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OFFISIËLE KOERANT
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CONTENTS:

INHOUD:

	<i>Page</i>		<i>Bladsy</i>
GOVERNMENT NOTICE		GOEWERMENTSKENNISGEWING	
No. 138 Promulgation of National Intelligence Act, 1987 (Act 19 of 1987), of the National Assembly.	1	No. 138 Afkondiging van Wet op Nasionale Intelligensie, 1987 (Wet 19 van 1987), van die Nasionale Vergadering.	1

Government Notice

Goewermentskennisgewing

**DEPARTMENT OF
GOVERNMENTAL AFFAIRS**

DEPARTEMENT VAN OWERHEIDSAKE

No. 138 1987 No. 138 1987

**PROMULGATION OF ACT OF
NATIONAL ASSEMBLY**

**AFKONDIGING VAN WET VAN
NASIONALE VERGADERING**

The following Act, which has been adopted by the National Assembly and signed by the Administrator-General in terms of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R.101 of 1985), is hereby published in terms of section 18 of that Proclamation: —

Die volgende Wet, wat ingevolge die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R.101 van 1985), deur die Nasionale Vergadering aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 18 van daardie Proklamasie: —

No. 19 of 1987: National Intelligence Act, 1987.

No. 19 van 1987: Wet op Nasionale Intelligensie, 1987.

Act No. 19, 1987

NATIONAL INTELLIGENCE ACT, 1987

ACT

To define the powers, duties and functions of the Department of National Intelligence; to provide for the establishment of an account for that Department and for the application of and control over the moneys in such account; to regulate the administration of and control over that Department; and to provide for incidental matters.

*(Afrikaans text signed by the Administrator-General on
17 August 1987)*

BE IT ENACTED by the National Assembly, as follows:-

Definitions.

1. In this Act, unless the context indicates otherwise -

- (i) "Account" means the Intelligence Account established in section 5; (xiii)
- (ii) "Cabinet" means the Cabinet constituted under section 23 of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R. 101 of 1985), and with reference to section 3, also a body or committee appointed for that purpose by the Cabinet; (viii)
- (iii) "Department" means the Department of National Intelligence mentioned in column 1 of the Schedule to the Government Service Act, 1980 (Act 2 of 1980); (ii)
- (iv) "departmental intelligence" means information which relates to any power, duty or function concerning the security of the territory which by any law has been assigned to any other department, and which information may be required by such other department in the performance of any such power, duty or function; (iii)

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

WET

Om die bevoegdhe, pligte en werksaamhede van die Departement van Nasionale Intelligensie te omskryf; om voorsiening te maak vir die instelling van 'n rekening vir daardie Departement en vir die aanwending van en beheer oor gelde in sodanige rekening; om die administrasie van en beheer oor daardie Departement te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Administrateur-generaal
onderteken op 17 Augustus 1987)*

DAAR WORD BEPAAL deur die Nasionale Vergadering, soos volg:-

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken -

Woordomskrywings.

- (i) "ander departement" 'n departement, behalwe die Departement, vermeld in kolom 1 van die Bylae by die Regeringsdienswet, 1980 (Wet 2 van 1980); (xii)
- (ii) "Departement" die Departement van Nasionale Intelligensie vermeld in kolom 1 van die Bylae by die Regeringsdienswet, 1980 (Wet 2 van 1980); (iii)
- (iii) "departementele inligting" inligting wat betrekking het op 'n bevoegdheid, plig of werksaamheid betreffende die veiligheid van die gebied wat by wet aan 'n ander departement opgedra is, en welke inligting so 'n ander departement nodig kan hê by die verrigting van sodanige bevoegdheid, plig of werksaamheid; (iv)
- (iv) "evalueer" die proses waarby bepaal word of inligting moontlik juis, waarskynlik juis of feitelik juis is; (vii)
- (v) "gebied" die gebied Suidwes-Afrika; (xviii)

NATIONAL INTELLIGENCE ACT, 1987

- (v) "directive" means a directive made under section 44; (xvi)
- (vi) "employee" means any person referred to in section 12(b)(ii) and who has been appointed as such; (xix)
- (vii) "evaluate" means the process of determining whether information is possibly correct, probably correct or factually correct; (iv)
- (viii) "intelligence estimate" means the research product of the process of considering and weighing up the possibilities, probabilities or facts disclosed by security intelligence with reference to any particular situation, and of drawing conclusions from such possibilities, probabilities or facts; (vii)
- (ix) "Means Committee" means the committee referred to in section 42(1)(b); (x)
- (x) "member" means any person referred to in section 12(b)(i) and who has been appointed as such; (ix)
- (xi) "misconduct" means -
 - (a) the commission of any offence; or
 - (b) a contravention of any provision of this Act which is not an offence; (xviii)
- (xii) "other department" means a department, except the Department, mentioned in column 1 of the Schedule to the Government Service Act, 1980 (Act 2 of 1980); (i)
- (xiii) "Personnel Committee" means the committee referred to in section 42(1)(a); (xi)
- (xiv) "prescribed" means prescribed by regulation or directive; (xvii)
- (xv) "regulation" means a regulation made under this Act; (xii)
- (xvi) "Secretary" means the Secretary of the Department; (xiv)
- (xvii) "security intelligence" means information which relates to or may be relevant to any threat or potential threat to the security of the territory in any field; (xv)

