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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1558. 28 Augustus 1974.

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

No. 33 van 1974: Wet op die Parlementsdiens, 1974.

DEPARTMENT OF THE PRIME MINISTER

No. 1558. 28 August 1974.

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

No. 33 of 1974: Parliamentary Service Act, 1974.

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WET

Om uitvoering te gee aan 'n besluit van die Senaat en van die Volksraad om 'n personeel van die Parlement in te stel; om vir dié doel die Wet tot Konsolidasie van die Kieswette, 1946, die Grondwet van die Republiek van Suid-Afrika, 1961, die Wet op die Betaling van Parlementslede, 1961, die Wet op Vrederegters en Kommissarisse van Ede, 1963, die Wet op die Bevoegdhede en Voorregte van die Parlement, 1963, die Doeane- en Aksynswet, 1964, en die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, te wysig; en om vir bykomstige aangeleenthede voorsiening te maak.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 27 *Augustus* 1974.)

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

Sekere lede van personeel van Senaat en van Volksraad en van Gesamentlike Parlementsdiens geag lede van personeel van Parlement te wees, en beskerming van hul diensvoorwaardes.

1. (1) Behalwe vir sover by besluit van die Senaat en van die Volksraad anders bepaal, word iemand wat voor die datum van inwerkingtreding van hierdie Wet as 'n amptenaar in die personeel van die Senaat of van die Volksraad of in die Gesamentlike Parlementsdiens aangestel is, en wat by daardie inwerkingtreding steeds in dié hoedanigheid in diens is, geag deur die Speaker van die Volksraad aangestel te gewees het in die personeel van die Parlement ingestel by besluite op 25 Februarie 1974 deur die Senaat en die Volksraad aangeneem.

(2) Die salaris, salarisskaal en ander diensvoorwaardes van 'n amptenaar op wie subartikel (1) van toepassing is, word nie tot sy nadeel verander nie, behalwe met sy eie toestemming of kragtens 'n besluit van die Senaat en van die Volksraad.

Wysiging van artikel 89 van Wet 46 van 1946, soos vervang deur artikel 70 van Wet 79 van 1973.

2. Artikel 89 van die Wet tot Konsolidasie van die Kieswette, 1946, word hierby gewysig deur die woorde „Sekretaris van die Volksraad" deur die woorde „Sekretaris van die Parlement" te vervang.

Wysiging van artikel 175 van Wet 46 van 1946, soos vervang deur artikel 30 van Wet 99 van 1969.

3. Artikel 175 van die Wet tot Konsolidasie van die Kieswette, 1946, word hierby gewysig deur die woorde „Sekretaris van die Volksraad", waar dit ook al voorkom, deur die woorde „Sekretaris van die Parlement" te vervang.

Wysiging van artikel 176 van Wet 46 van 1946, soos gewysig deur artikel 51 van Wet 72 van 1962 en artikel 48 van Wet 58 van 1970.

4. Artikel 176 van die Wet tot Konsolidasie van die Kieswette, 1946, word hierby gewysig deur die woorde „Sekretaris van die Volksraad", waar dit ook al voorkom, deur die woorde „Sekretaris van die Parlement" te vervang.

Wysiging van artikel 177 van Wet 46 van 1946, soos gewysig deur artikel 52 van Wet 72 van 1962.

5. Artikel 177 van die Wet tot Konsolidasie van die Kieswette, 1946, word hierby gewysig deur die woorde „Sekretaris van die Volksraad" deur die woorde „Sekretaris van die Parlement" te vervang.

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ACT

To give effect to a resolution of the Senate and of the House of Assembly to establish a staff of Parliament; for that purpose to amend the Electoral Consolidation Act, 1946, the Republic of South Africa Constitution Act, 1961, the Payment of Members of Parliament Act, 1961, the Justices of the Peace and Commissioners of Oaths Act, 1963, the Powers and Privileges of Parliament Act, 1963, the Customs and Excise Act, 1964, and the Parliamentary Service and Administrators' Pensions Act, 1971; and to provide for incidental matters.

