



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

No. 468.

16 Maart 1988

STATE PRESIDENT'S OFFICE

No. 468.

16 March 1988

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

No. 9 van 1988: Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1988.

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

No. 9 of 1988: Public Accountants' and Auditors' Amendment Act, 1988.

Wet No. 9, 1988

WYSIGINGSWET OP OPENBARE REKENMEESTERS EN
OUDITEURS, 1988

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.

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

WET

Tot wysiging van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951, ten einde ander voorsiening ten opsigte van die samestelling van die Openbare Rekenmeesters- en Ouditeursraad te maak; uitgediende verwysings te vervang of te skrap; ander voorsiening te maak ten opsigte van die terugbetaling van sekere reis- en verblyftoeelaes; die bevoegdheid van genoemde Raad uit te brei; ander voorsiening te maak met betrekking tot die registrasie van rekenmeesters en ouditeurs; ander voorsiening te maak ten opsigte van die besonderhede wat op die briefhoofde van rekenmeesters en ouditeurs verskyn; en sekere boetes te verhoog; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 4 Maart 1988.)

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

Wysiging van artikel 3 van Wet 51 van 1951, soos gewysig deur artikel 2 van Wet 47 van 1956, artikel 2 van Wet 30 van 1962, artikel 1 van Wet 68 van 1965, artikel 15 van Wet 80 van 1971 en artikel 2 van Wet 53 van 1975.

1. Artikel 3 van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (hieronder die Hoofwet genoem), word hierby gewysig—
 - (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
“(a) die bekleer van die amp van Ouditeur-generaal en vier ander persone deur die Minister gekies uit die persone wat asdan dien in die amp van—
 - (i) [Sekretaris] Kommissaris van Binnelandse Inkomste;
 - (ii) Voorsitter van die Raad van Handel en Nywerheid;
 - (iii) Registrateur van [Koöperatiewe Verenigings] Koöperasies;
 - (iv) Registrateur van Finansiële Instellings;
 - (v) Registrateur van Maatskappye;
 - (vi) Registrateur van Beslote Korporasies;
 - (b) deur subartikel (6) deur die volgende subartikel te vervang:
“(6) (a) Die Minister kan op aanbeveling van die raad van tyd tot tyd 'n genomineerde van [die 'Rho-

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PUBLIC ACCOUNTANTS' AND AUDITORS' AMENDMENT ACT,
1988

Act No. 9, 1988

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

— Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Public Accountants' and Auditors' Act, 1951, so as to make other provision in respect of the constitution of the Public Accountants' and Auditors' Board; to substitute or delete obsolete references; to make other provision in respect of the refund of certain transport and subsistence allowances; to extend the power of the said Board; to make other provision in relation to the registration of accountants and auditors; to make other provision in respect of the particulars appearing on the letterheads of accountants and auditors; and to increase certain fines; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 4 March 1988.)

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

1. Section 3 of the Public Accountants' and Auditors' Act, 1951 (hereinafter referred to as the principal Act), is hereby 5 amended—
(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
“(a) the incumbent of the office of Auditor-General and four other persons selected by the Minister from amongst the persons for the time being holding office as—
10 (i) [Secretary] Commissioner for Inland Revenue;
(ii) Chairman of the Board of Trade and [Industries] Industry;
(iii) Registrar of [Co-operative Societies] Co-operatives;
(iv) Registrar of Financial Institutions;
(v) Registrar of Companies;
15 (vi) Registrar of Close Corporations;
(vii) Master of the Supreme Court, or in any other capacities in the full-time service of the State where in the opinion of the Minister they are in the performance of their duties concerned to a considerable extent with certificates, reports or opinions furnished by accountants or auditors;”;
20 and
(b) by the substitution for subsection (6) of the following subsection:
“(6) (a) The Minister may, on the recommendation of the board, from time to time appoint a nominee of
- Amendment of section 3 of Act 51 of 1951, as amended by section 2 of Act 47 of 1956, section 2 of Act 30 of 1962, section 1 of Act 68 of 1965, section 15 of Act 80 of 1971 and section 2 of Act 53 of 1975.