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

- (vi) “hierdie Wet” ook die regulasies en die voorskrifte daarkragtens uitgevaardig; (xix)
- (vii) “inligtingswaardering” die navorsingsprodukt van die proses waarby die moontlikhede, waarskynlikhede of feite wat deur veiligheidsinligting met betrekking tot ’n bepaalde situasie aan die lig gebring word, oorweeg en opgeweeg word, en waarby tot gevolgtrekkings op grond van sodanige moontlikhede, waarskynlikhede of feite geraak word; (viii)
- (viii) “Kabinet” die Kabinet kragtens artikel 23 van die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R. 101 van 1985), saamgestel en, met betrekking tot artikel 3, ook ’n liggaam of komitee wat vir dié doel deur die Kabinet aangewys is; (ii)
- (ix) “lid” iemand bedoel in artikel 12(b)(i) en wat as sodanig aangestel is; (x)
- (x) “Middelkomitee” die komitee bedoel in artikel 42(1)(b); (ix)
- (xi) “Personeelkomitee” die komitee bedoel in artikel 42(1)(a); (xiii)
- (xii) “regulasie” ’n regulasie kragtens hierdie Wet uitgevaardig; (xv)
- (xiii) “Rekening” die by artikel 5 ingestelde Intelligensierekening; (i)
- (xiv) “Sekretaris” die Sekretaris van die Departement; (xvi)
- (xv) “veiligheidsinligting” inligting wat betrekking het op of relevant kan wees by ’n bedreiging of potensiële bedreiging vir die veiligheid van die gebied op enige terrein; (xvii)
- (xvi) “voorskrif” ’n voorskrif kragtens artikel 44 uitgevaardig; (v)
- (xvii) “voorgeskrif” by regulasie of voorskrif voorgeskrif; (xiv)
- (xviii) “wangedrag” -
 - (a) die pleeg van ’n misdryf; of

(xviii) "territory" means the territory of South West Africa; (v)

(xix) "this Act" includes the regulations and directives made thereunder. (vi)

Application of Act.

2. Unless the context indicates otherwise, the provisions of this Act shall apply in respect of all members and employees, whether they work in or outside the territory.

Powers, duties and functions of Department.

3. (1) The powers, duties and functions of the Department are, subject to the provisions of subsection (2), whether inside or outside the territory, to -

(a) collect, evaluate, correlate and interpret security intelligence for the purpose of -

(i) detecting and identifying any threat or potential threat to the security of the territory; and

(ii) advising the Cabinet of any such threat;

(b) when the Cabinet so requests or the Secretary deems it necessary, prepare and interpret for the consideration of the Cabinet an intelligence estimate relating to any threat to the security of the territory, and to notify the Cabinet of any other information at its disposal which may have an influence on any State policy relating to the combating of any such threat;

(c) collect, on request of any interested other department which does not have the ability to collect departmental intelligence, such intelligence and to evaluate and transmit without delay such intelligence and any other intelligence at the disposal of the Department and which constitutes departmental intelligence, to the department concerned;

(d) regulate, in co-operation with the other departments to whom any aspect of the maintenance of the security of the territory is entrusted, the flow of security intelligence and the co-ordination of functions in regard to such intelligence between the Department and those and other departments;

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

(b) 'n oortreding van 'n bepaling van hierdie Wet wat nie 'n misdryf is nie; (xi)

(xix) "werknemer" iemand bedoel in artikel 12(b)(ii) en wat as sodanig aangestel is. (vi)

2. Tensy uit die samehang anders blyk, is die bepalings van hierdie Wet van toepassing ten opsigte van alle lede en werknemers, hetsy hulle binne of buite die gebied diens verrig.

Toepassing van Wet.

3. (1) Die bevoegdhede, pligte en werksaamhede van die Departement is, behoudens die bepalings van subartikel (2), om, hetsy binne of buite die gebied -

Bevoegdhede, pligte en werksaamhede van Departement.

(a) veiligheidsinligting in te samel, te evalueer, te korreleer en te vertolk ten einde -

(i) 'n bedreiging of potensiële bedreiging vir die veiligheid van die gebied op te spoor en te identifiseer; en

(ii) die Kabinet oor so 'n bedreiging in te lig;

(b) wanneer die Kabinet so versoek of die Sekretaris dit nodig ag, ter oorweging van die Kabinet 'n inligtingswaardering betreffende enige bedreiging vir die veiligheid van die gebied op te stel en te vertolk, en om die Kabinet van enige ander inligting in kennis te stel wat tot sy beskikking is en wat 'n staatsbeleid betreffende die bekamping van so 'n bedreiging kan beïnvloed;