(*English text signed by the State President.*)
(*Assented to* 27 *August* 1974.)

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

Certain members of staff of Senate and of House of Assembly and of Joint Parliamentary Establishment deemed to be members of staff of Parliament, and safeguarding of their conditions of employment.

1. (1) Except in so far as has been otherwise determined by resolution of the Senate and of the House of Assembly, any person who was prior to the date of commencement of this Act appointed as an officer to the staff of the Senate or of the House of Assembly or to the Joint Parliamentary Establishment, and who is at such commencement still serving as such, shall be deemed to have been appointed by the Speaker of the House of Assembly to the staff of Parliament established by resolutions adopted by the Senate and the House of Assembly on 25 February 1974.

(2) The salary, salary scale and other conditions of employment of any officer to whom subsection (1) applies, shall not be altered to his detriment except with his own consent or in accordance with a resolution of the Senate and of the House of Assembly.

Amendment of section 89 of Act 46 of 1946, as substituted by section 70 of Act 79 of 1973.

2. Section 89 of the Electoral Consolidation Act, 1946, is hereby amended by the substitution for the words "Secretary to the House of Assembly" of the words "Secretary to Parliament".

Amendment of section 175 of Act 46 of 1946, as substituted by section 30 of Act 99 of 1969.

3. Section 175 of the Electoral Consolidation Act, 1946, is hereby amended by the substitution for the words "Secretary to the House of Assembly", wherever they occur, of the words "Secretary to Parliament".

Amendment of section 176 of Act 46 of 1946, as amended by section 51 of Act 72 of 1962 and section 48 of Act 58 of 1970.

4. Section 176 of the Electoral Consolidation Act, 1946, is hereby amended by the substitution for the words "Secretary to the House of Assembly", wherever they occur, of the words "Secretary to Parliament".

Amendment of section 177 of Act 46 of 1946, as amended by section 52 of Act 72 of 1962.

5. Section 177 of the Electoral Consolidation Act, 1946, is hereby amended by the substitution for the words "Secretary to the House of Assembly" of the words "Secretary to Parliament".

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Wysiging van artikel 178 van Wet 46 van 1946, soos gewysig deur artikel 53 van Wet 72 van 1962.

6. Artikel 178 van die Wet tot Konsolidasie van die Kieswette, 1946, word hierby gewysig deur die woorde „Sekretaris van die Volksraad", waar dit ook al voorkom, deur die woorde „Sekretaris van die Parlement" te vervang.

Wysiging van artikel 180 van Wet 46 van 1946, soos gewysig deur artikel 54 van Wet 72 van 1962.

7. Artikel 180 van die Wet tot Konsolidasie van die Kieswette, 1946, word hierby gewysig deur in subartikel (2) die woorde „Sekretaris van die Volksraad" deur die woorde „Sekretaris van die Parlement" te vervang.

Wysiging van artikel 8 van Wet 32 van 1961, soos gewysig deur artikel 1 van Wet 9 van 1967.

8. Artikel 8 van die Grondwet van die Republiek van Suid-Afrika, 1961, word hierby gewysig deur in subartikel (2) die woorde „Sekretaris van die Volksraad" deur die woorde „Sekretaris van die Parlement" te vervang.

Wysiging van artikel 65 van Wet 32 van 1961.

9. Artikel 65 van die Grondwet van die Republiek van Suid-Afrika, 1961, word hierby gewysig deur die woorde „Sekretaris van die Volksraad" deur die woorde „Sekretaris van die Parlement" te vervang.

Wysiging van artikel 117 van Wet 32 van 1961.

10. Artikel 117 van die Grondwet van die Republiek van Suid-Afrika, 1961, word hierby gewysig—

(*a*) deur paragraaf (*b*) van subartikel (1) deur die volgende paragraaf te vervang:

„(*b*) na die Klerk of die Assistent-klerk van die Senaat of die Volksraad of na die Sekretaris of die Adjunk-sekretaris van die Senaat of die Volksraad word uitgelê as verwysings na onderskeidelik die Sekretaris of die Adjunk-sekretaris van die Parlement."; en

(*b*) deur subartikel (2) te skrap.

