leeftyd waarop hy ooreenkomstig subartikel (9) sy amp moet neerlê, kan die Staatspresident van tyd tot tyd gelas dat hy aldus in diens gehou word, maar nie vir 'n 50 tydperk wat, of tydperke wat altesaam, twee jaar te bowe gaan nie.

(11) Wanneer daar 'n vakature in die amp van Advokaat-generaal ontstaan, moet die Staatspresident, behoudens die bepalings van subartikel (2), iemand anders in daardie amp 55 aanstel.

(12) Die Staatspresident kan van tyd tot tyd, maar behoudens die bepalings van subartikel (2), 'n waarnemende Advokaat-generaal aanstel om die ampspligte van die Advokaat-generaal te vervul wanneer hy om enige rede nie in staat is om sy ampspligte 60 te vervul nie of terwyl die aanstelling van iemand in die amp van Advokaat-generaal hangende is.

(13) (a) Die Staatspresident kan, behoudens die bepalings van subartikel (2), iemand as 'n assistent of twee of meer persone as assistente vir die Advokaat-generaal aanstel om, onderworpe aan die beheer en voorskrifte van die Advokaat-generaal, pligte te verrig en bevoegdhede uit te oefen wat by hierdie Wet die Advokaat-generaal opgelê of aan hom verleen word.

65 (b) Die bepalings van subartikels (3) tot en met (10) is *mutatis mutandis* ten opsigte van iemand wat kragtens paragraaf (a) aangestel is, en ten opsigte van sy amp, van toepassing.

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ADVOCATE-GENERAL ACT, 1979.

Staff of
Advocate-General
and expenditure.

3. (1) The Advocate-General shall in the performance of his functions under this Act be assisted by—
- (a) persons appointed, with the approval of the State President and after consultation with the Public Service Commission, by the Advocate-General subject to such conditions of service as the Advocate-General may, with the approval of the Minister of Finance, determine in respect of the incumbents of the posts in question; 5
 - (b) officers in the Public Service seconded to the service of the Advocate-General in terms of section 13 (6) of the Public Service Act, 1957 (Act No. 54 of 1957). 10
- (2) The expenditure incidental to the performance of his functions under this Act by the Advocate-General shall be defrayed from money appropriated by Parliament for that purpose.

Laying before
Advocate-General
of certain matters.

4. (1) If any person has reasonable grounds to suspect that— 15
- (a) State moneys have been or are being dealt with in a dishonest manner;
 - (b) any person either directly or indirectly has been or is being enriched, or has received or is receiving any advantage, in an unlawful or improper manner through 20 or as a result of any act or omission—
 - (i) in connection with the affairs of the State;
 - (ii) by any person while he is performing service as an employee of the State; or
 - (iii) at the expense of the State; 25
 - (c) any attempt has been or is being made to perform an act referred to in paragraph (a) or to bring about a situation referred to in paragraph (b),
- he may lay the matter in question in accordance with the provisions of subsection (2) before the Advocate-General, and 30 after such matter has been so laid before him, the Advocate-General shall take such steps in respect thereof as he is required to take and may take such steps in respect thereof as he is permitted to take in terms of the provisions of this Act.
- (2) Any person wishing to lay a matter referred to in subsection 35 (1) before the Advocate-General, shall do so by means of an affidavit or affirmed declaration specifying—
- (a) the nature of the suspicion;
 - (b) the grounds, in so far as they are known to him, on which the suspicion is based; and 40
 - (c) all other relevant information known to the declarant.

Duties and powers
of
Advocate-General.

5. (1) The Advocate-General shall inquire forthwith into a matter laid before him in terms of section 4, establish whether or not the suspicion in question is well-founded and hand a report on his findings and on such recommendations, if any, as he may wish to 45 make, to the Leader of the House of Assembly, who shall, within seven days after it has been handed to him, lay the report upon the Table in the House of Assembly if Parliament is then in session or, if Parliament is not then in session, hand, within the said seven days, such report to the Speaker of the House of Assembly for 50 such laying upon the Table by the Leader of the House of Assembly within seven days after the commencement of the next ensuing session of Parliament: Provided that for the purposes of the publication of the contents of the said report such handing over to the Speaker of the House of Assembly shall, subject to the 55 provisions of subsection (2), be deemed to constitute such laying upon the Table.
- (2) Notwithstanding the provisions of subsection (1) the Advocate-General shall, if in connection with a matter inquired into by him in terms of subsection (1) he is of the opinion that the 60 publication of the contents of his report will not be in the interest of the security of the State, recommend in the report referred to in subsection (1) that such publication be prohibited, and a report in which such recommendation is contained shall, within seven days after it has been handed to him, be laid upon the Table of the 65 House of Assembly by the Leader of the House of Assembly as a confidential paper in terms of the Standing Orders of the House of Assembly if Parliament is then in session or, if Parliament is not