(c) op versoek van 'n belanghebbende ander departement wat nie self oor die vermoë beskik om departementele inligting in te samel nie, sodanige inligting in te samel, en sodanige inligting en enige ander inligting wat tot beskikking van die Departement is en wat departementele inligting uitmaak, onverwyld te evalueer en aan die betrokke ander departement oor te dra;

(d) in samewerking met die ander departemente aan wie enige aspek van die handhawing van die veiligheid van die gebied toevertrou is, die vloei van veiligheidsinligting en die koördinering van werksaamhede betreffende sodanige inligting tussen die Departement en daardie en ander departemente te reël;

Act No. 19, 1987

NATIONAL INTELLIGENCE ACT, 1987

- (e) exercise and perform such other duties and functions determined from time to time by the Cabinet in national interest; and
- (f) make recommendations to the Cabinet in connection with -
 - (i) a policy concerning security intelligence;
 - (ii) security intelligence priorities; and
 - (iii) security measures applicable in other departments in connection with security intelligence.

(2) No provision of subsection (1) shall be construed as -

- (a) depriving any power, duty or function or detracting from any such power, duty or function which is by law conferred or entrusted upon any other person or authority than the Department;
- (b) limiting the continuation, establishment or functions of an intelligence capability connected to any other department of a function regarding departmental intelligence; and
- (c) depriving the duties and functions or detracting from such duties and functions of a body or committee instituted by the Cabinet.

General powers of
Cabinet.

4. (1) The Cabinet may, subject to the provisions of this Act, do or cause to be done all things which in its opinion are necessary for efficient superintendence and control of, action by and functioning of the Department.

(2) Without derogating from the generality of its powers in terms of subsection (1), the Cabinet may, notwithstanding anything to the contrary in any other law contained, but subject to the provisions of subsection (3) -

- (a) acquire or hire any land, with or without any buildings thereon, which may be necessary for the efficient functioning of the Department and erect and maintain any buildings so required; and
- (b) sell, let or otherwise dispose of any land, with or without any buildings thereon, which are no longer required for the said purpose.

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

- (e) om sodanige ander pligte en werksaamhede soos wat die Kabinet van tyd tot tyd in nasionale belang bepaal, uit te oefen of te verrig; en
- (f) aanbevelings aan die Kabinet te doen oor -
 - (i) 'n beleid betreffende veiligheidsinligting;
 - (ii) veiligheidsinligtingsprioriteite; en
 - (iii) sekerheidsmaatreëls van toepassing in ander departemente met betrekking tot veiligheidsinligting.

(2) Geen bepaling van subartikel (1) word so uitgelê nie -

- (a) dat dit 'n bevoegdheid, plig of werksaamheid ontnem of aan sodanige bevoegdheid, plig of werksaamheid afbreuk doen wat by wet aan 'n ander persoon of gesag as die Departement, verleen of opgedra is;
- (b) dat dit die voortbestaan, instelling of werksaamhede beperk van 'n inligtingsvermoë verbonde aan 'n ander departement ten opsigte van 'n werksaamheid betreffende departementele inligting; en
- (c) dat dit die pligte en werksaamhede ontnem of aan sodanige pligte en werksaamhede afbreuk doen van 'n deur die Kabinet ingestelde liggaam of komitee.

4. (1) Die Kabinet kan, behoudens die bepalings van hierdie Wet, alles doen of laat doen wat volgens sy oordeel nodig is vir die doelmatige toesig en beheer oor en optrede en funksionering van die Departement.

Algemene bevoegdhede van Kabinet.

(2) Sonder om afbreuk te doen aan die algemeenheid van sy bevoegdhede ingevolge subartikel (1), kan die Kabinet, ondanks andersluidende wetsbepalings, maar behoudens die bepalings van subartikel (3) -

- (a) grond, met of sonder geboue daarop, wat vir die doelmatige funksionering van die Departement nodig is, verkry of huur en geboue wat aldus nodig is, oprig en in stand hou; en
- (b) grond, met of sonder geboue daarop, wat nie meer vir genoemde doeleindes nodig is nie, verkoop of verhuur of op 'n ander wyse daarvoor beskik.

(3) The acquisition or selling of land or the disposal thereof referred to in subsection (2) shall be done on recommendation of the Means Committee.

Establishment of Intelligence Account and opening of bank account.

5. (1) There is hereby established an account with the name Intelligence Account which shall, notwithstanding anything to the contrary in any other law contained, be credited with -

(a) moneys appropriated by law;

(b) interest derived from the investment of moneys referred to in section 9;

(c) refund of expenditure made at any time from the Account; and

(d) moneys accrued to the Account from any other source.

(2) The Secretary may open with a banking institution or banking institutions an account or accounts in respect of moneys in the Account, and where such an account or accounts has thus been opened, the banking institution concerned shall not allow an overdraft on such an account or accounts: Provided that where such an account or accounts are opened with a banking institution or banking institutions outside the territory, the prior consent of the Cabinet shall be necessary.

Utilisation of moneys in Account.