Wet No. 9, 1988

WYSIGINGSWET OP OPENBARE REKENMEESTERS EN
OUDITEURS, 1988

desia Society of Chartered Accountants' of] 'n [an-
der] liggaaam wat rekenmeesters en ouditeurs in
enige van die Republiek se buurstate verteenwoor-
dig as lid van die raad aanstel, en 'n aldus aange-
stelde persoon beklee sy amp vir die tydperk, maar
hoogstens een jaar, wat die Minister bepaal, en het
die reg om vergaderings van die raad by te woon
en aan die verrigtings aldaar deel te neem, maar
het nie die reg om te stem nie.

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- (b) Die Minister kan op aanbeveling van die raad van 10
tyd tot tyd 'n ander genomineerde van [die 'Socie-
ty' of] 'n liggaaam in paragraaf (a) bedoel, [na ge-
lang van die geval] aanstel as plaasvervanger van 'n
lid ingevolge daardie paragraaf aangestel, en so 'n
plaasvervanger kan, wanneer die lid vir wie hy as 15
plaasvervanger aangestel is van 'n vergadering van
die raad afwesig is, dié vergadering bywoon en aan
die verrigtings aldaar deelneem, maar het nie die
reg om te stem nie.".

Wysiging van
artikel 12 van
Wet 51 van 1951.

2. Artikel 12 van die Hoofwet word hierby gewysig deur sub- 20
artikel (4) deur die volgende subartikel te vervang:

"(4) Die raad moet aan die [Minister] Tesourie die reis-
en verblyftoeplaas terugbetaal wat uit Staatsgelde betaal
word aan 'n lid van die raad kragtens paragraaf (a) van sub- 25
artikel (1) van artikel 3 aangestel, of iemand kragtens sub-
artikel (5) van daardie artikel deur so 'n lid aangewys om in
sy plek op te tree, of 'n lid van 'n komitee van die raad (wat
nie lid van die raad is nie), wat in die volydse diens van die
Staat is, terwyl hy besig is met die sake van die raad of 'n
komitee van die raad.".

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3. Artikel 21 van die Hoofwet word hierby gewysig—

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

"(e) om leerplanne ten opsigte van eksamens vir klerke
onder leerkontrak of ander persone voor te skryf, 35
om sodanige eksamens voor te skryf of af te neem
of vir die afneem daarvan reëlings te tref, en om
die gelde voor te skryf wat deur die persone wat
die raad bepaal ten opsigte van sodanige leer-
planne of eksamens aan die raad betaal moet 40
word;"; en

- (b) deur subartikel (3) deur die volgende subartikel te ver-
vang:

"(3) Enige [voorsiening wat kragtens paragraaf (e),
(g) of (iA) van subartikel (1) gemaak word en] boetes of 45
gelde wat kragtens subartikel (1) of (2) voorgeskryf
word, is onderworpe aan die goedkeuring van die Mi-
nister [en word deur hom by kennisgewing in die Staats-
koerant bekendgemaak].".

Wysiging van
artikel 21 van
Wet 51 van 1951,
soos gewysig deur
artikel 7 van
Wet 47 van 1956,
artikel 5 van
Wet 30 van 1962,
artikel 3 van
Wet 68 van 1965,
artikel 8 van
Wet 53 van 1975,
artikel 1 van
Wet 91 van 1979,
artikel 1 van
Wet 48 van 1984 en
artikel 1 van
Wet 51 van 1985.

4. Artikel 23 van die Hoofwet word hierby gewysig deur para- 50
graaf (b) van subartikel (6) deur die volgende paragraaf te ver-
vang:

"(b) indien hy te eniger tyd veroordeel is weens diefstal, be-
drog, vervalsing of die uitgifte van 'n vervalste doku-
ment of meineed, en ten opsigte daarvan tot gevange- 55
nisstraf sonder die keuse van 'n boete of tot 'n boete
van meer as [vyftig] driehonderd rand gevonnis is; of".