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3. (1) By die verrigting van sy werksaamhede kragtens hierdie Wet word die Advokaat-generaal bygestaan deur—
- 5 (a) persone met die goedkeuring van die Staatspresident en na oorleg met die Staatsdienskommissie deur die Advokaat-generaal aangestel onderworpe aan die diensvoorwaardes wat die Advokaat-generaal, met die goedkeuring van die Minister van Finansies, ten opsigte van die bekleders van die betrokke poste bepaal;
- 10 (b) beamptes in die Staatsdiens wat tydelik aan die diens van die Advokaat-generaal afgestaan word ingevolge artikel 13 (6) van die Staatsdienswet, 1957 (Wet No. 54 van 1957).
- (2) Die uitgawes verbonde aan die verrigting van sy werksaamhede kragtens hierdie Wet deur die Advokaat-generaal, word 15 bestry uit geld wat die Parlement vir dié doel bewillig het.
4. (1) Indien iemand redelike gronde het om te vermoed dat—
- (a) daar op 'n oneerlike wyse met Staatsgeld handel is of word;
- 20 (b) 'n persoon op onwettige of onbehoorlike wyse, hetsy direk of indirek, verryk of bevoordeel is of word deur of as gevolg van 'n handeling of versuim—
- (i) in verband met die sake van die Staat;
- (ii) deur iemand terwyl hy diens verrig as werknemer van die Staat; of
- 25 (iii) ten koste van die Staat;
- (c) gepoog is of word om 'n handeling bedoel in paragraaf (a) te verrig of 'n toestand bedoel in paragraaf (b) teweeg te bring,
- kan hy die betrokke aangeleentheid ooreenkomstig die bepalinge 30 van subartikel (2) by die Advokaat-generaal aanhangig maak, en nadat daardie aangeleentheid aldus by hom aanhangig gemaak is, moet die Advokaat-generaal ten opsigte daarvan die stappe doen en kan die Advokaat-generaal ten opsigte daarvan die stappe doen wat hy ingevolge die bepalinge van hierdie Wet moet of kan doen.
- 35 (2) Iemand wat 'n aangeleentheid bedoel in subartikel (1) by die Advokaat-generaal aanhangig wil maak, moet dit doen by wyse van 'n beëdigde of bevestigde verklaring waarin vermeld word—
- (a) die aard van die vermoede;
- (b) die gronde, vir sover dit aan hom bekend is, waarop die 40 vermoede berus; en
- (c) alle ander ter sake dienende inligting wat aan die deklaratant bekend is.
5. (1) Die Advokaat-generaal moet 'n aangeleentheid wat ingevolge artikel 4 by hom aanhangig gemaak is, onverwyld 45 ondersoek, bepaal of die betrokke vermoede gegrond is al dan nie en 'n verslag aangaande sy bevindinge en aangaande die aanbevelings, as daar is, wat hy verlang om te doen, oorhandig aan die Leier van die Volksraad wat die verslag binne sewe dae nadat dit aan hom oorhandig is, in die Volksraad ter Tafel moet lê
- 50 as die Parlement dan in sessie is of, as die Parlement nie dan in sessie is nie, binne bedoelde sewe dae aan die Speaker van die Volksraad moet oorhandig vir sodanige tertaaflegging deur die Leier van die Volksraad binne sewe dae na die aanvang van die eersvolgende sessie van die Parlement: Met dien verstande dat vir 55 die doeleindes van die publikasie van die inhoud van bedoelde verslag sodanige oorhandiging aan die Speaker van die Volksraad behoudens die bepalinge van subartikel (2) geag word sodanige tertaaflegging uit te maak.
- (2) Ondanks die bepalinge van subartikel (1) moet die 60 Advokaat-generaal, indien hy in verband met 'n aangeleentheid wat ingevolge subartikel (1) deur hom ondersoek is, van oordeel is dat die publikasie van die inhoud van sy verslag nie in belang van die veiligheid van die Staat is nie, in die verslag bedoel in subartikel (1) aanbeveel dat sodanige publikasie verbied word, en 65 'n verslag waarin so 'n aanbeveling vervat is, moet binne sewe dae nadat dit aan hom oorhandig is, deur die Leier van die Volksraad ingevolge die Reglement van Orde van die Volksraad as 'n vertroulike dokument in die Volksraad ter Tafel gelê word as die Parlement dan in sessie is of, as die Parlement nie dan in

Personeel van
Advokaat-generaal
en uitgawes.