6. The moneys in the Account shall be utilised for the defrayment of expenditure in respect of the administration of the Department and for those services of a confidential nature as the Cabinet from time to time approves as being in the national interest and shall, subject to the provisions of this Act, and, in the case of such services, also the conditions determined by the Cabinet, be paid out.

Control of Account.

7. Subject to the provisions of this Act, and notwithstanding anything to the contrary in any other law contained, the Account shall be under control of the Secretary who shall be accountable and responsible for the administration of the Account, and who shall keep proper account or cause proper account to be kept of all moneys received or expended.

Audit.

8. The Account shall, subject to the provisions of section 23(3)(b) of the State Finance Act, 1982 (Act 1 of 1982), be audited by the Auditor-General.

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

(3) Die verkryging of verkoop van grond of die beskikking daarvoor bedoel in subartikel (2), geskied op aanbeveling van die Middelekomitee.

5. (1) Hierby word 'n rekening met die naam Intelligensierekening ingestel wat, ondanks andersluidende wetsbepalings, gekrediteer word met -

Instelling van Intelligensierekening en open van bankrekening.

- (a) gelde by wet bewillig;
- (b) rente verkry uit die belegging van gelde bedoel in artikel 9;
- (c) terugbetaling van uitgawes te eniger tyd uit die Rekening aangegaan; en
- (d) gelde wat die Rekening uit 'n ander bron toeval.

(2) Die Sekretaris kan by 'n bankinstelling of bankinstellings 'n rekening of rekenings open ten opsigte van gelde in die Rekening, en waar so 'n rekening of rekenings aldus geopen is, laat die betrokke bankinstelling nie 'n oortrekking op so 'n rekening of rekenings toe nie: Met dien verstande dat waar sodanige rekening of rekenings by 'n bankinstelling of bankinstellings buite die gebied geopen word, die voorafverkreë toestemming van die Kabinet nodig is.

6. Die gelde in die Rekening word aangewend ter bestryding van uitgawes ten opsigte van die administrasie van die Departement en vir daardie dienste van 'n vertroulike aard wat die Kabinet van tyd tot tyd in die nasionale belang goedkeur en word, behoudens die bepalinge van hierdie Wet en, in die geval van sodanige dienste, ook die voorwaardes deur die Kabinet bepaal, uitbetaal.

Aanwending van gelde in Rekening.

7. Behoudens die bepalinge van hierdie Wet, en ondanks andersluidende wetsbepalinge, staan die Rekening onder die beheer van die Sekretaris wat rekenpligtig en verantwoordelik is vir die administrasie van die Rekening en wat van alle gelde ontvang of bestee, behoorlik moet boekhou of laat boekhou.

Beheer oor Rekening.

8. Die Rekening word, behoudens die bepalinge van artikel 23(3)(b) van die Wet op Staatsfinansies, 1982 (Wet 1 van 1982), deur die Ouditeur-generaal geouditeer.

Oudit.

Act No. 19, 1987

NATIONAL INTELLIGENCE ACT, 1987

Investment of balances.

9. Moneys standing to the credit of the Account which are not required for immediate use or as a reasonable working balance, may, subject to the provisions of this Act, be invested by the Secretary in the prescribed manner.

Unexpended balances in Account.

10. Notwithstanding anything to the contrary in any other law contained, unexpended balances in the Account at the close of any financial year, including accrued interest on investment balances and other receipts, shall be carried forward as a credit in the Account to the next succeeding financial year.

Acquisition of supplies, vehicles, other equipment and services.

11. The Secretary may, subject to the provisions of this Act and notwithstanding anything to the contrary in any other law contained, acquire or hire any supplies, vehicles, other equipment and services necessary for the efficient functioning of the Department, and, if such supplies, vehicles, other equipment and services are no longer required for such purposes, sell such supplies, vehicles, other equipment and services or dispose thereof in any other manner.

Constitution of Department.

12. The Department shall consist of -

- (a) the Secretary; and
- (b) the other persons who, in terms of the provisions of this Act, are appointed as -
 - (i) members; and
 - (ii) employees.

Head of Department.

13. (1) The Secretary is the head of the Department and shall, subject to the provisions of this Act, be responsible for the efficient administration of the Department and exercises the control of the Department.

(2) The Secretary may, subject to the provisions of this Act, make the rules and issue the departmental directives as he may deem expedient for the efficient administration of and control of the Department.

(3) In the filling of the office of Secretary, preference shall, notwithstanding anything to the contrary in any other law contained, be given to a fit member.

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

9. Gelde waarmee die rekening gekrediteer is en wat nie vir onmiddellike gebruik of as 'n redelike bedryfsaldo benodig word nie, kan, behoudens die bepalings van hierdie Wet, deur die Sekretaris op die voorgeskrewe wyse belê word.

Belegging van saldo's.

10. Ondanks andersluidende wetsbepalings word onbestede saldo's in die Rekening aan die einde van 'n boekjaar, met inbegrip van opgelope rente op beleggingsaldo's en ander ontvangste, as 'n krediet in die Rekening na die daaropvolgende boekjaar oorgedra.

Onbestede saldo's in Rekening.