Wysiging van artikel 4 van Wet 58 van 1961.

11. Artikel 4 van die Wet op die Betaling van Parlementslede, 1961, word hierby gewysig deur die woorde „Sekretaris van die Senaat of die Sekretaris van die Volksraad" deur die woorde „Sekretaris van die Parlement" te vervang.

Wysiging van Eerste Bylae by Wet 16 van 1963, soos vervang deur artikel 5 van Wet 21 van 1967 en gewysig deur artikel 3 van Wet 55 van 1970.

12. Die Eerste Bylae by die Wet op Vrederegters en Kommissarisse van Ede, 1963, word hierby gewysig deur die derde en vierde items deur die volgende item te vervang:

„Sekretaris, Adjunk-sekretaris, Ondersekretaris of Assistent-sekretaris van die Parlement en die hoofde van die volgende afdelings, naamlik—
Afdeling Publieke Wetsontwerpe;
Hansard-afdeling (Volksraad);
Hansard-afdeling (Senaat);
Vertaalafdeling;
Afdeling van die Ampswag;
Rekeningafdeling;
Parlementsbiblioteek.".

Wysiging van artikel 1 van Wet 91 van 1963.

13. Artikel 1 van die Wet op die Bevoegdhede en Voorregte van die Parlement, 1963, word hierby gewysig—

(*a*) deur die woordbepaling van „Parlementsamptenaar" deur die volgende woordbepaling te vervang:

„'Parlementsamptenaar' die Sekretaris van die Parlement, en enigiemand anders wat in die personeel van die Parlement aangestel word;"; en

(*b*) deur die woordbepaling van „Sekretaris" deur die volgende woordbepaling te vervang:

„'Sekretaris' die Sekretaris van die Parlement, of die persoon wat op gesag van die President en die Speaker in dié hoedanigheid waarneem;".

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6. Section 178 of the Electoral Consolidation Act, 1946, is hereby amended by the substitution for the words "Secretary to the House of Assembly", wherever they occur, of the words "Secretary to Parliament".

Amendment of section 178 of Act 46 of 1946, as amended by section 53 of Act 72 of 1962.

7. Section 180 of the Electoral Consolidation Act, 1946, is hereby amended by the substitution in subsection (2) for the words "Secretary to the House of Assembly" of the words "Secretary to Parliament".

Amendment of section 180 of Act 46 of 1946, as amended by section 54 of Act 72 of 1962.

8. Section 8 of the Republic of South Africa Constitution Act, 1961, is hereby amended by the substitution in subsection (2) for the words "Secretary to the House of Assembly" of the words "Secretary to Parliament".

Amendment of section 8 of Act 32 of 1961, as amended by section 1 of Act 9 of 1967.

9. Section 65 of the Republic of South Africa Constitution Act, 1961, is hereby amended by the substitution for the words "Secretary to the House of Assembly" of the words "Secretary to Parliament".

Amendment of section 65 of Act 32 of 1961.

10. Section 117 of the Republic of South Africa Constitution Act, 1961, is hereby amended—

(*a*) by the substitution for paragraph (*b*) of subsection (1) of the following paragraph:

"(*b*) to the Clerk or the Clerk-Assistant of the Senate or the House of Assembly, or to the Secretary or the Deputy Secretary to the Senate or the House of Assembly, shall be construed as references to the Secretary or the Deputy Secretary, respectively, to Parliament."; and

(*b*) by the deletion of subsection (2).

Amendment of section 117 of Act 32 of 1961.

11. Section 4 of the Payment of Members of Parliament Act, 1961, is hereby amended by the substitution for the words "Secretary to the Senate or the Secretary to the House of Assembly" of the words "Secretary to Parliament".

Amendment of section 4 of Act 58 of 1961.