Aanhangigmaking
van sekere
aangeleenthede by
Advokaat-generaal.

Pligte en
bevoegdhede van
Advokaat-generaal.

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then in session, be handed, within the said seven days, by him to the Speaker of the House of Assembly, in both cases for submission to, and consideration of the said recommendation and the making of a report to the House of Assembly by, a select committee of the House of Assembly appointed for that purpose. 5

(3) A select committee referred to in subsection (2) may, for the purposes of this Act, be authorized by resolution of the House of Assembly to continue its functions notwithstanding any prorogation of Parliament.

(4) If in the course of or after holding an inquiry the 10 Advocate-General is of the opinion that the facts disclose the commission of an offence by some person or other, he may at any time bring the matter to the notice of the authority concerned charged with prosecutions.

(5) If the Advocate-General has reason to suspect that any 15 circumstance referred to in section 4 (1) exists, he may inquire into the matter in question in accordance with the provisions of this Act as if it had been laid before him in terms of section 4 (2).

(6) A report handed over by the Advocate-General in terms of this section shall be accompanied by the record of the evidence 20 given before the Advocate-General in connection with the matter in question, excluding the record of that part of the said evidence the disclosing of which will, in the opinion of the Advocate-General, not be in the interest of the security of the State: Provided that if required to do so by the select committee referred 25 to in subsection (2), the Advocate-General shall furnish the said select committee with the last-mentioned record.

Procedure at and
nature of
proceedings.

6. (1) The procedure to be followed in conducting an inquiry shall be determined by the Advocate-General at his discretion with due regard to the circumstances of each case, and the Advocate- 30 General may in his discretion direct that any category of persons or all persons whose presence is, in his opinion, not necessary or desirable, shall not be present at the proceedings at the inquiry or any part thereof.

(2) If the matter being inquired into relates to moneys with 35 which the Secret Services Account established by section 1 of the Secret Services Account Act, 1978 (Act No. 56 of 1978), has been credited, no person shall be present at the proceedings at the inquiry unless such person's presence is necessary in connection with such proceedings or is authorized by the Advocate-General. 40

(3) Notwithstanding anything to the contrary contained in any law no person shall without the permission of the Advocate-General disclose to any other person the contents of any document in the possession of the Advocate-General or of an assistant to or a member of the staff of the Advocate-General, or the record of 45 any evidence given before the Advocate-General or an assistant to the Advocate-General during an inquiry.

(4) Any person who contravenes subsection (3) shall be guilty of an offence.

Inquiry into matter
by
Advocate-General.

7. (1) For the purposes of conducting an inquiry the 50 Advocate-General may direct any person to appear before him to—

- (a) give evidence; or
- (b) produce any document in his possession or under his control, 55

which, in the opinion of the Advocate-General, has a bearing on the matter being inquired into by the Advocate-General, and may examine such person.

(2) Such direction shall be by way of a subpoena in the prescribed form containing particulars of the matter in connection 60 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. 65

(3) When the Advocate-General considers it necessary to do so, he may require any person appearing as a witness before him

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sessie is nie, binne bedoelde sewe dae aan die Speaker van die Volksraad oorhandig word, in albei gevalle vir voorlegging aan, en oorweging van bedoelde aanbeveling en verslagdoening aan die Volksraad deur, 'n gekose komitee van die Volksraad wat vir dié

5 doel aangestel is.

(3) 'n Gekose komitee bedoel in subartikel (2) kan vir die doeleindes van hierdie Wet by besluit deur die Volksraad gemagtig word om sy werksaamhede voort te sit ondanks 'n prorogasie van die Parlement.

10 (4) Indien die Advokaat-generaal in die loop van of na die hou van 'n ondersoek van oordeel is dat die feite die pleging van 'n misdryf deur die een of ander persoon openbaar, kan hy die betrokke gesag wat met vervolgings belas is, te eniger tyd daarvan verwittig.