11. Die Sekretaris kan, behoudens die bepalings van hierdie Wet en ondanks andersluidende wetsbepalings, voorrade, voertuie, uitrusting en ander dienste wat vir die doelmatige funksionering van die Departement nodig is, verkry of huur en, indien sodanige voorrade, voertuie, ander uitrusting en dienste nie meer vir sodanige doeleindes benodig word nie, sodanige voorrade, voertuie, ander uitrusting en dienste verkoop of op 'n ander wyse daarvoor beskik.

Verkryging van voorrade, voertuie ander uitrusting en dienste.

12. Die Departement bestaan uit -

Samestelling van Departement.

(a) die Sekretaris; en

(b) die ander persone wat ingevolge die bepalings van hierdie Wet as -

(i) lede; en

(ii) werknemers,

aangestel word.

13. (1) Die Sekretaris staan aan die hoof van die Departement, en is, behoudens die bepalings van hierdie Wet, verantwoordelik vir die doeltreffende administrasie van die Departement en oefen die bevel oor die Departement uit.

Hoof van Departement.

(2) Die Sekretaris kan, behoudens die bepalings van hierdie Wet, die reëls maak en die departementele voorskrifte uitvaardig wat hy doenlik ag vir die doelmatige administrasie van en bevel oor die Departement.

(3) By die vul van die pos van Sekretaris word, ondanks andersluidende wetsbepalings, voorkeur gegee aan 'n geskikte lid.

Act No. 19, 1987

NATIONAL INTELLIGENCE ACT, 1987

Powers, duties and functions of members and employees.

14. Any member or employee may exercise such functions and shall perform such duties as are by or in terms of this Act or any other law conferred or imposed on him, and shall in the performance of his functions obey all lawful directions which he may from time to time receive from a person having the authority to give such directions.

Appointment, discharge, promotion, demotion or transfer of members and employees.

15. (1) The Cabinet may, subject to the provisions of this Act, appoint any persons as members or employees and such members and employees may in accordance with the said provisions; be promoted, discharged, reduced in rank or grade and transferred.

(2) Any document in the prescribed form signed by the Secretary and certifying that any person has been appointed as a member shall be conclusive proof that such person has been so appointed.

Retirement of members and employees.

16. (1) Subject to the provisions of subsection (2) and section 14(2) of the Government Service Act, 1980 (Act 2 of 1980), any member or employee shall have the right to retire from the Department when he reaches the age of 60 years and shall be so retired on reaching the said age.

(2) If it is in the public interest to retain any member or employee in his post beyond the age at which in accordance with subsection (1), he shall be retired, he may be so retained from time to time on the recommendation of the Personnel Committee and with the approval of the Cabinet, for any further period expiring not later than the last day of the month in which he attains the age of 67 years.

(3) (a) Any member or employee who has reached the age of 55 years may, on the recommendation of the Personnel Committee and with the approval of the Cabinet, be retired from the Department.

(b) The Cabinet may, at the request of any member or employee who has reached the age of 55 years and on the recommendation of the Personnel Committee, allow such member or employee to retire from the Department if a reason exists which the Cabinet deems sufficient.

Discharge of members and employees on account of ill-health.

17. (1) Any member or employee may be discharged from the Department by the Secretary if, after enquiry by a board of enquiry in the prescribed manner as to his state

WET OP NASIONALE INTELLIGENSIE, 1987**Wet No. 19, 1987**

14. 'n Lid en werknemer kan die bevoegdheid uitoefen en moet die pligte uitvoer wat by of ingevolge hierdie Wet of 'n ander wet aan hom verleen of opgelê word, en moet by die verrigtinge van sy werksaamhede alle wettige opdragte gehoorsaam wat hy van tyd tot tyd ontvang van 'n persoon wat die bevoegdheid besit om sodanige opdragte te gee.

Bevoegdheid, pligte en werksaamhede van lede en werknemers.

15. (1) Die Kabinet kan, behoudens die bepalings van hierdie Wet, persone as lede of werknemers aanstel, en sodanige lede en werknemers kan ooreenkomstig genoemde bepalings bevorder, ontslaan, in rang of graad verlaag of oorgeplaas word.

Aanstelling, ontslag, bevordering, rangverlaging of oorpasing van lede en werknemers.

(2) 'n Stuk in die voorgeskrewe vorm wat deur die Sekretaris onderteken is en waarby gesertifiseer word dat iemand as lid aangestel is, is afdoende bewys dat so iemand aldus aangestel is.

16. (1) Behoudens die bepalings van subartikel (2) en artikel 14(2) van die Regeringsdienswet, 1980 (Wet 2 van 1980), het 'n lid of werknemer die reg om uit die Departement af te tree wanneer hy die ouderdom van 60 jaar bereik en moet hy aldus aftree wanneer hy genoemde ouderdom bereik.

Aftrede van lede en werknemers.