Wysiging van
artikel 23 van
Wet 51 van 1951,
soos gewysig deur
artikel 8 van
Wet 68 van 1965
en artikel 15 van
Wet 53 van 1975.

5. Artikel 28 van die Hoofwet word hierby gewysig deur sub-
artikel (7) deur die volgende subartikel te vervang:

"(7) Iemand wat weens 'n misdryf ingevolge hierdie arti-
kel veroordeel word, is strafbaar met 'n boete van 60
hoogstens [tweehonderd] tweeduiseend rand.".

Wysiging van
artikel 28 van
Wet 51 van 1951,
soos gewysig deur
artikel 8 van
Wet 68 van 1965
en artikel 15 van
Wet 53 van 1975.

PUBLIC ACCOUNTANTS' AND AUDITORS' AMENDMENT ACT,
1988

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- 5 [the Rhodesia Society of Chartered Accountants or] any [other] body representing accountants and auditors in any of the neighbouring states of the Republic to be a member of the board, and any person so appointed shall hold office for such period, not exceeding one year, as the Minister may determine, and shall have the right to attend meetings of the board and to take part in the proceedings thereat, but shall not have the right to vote.
- 10 (b) The Minister may, on the recommendation of the board, from time to time appoint another nominee of [the Society or] a body referred to in paragraph (a) [as the case may be] as an alternate to a member appointed in terms of that paragraph, and such alternate may, whenever the member to whom he has been appointed as alternate is absent from a meeting of the board, attend such meeting and take part in the proceedings thereat, but shall not have the right to vote.”.
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2. Section 12 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

25 “(4) The board shall refund to the [Minister] Treasury any transport and subsistence allowances paid out of public funds to a member of the board appointed in terms of paragraph (a) of subsection (1) of section 3, or a person designated by such member under subsection (5) of that section to act in his stead, or a member of a committee of the board (not being a member of the board), who is in the full-time service of the State, whilst engaged in connection with the business of the board or a committee thereof.”.

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Amendment of
section 12 of
Act 51 of 1951.

3. Section 21 of the principal Act is hereby amended—

35 (a) by the substitution for paragraph (e) of subsection (1) of the following paragraph:
“(e) to prescribe [or conduct or make arrangements for the conduct of] syllabuses in respect of examinations for articled clerks or other persons, to prescribe or conduct or make arrangements for the conduct of such examinations, and to prescribe the fees which shall be payable to the board by such persons as the board may determine in respect of such syllabuses or examinations;”; and

40 (b) by the substitution for subsection (3) of the following subsection:
“(3) Any [provision made by virtue of paragraph (e), (g) or (iA) of subsection (1), and any] fines or fees prescribed by virtue of subsection (1) or (2), shall be subject to the approval of the Minister [and shall be made known by him by notice in the Gazette].”.

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Amendment of
section 21 of
Act 51 of 1951,
as amended by
section 7 of
Act 47 of 1956,
section 5 of
Act 30 of 1962,
section 3 of
Act 68 of 1965,
section 8 of
Act 53 of 1975,
section 1 of
Act 91 of 1979,
section 1 of
Act 48 of 1984 and
section 1 of
Act 51 of 1985.

- 50 4. Section 23 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (6) of the following paragraph:

55 “(b) if he has at any time been convicted of theft, fraud, forgery or uttering a forged document or perjury, and sentenced in respect thereof to imprisonment without the option of a fine or to a fine exceeding [fifty] three hundred rand; or”.

Amendment of
section 23 of
Act 51 of 1951,
as amended by
section 8 of
Act 47 of 1956,
section 1 of
Act 64 of 1957,
section 6 of
Act 30 of 1962 and
section 9 of
Act 53 of 1975.

5. Section 28 of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection:

60 “(7) Any person convicted of an offence under this section shall be liable to a fine not exceeding two [hundred] thousand rand.”.