15 (5) Indien die Advokaat-generaal rede het om te vermoed dat 'n omstandigheid bedoel in artikel 4 (1) bestaan, kan hy die betrokke aangeleentheid ooreenkomstig die bepalings van hierdie Wet ondersoek asof dit ingevolge artikel 4 (2) by hom aanhangig gemaak is.

20 (6) 'n Verslag wat ingevolge hierdie artikel deur die Advokaat-generaal oorhandig word, gaan vergesel van die oorkonde van die getuienis wat in verband met die betrokke aangeleentheid voor die Advokaat-generaal afgelê is, uitgesonderd die oorkonde van daardie deel van bedoelde getuienis waarvan die openbaarmaking

25 na die oordeel van die Advokaat-generaal nie in belang van die veiligheid van die Staat is nie: Met dien verstande dat indien die gekose komitee bedoel in subartikel (2) dit van hom vereis die Advokaat-generaal laasgenoemde oorkonde aan bedoelde gekose komitee moet verstrek.

30 6. (1) Die prosedure wat by die hou van 'n ondersoek gevolg moet word, word na goeddunke deur die Advokaat-generaal bepaal met inagneming van die omstandighede van elke geval, en die Advokaat-generaal kan na goeddunke gelas dat die een of ander kategorie persone of alle persone wie se teenwoordigheid na

35 sy oordeel nie nodig of wenslik is nie, nie by die verrigtinge by die ondersoek of enige deel daarvan teenwoordig mag wees nie.

Prosedure by en
aard van
verrigtinge.

(2) Indien die aangeleentheid wat ondersoek word, betrekking het op geld waarmee die Rekening vir Geheime Dienste ingestel by artikel 1 van die Wet op die Rekening vir Geheime Dienste,

40 1978 (Wet No. 56 van 1978), gekrediteer is, mag niemand by die verrigtinge by die ondersoek teenwoordig wees nie tensy so iemand se teenwoordigheid in verband met bedoelde verrigtinge noodsaaklik is of deur die Advokaat-generaal gemagtig is.

(3) Ondanks andersluidende wetsbepalings mag niemand sonder

45 die toestemming van die Advokaat-generaal die inhoud van enige stuk in besit van die Advokaat-generaal of van 'n assistent of lid van die personeel van die Advokaat-generaal, of die notule van enige getuienis wat tydens 'n ondersoek voor die Advokaat-generaal of 'n assistent van die Advokaat-generaal afgelê is,

50 aan iemand openbaar maak nie.

(4) Iemand wat subartikel (3) oortree, is aan 'n misdryf skuldig.

7. (1) Vir die doeleindes van die hou van 'n ondersoek kan die Advokaat-generaal enigiemand gelas om voor hom te verskyn

om—

Ondersoek van
aangeleentheid deur
Advokaat-generaal.

55 (a) getuienis af te lê; of

(b) 'n stuk wat in sy besit of onder sy beheer is, voor te lê, wat, na die oordeel van die Advokaat-generaal, betrekking het op die aangeleentheid wat deur die Advokaat-generaal ondersoek word, en so iemand ondervra.

60 (2) Bedoelde lasgewing geskied by wyse van 'n dagvaarding in die voorgeskrewe vorm bevattende besonderhede van die aangeleentheid in verband waarmee die gedagvaarde verlang word om voor die Advokaat-generaal te verskyn en wat deur die Advokaat-generaal onderteken is en aan die gedagvaarde bestel word of per

65 aangetekende brief deur die pos versend of deur aflewering deur iemand wat die Advokaat-generaal daartoe gemagtig het.

(3) Wanneer die Advokaat-generaal dit nodig ag, kan hy van iemand wat kragtens subartikel (1) voor hom as getuie verskyn,

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under subsection (1) to give evidence on oath or after having made an affirmation, and such person shall enjoy the same privilege as a witness testifying in a criminal proceeding before a division of the Supreme Court of South Africa.

(4) The Advocate-General may administer an oath to, or accept 5 an affirmation from, any such person.

(5) Any person appearing before the Advocate-General by virtue of the provisions of subsection (1) may be assisted at his examination by an advocate of the Supreme Court of South Africa or any person duly admitted to practise as an attorney in any part 10 of the Republic, and shall be entitled to peruse such of the documents referred to in section 6 (3) as in the opinion of the Advocate-General are necessary to enable such person to refresh his memory.

(6) (a) If it appears to the Advocate-General during the course 15 of an inquiry that any person is being implicated in the matter being inquired into, the Advocate-General shall afford such person an opportunity to be heard in connection therewith by way of the giving of evidence, and such person or his legal representative shall be 20 entitled, through the Advocate-General, to question other witnesses, determined by the Advocate-General, who have appeared before the Advocate-General in terms of this section.