(2) Indien dit in die openbare belang is om 'n lid of werknemer in sy pos in diens te hou ná die ouderdom waarop hy ooreenkomstig subartikel (1) moet aftree, kan hy aldus van tyd tot tyd op aanbeveling van die Personeelkomitee en met die goedkeuring van die Kabinet in diens behou word vir 'n verdere tydperk wat verstryk nie later nie as op die laaste dag van die maand waarin hy die ouderdom van 67 jaar bereik.

(3) (a) 'n Lid of werknemer wat die ouderdom van 55 jaar bereik het, kan, op aanbeveling van die Personeelkomitee en met die goedkeuring van die Kabinet, verplig word om uit die Departement af te tree.

(b) Die Kabinet kan, op versoek van 'n lid of werknemer wat reeds die ouderdom van 55 jaar bereik het en op aanbeveling van die Personeelkomitee, sodanige lid of werknemer toelaat om uit die Departement af te tree indien daar 'n rede bestaan wat die Kabinet voldoende ag.

17. (1) 'n Lid of werknemer kan deur die Sekretaris uit die Departement ontslaan word indien na ondersoek deur 'n raad van ondersoek op die voorgeskrewe wyse aan-

Ontslag van lede en werknemers weens swak gesondheid.

of health, the Secretary is of the opinion that he is by reason of ill-health unfit to remain in the Department.

(2) Any member or employee discharged from the Department in terms of subsection (1) may in the prescribed manner appeal to the Cabinet, who may thereupon set aside or confirm his discharge.

Discharge or reduction in rank or grade of members and employees on account of inefficiency.

18. (1) Any member or employee may be discharged from the Department or reduced in rank or grade by the Secretary if, after enquiry by a board of enquiry in the prescribed manner as to his fitness to remain in the Department or to retain his rank or grade, the Secretary is of the opinion that he is incapable of performing his duties efficiently.

(2) Any member or employee discharged from the Department or reduced in rank or grade in terms of subsection (1), may in the prescribed manner appeal to the Cabinet, who may thereupon set aside or confirm his discharge or reduction in rank or grade, as the case may be.

Transfer and discharge of members and employees on account of public interest.

19. If the public interest so requires, the Cabinet may -

- (a) discharge any member or employee from the Department on such conditions as the Cabinet may determine; or
- (b) transfer any member or employee from the post held by him to any other post in the Department; or
- (c) transfer or appoint any member to any post in any other department if the Government Service Commission has so recommended,

whether or not such post is of a lower grade than that of the post held by him: Provided that -

- (i) upon such a transfer or appointment referred to in paragraphs (b) and (c), a member's or employee's salary shall not be reduced without his consent, except in accordance with the provisions of section 22;
- (ii) such a transfer to or appointment in any other department referred to in paragraph (c), shall take place on such conditions as may be determined on the recommendation of the Government Service Commission; and

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

gaande sy gesondheidstoestand, die Sekretaris van oordeel is dat hy weens swak gesondheid ongeschik is om in die Departement aan te bly.

(2) 'n Lid of werknemer wat ingevolge subartikel (1) uit die Departement ontslaan is, kan op die voorgeskrewe wyse by die Kabinet appèl aanteken, en daarop kan die Kabinet sy ontslag tersyde stel of bekrachtig.

18. (1) 'n Lid of werknemer kan deur die Sekretaris uit die Departement ontslaan of in rang of graad verlaag word indien na ondersoek deur 'n raad van ondersoek op die voorgeskrewe wyse aangaande sy geskiktheid om in die Departement te bly of sy rang of graad te behou, die Sekretaris van oordeel is dat hy nie in staat is om sy pligte op bekwame wyse uit te voer nie.

Ontslag of verlagings in rang of graad van lede en werknemers weens onbekwaamheid.

(2) 'n Lid of werknemer wat ingevolge subartikel (1) uit die Departement ontslaan of in rang of graad verlaag is, kan op die voorgeskrewe wyse by die Kabinet appèl aanteken, en daarop kan die Kabinet sy ontslag of verlagings in rang of graad, na gelang van die geval, tersyde stel of bekrachtig.

19. Indien die openbare belang dit vereis, kan die Kabinet 'n lid of werknemer -

Oorplasing en ontslag van lede en werknemers op grond van openbare belang.

- (a) uit die Departement ontslaan op die voorwaardes wat die Kabinet bepaal; of
- (b) oorplaas uit die pos wat hy beklee na enige ander pos in die Departement; of
- (c) oorplaas en aanstel in enige pos in 'n ander departement indien die Regeringsdienskommissie aldus aanbeveel het,

hetsy sodanige pos van 'n laer graad is of nie as dié van die pos wat hy beklee het: Met dien verstande dat -

- (i) 'n lid of werknemer se salaris by so 'n oorplasing en aanstelling bedoel in paragraaf (b) en (c) nie sonder sy toestemming verlaag mag word nie, behalwe ooreenkomstig die bepalinge van artikel 22;
- (ii) so 'n oorplasing na en aanstelling in 'n ander departement bedoel in paragraaf (c), geskied op die voorwaardes wat op aanbeveling van die Regeringsdienskommissie bepaal word; en

- (iii) any member or employee shall not without his consent be transferred or appointed to any post outside the Department.