12. The First Schedule to the Justices of the Peace and Commissioners of Oaths Act, 1963, is hereby amended by the substitution for the third and fourth items of the following item:

"Secretary, Deputy Secretary, Under Secretary or Assistant Secretary to Parliament and the heads of the following sections, namely—
Public Bill Section;
Hansard Section (House of Assembly);
Hansard Section (Senate);
Translating Section;
Serjeant-at-Arms Section;
Accounts Section;
Library of Parliament.".

Amendment of First Schedule to Act 16 of 1963, as substituted by section 5 of Act 21 of 1967 and amended by section 3 of Act 55 of 1970.

13. Section 1 of the Powers and Privileges of Parliament Act, 1963, is hereby amended—

(*a*) by the substitution for the definition of "officer of Parliament" of the following definition:

"'officer of Parliament' means the Secretary to Parliament, and any other person who may be appointed to the staff of Parliament;"; and

(*b*) by the substitution for the definition of "Secretary" of the following definition:

"'Secretary' means the Secretary to Parliament, or the person acting as such on the authority of the President and the Speaker;".

Amendment of section 1 of Act 91 of 1963.

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14. Section 5 of the Powers and Privileges of Parliament Act, 1963, is hereby amended by the deletion of the words "to the Senate or the House of Assembly, as the case may be". *Amendment of section 5 of Act 91 of 1963.*

15. Section 6 of the Powers and Privileges of Parliament Act, 1963, is hereby amended by the deletion of the words "or officer of Parliament", and of the words "or an officer" wherever they occur. *Amendment of section 6 of Act 91 of 1963.*

16. Section 18 of the Powers and Privileges of Parliament Act, 1963, is hereby amended by the deletion in subsection (1) of the words "to the House of Assembly". *Amendment of section 18 of Act 91 of 1963.*

17. Section 24 of the Powers and Privileges of Parliament Act, 1963, is hereby amended— *Amendment of section 24 of Act 91 of 1963.*

(*a*) by the substitution in subsection (1) for the words "of whichever he is a member, officer or shorthand writer" of the words "as the case may be"; and

(*b*) by the deletion in subsection (2) of the words "to the Senate or to the House of Assembly, as the case may be".

18. The following section is hereby substituted for section 35 of the Powers and Privileges of Parliament Act, 1963: *Substitution of section 35 of Act 91 of 1963.*

"Removal of Secretary from office. **35.** The Secretary shall be removable from office only in accordance with a resolution of the Senate and the House of Assembly.".

19. Section 58 of the Customs and Excise Act, 1964, is hereby amended by the substitution in subsection (7) for the words "Secretary of the House of Assembly" of the words "Secretary to Parliament". *Amendment of section 58 of Act 91 of 1964.*

20. Section 1 of the Parliamentary Service and Administrators' Pensions Act, 1971, is hereby amended by the substitution in the definition of "service" for the words "Secretary to the Senate or the Secretary to the House of Assembly, as the case may be", wherever they occur, of the words "Secretary to Parliament". *Amendment of section 1 of Act 81 of 1971.*

21. Section 22 of the Parliamentary Service and Administrators' Pensions Act, 1971, is hereby amended by the substitution in subsection (1) for the words "Secretary to the Senate or the Secretary to the House of Assembly, as the case may be" of the words "Secretary to Parliament". *Amendment of section 22 of Act 81 of 1971.*

22. As from the date of commencement of this Act, any reference to the Secretary to the Senate or the Secretary to the House of Assembly or to the Secretary to the Senate and the Secretary to the House of Assembly, in any other law or any rule, document, contract, deed or other instrument, shall be construed as a reference to the Secretary to Parliament, and anything done or deemed to have been done by the Secretary to the Senate or the Secretary to the House of Assembly or by the Secretary to the Senate and the Secretary to the House of Assembly prior to the said commencement, shall be deemed to have been done by the said Secretary to Parliament. *References in other laws or rules, documents and instruments to certain officers of Parliament to be construed as references to Secretary to Parliament.*

23. This Act shall be called the Parliamentary Service Act, 1974, and shall be deemed to have come into operation on 1 August 1974. *Short title and commencement.*