(b) The provisions of this section shall be applicable to any 25 person referred to in paragraph (a).

(7) Any person who refuses or fails to comply with a direction under subsection (1) or who refuses to answer any question put to him under that subsection or gives to such question an answer which to his knowledge is false, or refuses to take the oath or to 30 make an affirmation at the request of the Advocate-General in terms of subsection (3), shall be guilty of an offence.

Contempt of
Advocate-General.

8. (1) No person shall—

(a) insult, disparage or belittle the Advocate-General or an assistant to the Advocate-General, or anticipate the 35 proceedings at an inquiry or the findings of the Advocate-General in a manner calculated to influence such proceedings or findings;

(b) wilfully interrupt the proceedings at an inquiry or misbehave himself in any other manner in the place 40 where an inquiry is being held;

(c) in connection with an inquiry do anything which, if done in connection with a court of law, would have constituted contempt of court: Provided that the provisions of this paragraph shall not prohibit discussion in 45 the Senate or the House of Assembly or any provincial council of any matter being inquired into by the Advocate-General.

(2) Any person who contravenes a provision of subsection (1) shall be guilty of an offence. 50

(3) If any person contravenes the provisions of subsection (1) (b) or at the holding of an inquiry contravenes the provisions of subsection (1) (c), the Advocate-General may summarily impose upon such person a penalty prescribed in section 11.

(4) If the Advocate-General has in terms of subsection (3) 55 imposed a penalty upon any person, the provisions of section 108 (2) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), shall *mutatis mutandis* apply as if such penalty were a sentence imposed by a magistrate's court.

Prohibition of
improper
influencing.

9. (1) No person shall do anything calculated improperly to 60 influence the Advocate-General or an assistant to the Advocate-General in respect of any matter being or to be considered by the Advocate-General or an assistant to the Advocate-General with regard to an inquiry: Provided that the provisions of this subsection shall not be construed as prohibiting any person from 65 performing any act under the provisions of this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

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vereis dat hy getuienis onder eed of na die doen van 'n bevestiging aflê, en so iemand geniet dieselfde privilegie as 'n getuie in 'n strafgeding voor 'n afdeling van die Hooggeregshof van Suid-Afrika.

5 (4) Die Advokaat-generaal kan so iemand 'n eed oplê of van hom 'n bevestiging aanneem.

(5) Iemand wat uit hoofde van die bepalings van subartikel (1) voor die Advokaat-generaal verskyn, kan by sy ondervraging bygestaan word deur 'n advokaat van die Hooggeregshof van 10 Suid-Afrika of iemand wat behoorlik toegelaat is om in enige deel van die Republiek as prokureur te praktiseer, en is geregtig op insae in daardie stukke bedoel in artikel 6 (3) wat na die oordeel van die Advokaat-generaal nodig is ten einde so iemand in staat te stel om sy geheue te verfris.

15 (6) (a) Indien dit in die loop van 'n ondersoek vir die Advokaat-generaal voorkom dat iemand betrek word by die aangeleentheid wat ondersoek word, moet die Advokaat-generaal aan so iemand die geleentheid bied om in verband daarmee by wyse van die aflê van 20 getuienis aangehoor te word, en so iemand of sy regsverteenwoordiger is daarop geregtig om deur die Advokaat-generaal in verband met die betrokke aangeleentheid vrae te stel aan ander getuies, deur die Advokaat-generaal bepaal, wat ingevolge hierdie artikel 25 voor die Advokaat-generaal verskyn het.

(b) Die bepalings van hierdie artikel is van toepassing op iemand bedoel in paragraaf (a).

(7) Iemand wat weier of versuim om aan 'n lasgewing kragtens subartikel (1) te voldoen of wat weier om op 'n vraag aan hom 30 kragtens daardie subartikel gestel, 'n antwoord te verstrek of op so 'n vraag 'n antwoord verstrek wat na sy wete onjuis is, of weier om op versoek van die Advokaat-generaal ingevolge subartikel (3) die eed af te lê of 'n bevestiging te doen, is aan 'n misdryf skuldig.

35 8. (1) Niemand mag—

Minagting van
Advokaat-generaal.