Discharge of members and employees on account of long absence without leave.

20. Any member or employee who absents himself from his official duties without the permission of the Secretary for a continuous period exceeding thirty days, shall be deemed to have been discharged from the Department on account of misconduct with effect from the date immediately following upon the last day on which he was present at his place of duty: Provided that if any member or employee absents himself without such permission from his official duties and accepts other employment he shall be deemed to have been discharged even if he has not yet so absented himself for a month: Provided further that if a member or employee deemed to have been so discharged, again reports for duty, the Secretary may, notwithstanding anything to the contrary in any other law contained, but subject to the Cabinet's approval, reinstate him in his former post or appoint him to any other post or appointment in the Department on such conditions as the Secretary may deem fit, and in that event the period of his absence from his official duties shall be deemed to have been absence on vacation leave without pay or leave on such other conditions as the Secretary may determine.

Secondment of members and employees.

21. Any member or employee may, notwithstanding the provisions of section 29(1), with his consent and upon such conditions as may be approved by the Cabinet, be seconded by the Secretary for the performance of a particular service or for a specified period to the service of any other government or any other authority or any other department or any board, institution or body, but shall, while so seconded, remain subject to the provisions of this Act and any other law which applies to him.

Misconduct of members and employees.

22. (1) The Secretary may, in the manner prescribed, charge a member or employee with misconduct and request him to submit, within such period and in such manner as may be prescribed, a written admission or denial of the charge and any written explanation he may wish to offer in connection with the alleged misconduct.

(2) After the expiration of the said period the Secretary may appoint a board of enquiry to investigate the charge in question.

(3) Where a member or employee is charged with misconduct which constitutes an offence in respect of which he has been convicted by a court of law, a certified copy of the record of the trial in question shall, on its mere production by any person, be admissible in evidence be-

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

- (iii) 'n lid of werknemer nie sonder sy toestemming na 'n pos buite die Departement oorgeplaas en aangestel word nie.

20. 'n Lid of werknemer wat sonder verlof van die Sekretaris vir 'n aaneenlopende tydperk van meer as 30 dae van sy ampspligte wegbly, word geag weens wangedrag uit die Departement ontslaan te gewees het met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was: Met dien verstande dat as 'n lid of werknemer sonder sodanige verlof van sy ampspligte wegbly en ander werk aanvaar, hy geag word aldus ontslaan te gewees het, al het hy nog nie 'n maand aldus weggebly nie: Met dien verstande voorts dat as 'n lid of werknemer wat geag word aldus ontslaan te wees, hom weer vir diens aanmeld, die Sekretaris, ondanks andersluitende wetsbepalings, maar onderworpe aan die goedkeuring van die Kabinet, hom in sy vorige of enige ander pos of betrekking in die Departement kan herstel of aanstel op die voorwaardes wat die Sekretaris goedvind, en in so 'n geval word die tydperk van sy afwesigheid van sy ampspligte geag afwesigheid met vakansieverlof sonder besoldiging of verlof op die ander voorwaardes wat die Sekretaris bepaal, te wees.

Ontslag van lede en werknemers weens lang afwesigheid sonder verlof.

21. 'n Lid of werknemer kan, ondanks die bepaling van artikel 29(1), met sy toestemming en op die voorwaardes wat die Kabinet goedkeur, vir die verrigting van 'n bepaalde diens of vir 'n bepaalde tydperk deur die Sekretaris aan die diens van 'n ander regering of ander owerheid of ander departement of 'n raad, inrigting of liggaam afgestaan word, maar bly, terwyl hy aldus afgestaan is, onderworpe aan die bepaling van hierdie Wet en 'n ander wet wat op hom van toepassing is.

Afstaan van lede en werknemers.

22. (1) Die Sekretaris kan op die voorgeskrewe wyse 'n lid of werknemer weens wangedrag aankla en hom versoek om binne die voorgeskrewe tydperk en op die voorgeskrewe wyse 'n skriftelike erkenning of ontkenning van die aanklag, en 'n skriftelike verduideliking wat hy in verband met die beweerde wangedrag wil aanbied, voor te lê.

Wangedrag van lede en werknemers.

(2) Na die verstryking van genoemde tydperk kan die Sekretaris 'n raad van ondersoek aanstel om die betrokke aanklag te ondersoek.

(3) Waar 'n lid of werknemer aangekla word weens wangedrag wat 'n misdryf uitmaak ten opsigte waarvan hy deur 'n geregshof skuldig bevind is, is 'n gesertifiseerde afskrif van die notule van die betrokke verhoor by blote voorlegging daarvan deur enige persoon as getuie toe-

fore the board of enquiry investigating the charge, and a certified copy of the charge and conviction in question shall, on its mere production by any person to such board, be *prima facie* proof of the commission of such offence by the member concerned.

(4) After considering the evidence adduced at the enquiry and affording the member or employee charged or another member assisting or representing him an opportunity of addressing the board of enquiry, the board shall find the member or employee charged guilty or not guilty of the misconduct with which he has been charged and inform him of its finding: Provided that if the member or employee charged, admits, pursuant to a request under subsection (1) or to the board, that he is guilty of the misconduct in question, he may be found guilty without any evidence having been adduced.