Amendment of
section 28 of
Act 51 of 1951,
as amended by
section 8 of
Act 68 of 1965
and section 15 of
Act 53 of 1975.

Wet No. 9, 1988

WYSIGINGSWET OP OPENBARE REKENMEESTERS EN
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Wysiging van
artikel 30 van
Wet 51 van 1951,
soos gewysig deur
artikel 14 van
Wet 47 van 1956,
artikel 4 van
Wet 64 van 1957,
artikel 12 van
Wet 30 van 1962
en artikel 16 van
Wet 53 van 1975.

6. Artikel 30 van die Hoofwet word hierby gewysig—
(a) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:
“(d) onder ‘n handelsnaam of benaming praktiseer nie tensy op elke **[briewe hoof]** briefhoof wat daardie handelsnaam of benaming dra daar verskyn—
(i) sy huidige voorname, of **[die]** voorletters **[daarvan]**, en **[sy huidige]** van; of
(ii) **in die geval van** ‘n vennootskap—
(aa) minstens die huidige voorname, of **[die]** voorletters **[daarvan]**, en **[die huidige]** vanne van **[sy vennote, indien enige]** die besturende vennote of, indien daar nie besturende vennote is nie, van die aktiewe vennote, of waar so ‘n briefhoof slegs deur ‘n takkantoor van die vennootskap gebruik word, minstens die huidige voorname, of voorletters, en vanne van die besturende vennote by daardie takkantoor of, indien daar nie sodanige resident-vennote is nie, van die vennote toegewys aan **daardie takkantoor**; en
[(iii)] (bb) indien **[so]** ‘n vennoot **bedoel in** subparagraaf **(aa)** nie gewoonlik in die Republiek woonagtig is nie, ‘n verklaring van dié feit en die naam van die land waarin daardie vennoot gewoonlik woonagtig is;”; en
(b) deur subartikel (4) deur die volgende subartikel te vervang:
“(4) Iemand wat ‘n bepaling van hierdie Wet oortree of versuim om daaraan te voldoen, is aan ‘n misdryf skuldig en, waar daar nie ‘n ander straf voorgeskryf is nie, by skuldigbevinding strafbaar met ‘n boete van hoogstens **[vierhonderd] vierduisend rand.”.**

Kort titel.

7. Hierdie Wet heet die Wysigingswet op Openbare Rekenmeesters en Ouditeurs, 1988.

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PUBLIC ACCOUNTANTS' AND AUDITORS' AMENDMENT ACT,
1988

Act No. 9, 1988

6. Section 30 of the principal Act is hereby amended—

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

"(d) practise under a firm name or title unless on every letterhead bearing such firm name or title there appears—

(i) his present christian names, or [the] initials [thereof], and [his present] surname; or

(ii) in the case of a partnership—

(aa) at least the present christian names, or

[the] initials [thereof], and [the present] surnames of [his partners, if any] the managing partners or, if there are no managing partners, of the active partners,

or where such a letterhead is only used by a branch office of the partnership, at least the present christian names, or initials, and surnames of the managing partners at that branch office or, if there are no such managing partners, of the resident partners at that branch office or, if there are no such resident partners, of the partners assigned to that branch office; and

[(iii)] (bb) if any [such] partner referred to in subparagraph (aa) is not ordinarily resident in the Republic, a statement of that fact and the name of the country in which such partner is ordinarily resident;"; and

(b) by the substitution for subsection (4) of the following subsection:

"(4) Any person who contravenes or fails to comply with any provision of this Act, shall be guilty of an offence and, where no other penalty is prescribed, liable on conviction to a fine not exceeding four [hundred] thousand rand.".

7. This Act shall be called the Public Accountants' and Auditors' Amendment Act, 1988. Short title.

Amendment of section 30 of Act 51 of 1951, as amended by section 14 of Act 47 of 1956, section 4 of Act 64 of 1957, section 12 of Act 30 of 1962 and section 16 of Act 53 of 1975.