(a) die Advokaat-generaal of 'n assistent van die Advokaat-generaal beledig, neerhaal of verkleineer, of die verrigtinge by 'n ondersoek of die bevindinge van die Advokaat-generaal vooruitloop op 'n wyse wat bereken 40 is om dit te beïnvloed nie;

(b) opsetlik die verrigtinge by 'n ondersoek onderbreek of hom op 'n ander wyse in die plek waar 'n ondersoek gehou word, misdra nie;

45 (c) in verband met 'n ondersoek iets doen nie wat, indien bedoelde ondersoek verrigtinge in 'n geregshof was, minagting van die hof sou uitgemaak het: Met dien verstande dat die bepalings van hierdie paragraaf nie bespreking in die Senaat of die Volksraad of 'n provinsiale raad van 'n aangeleentheid wat deur die Advokaat-generaal ondersoek word, belet nie. 50

(2) Iemand wat 'n bepaling van subartikel (1) oortree, is aan 'n misdryf skuldig.

(3) Indien iemand die bepalings van subartikel (1) (b) oortree of by die hou van 'n ondersoek die bepalings van subartikel (1) (c) 55 oortree, kan die Advokaat-generaal die betrokke persoon op staande voet 'n straf voorgeskryf in artikel 11 oplê.

(4) Indien die Advokaat-generaal ingevolge subartikel (3) iemand 'n straf opgelê het, is die bepalings van artikel 108 (2) van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), 60 *mutatis mutandis* van toepassing asof bedoelde straf 'n vonnis is wat deur 'n landdroshof opgelê is.

9. (1) Niemand mag enigiets doen nie wat daarop bereken is om die Advokaat-generaal of 'n assistent van die Advokaat-generaal onbehoorlik te beïnvloed ten opsigte van enige aangeleentheid wat 65 deur die Advokaat-generaal of 'n assistent van die Advokaat-generaal met betrekking tot 'n ondersoek oorweeg word of gaan word: Met dien verstande dat die bepalings van hierdie subartikel nie uitgelê word nie as sou dit iemand belet om 'n handeling kragtens die bepalings van hierdie Wet te verrig.

Verbod op
onbehoorlike
beïnvloeding.

(2) Iemand wat subartikel (1) oortree, is aan 'n misdryf skuldig.

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Regulations.

10. (1) The State President may by proclamation in the *Gazette* make regulations—

- (a) relating to the recording of the proceedings at an inquiry;
- (b) providing for the preservation of secrecy; 5
- (c) relating to any other matter which may or is required to be prescribed under this Act,

and generally better to achieve the objects and purposes of this Act.

(2) Regulations made under subsection (1) (b) may prescribe for 10 a contravention thereof penalties not exceeding a fine of five hundred rand or imprisonment for a period of six months.

Penalties.

11. Any person convicted of an offence referred to in section 6 (4), 7 (7), 8 (2) or 9 (2), shall be liable to a fine not exceeding five hundred rand or imprisonment for a period not exceeding six 15 months or to both such fine and such imprisonment.

Application of Act.

12. The provisions of this Act shall not affect any inquiry under, or the performance or exercise of any duty or power imposed or conferred by or under, any law.

Short title.

13. This Act shall be called the Advocate-General Act, 1979. 20

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10. (1) Die Staatspresident kan by proklamasie in die *Regulasies. Staatskoerant* regulasies uitvaardig—
- (a) betreffende die notulering van die verrigtinge by 'n ondersoek;
- 5 (b) wat voorsiening maak vir geheimhouding;
- (c) betreffende enige ander aangeleentheid wat kragtens hierdie Wet voorgeskryf moet of kan word, en in die algemeen om die oogmerke en doeleindes van hierdie Wet beter te verwesenlik.
- 10 (2) Regulasies kragtens subartikel (1) (b) uitgevaardig, kan vir 'n oortreding daarvan strawwe voorskryf wat 'n boete van vyfhonderd rand of gevangenisstraf vir 'n tydperk van ses maande nie te bowe gaan nie.
11. Iemand wat skuldig bevind word aan 'n misdryf bedoel in *Strawwe.*
- 15 artikel 6 (4), 7 (7), 8 (2) of 9 (2), is strafbaar met 'n boete van hoogstens vyfhonderd rand of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.
12. Die bepalinge van hierdie Wet raak nie enige ondersoek *Toepassing van Wet.*
- 20 kragtens, of die nakoming of uitoefening van enige plig of bevoegdheid opgelê of verleen by of kragtens, die een of ander wet nie.
13. Hierdie Wet heet die Wet op die Advokaat-generaal, 1979. Kort titel.