(5) The board of enquiry shall and the Secretary may make recommendations to the Cabinet regarding the punishment which may be imposed upon any member or employee found guilty.

(6) Any member or employee found guilty of misconduct may, within such period and in such manner as may be prescribed, appeal to the Cabinet against the finding of the board of enquiry or make representations in writing to the Cabinet in regard to the imposition of punishment, or both so appeal and make representations.

(7) The Cabinet may, after considering the record of the proceedings before the board of enquiry and the recommendation of such board, the recommendation of the Secretary and the grounds of appeal and any representations made by the member or employee charged (if any) -

- (a) set aside the finding of the board of enquiry; or
- (b) direct that the member or employee concerned be cautioned or reprimanded; or
- (c) impose upon the member or employee concerned a fine not exceeding R1 000 which may be recovered by way of deductions from his salary or allowances; or
- (d) direct that his salary, rank or grade or both his salary and rank or grade be reduced to such extent as may be recommended; or
- (e) direct that he be discharged or called upon to resign from the Department from a date specified by the Cabinet.

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

laatbaar voor die raad van ondersoek wat die aanklag ondersoek, en is 'n gesertifiseerde afskrif van die betrokke aanklag en skuldigbevinding by blote voorlegging daarvan aan sodanige raad deur enige persoon, *prima facie*-bewys dat die betrokke lid genoemde misdryf gepleeg het.

(4) Na oorweging van die getuienis by die raad van ondersoek aangevoer en nadat die aangeklaagde lid of werknemer of 'n ander lid wat hom verteenwoordig, die geleentheid gebied is om die raad van ondersoek toe te spreek, vind die raad die aangeklaagde lid of werknemer skuldig of onskuldig aan die wangedrag hom ten laste gelê en verwittig hom van die bevinding van die raad: Met dien verstande dat indien die aangeklaagde lid of werknemer, ingevolge 'n versoek kragtens subartikel (1) of teenoor die raad, erken dat hy aan die betrokke wangedrag skuldig is, hy skuldig bevind kan word sonder dat getuienis aangevoer is.

(5) Die raad van ondersoek moet, en die Sekretaris kan by die Kabinet aanbevelings doen met betrekking tot die straf wat 'n lid of werknemer wat skuldig bevind is, opgelê kan word.

(6) 'n Lid of werknemer wat aan wangedrag skuldig bevind word, kan binne die voorgeskrewe tydperk en op die voorgeskrewe wyse teen die bevinding van die raad van ondersoek na die Kabinet appèlleer of skriftelike versoë met betrekking tot strafoplegging tot die Kabinet rig, of beide aldus appèlleer en versoë rig.

(7) Die Kabinet kan, na oorweging van die notule van verrigtinge voor die raad van ondersoek en die aanbeveling van sodanige raad, die aanbeveling van die Sekretaris en die appèlgronde van en versoë gerig deur die aangeklaagde lid of werknemer (indien daar is) -

- (a) die bevinding van die raad van ondersoek tersyde stel; of
- (b) gelas dat die betrokke lid of werknemer gewaarsku of berispe word; of
- (c) die betrokke lid of werknemer 'n boete van hoogstens R1 000 oplê wat by wyse van aftrekkings van sy salaris of toelae verhaal kan word; of
- (d) gelas dat sy salaris, rang of graad of sy salaris sowel as sy rang of graad verlaag word in die mate wat aanbeveel word; of
- (e) gelas dat hy ontslaan of aangesê word om uit die Departement te bedank met ingang van 'n datum deur die Kabinet vermeld.

Act No. 19, 1987

NATIONAL INTELLIGENCE ACT, 1987

Boards of enquiry and witnesses before such boards.

23. (1) A board of enquiry shall consist of one or more persons being a member or members of a rank or grade equal to or higher than that of the member or employee charged.

(2) A board of enquiry may subpoena any person as a witness and administer an oath to a person so subpoenaed or in lieu thereof, accept an affirmation from him.

(3) At a board of enquiry in terms of this Act, the law relating to evidence and witnesses as applicable in connection with criminal proceedings in a magistrate's court, except paragraph (a) of the proviso to section 217(1) of the Criminal Procedure Act, 1977 (Act 51 of 1977), shall, subject to the provisions of this Act, apply.

(4) (a) Any person subpoenaed in terms of section (2) to appear as a witness at an enquiry and who fails to attend at the place, date and time mentioned in the summons, or, who fails to be present at such enquiry, or having attended, refuses to answer all questions lawfully put to him, shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(b) Any such witness who at any such enquiry makes any false statement on oath knowing it to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

Representation of member or employee at enquiry.

24. At an enquiry held in terms of this Act, the member or employee with reference to whom the enquiry is held, may, if he so elects, be assisted or represented by any other member or employee.

Savings with respect to misconduct.

25. Nothing in this Act contained shall be construed as indemnifying any member or employee against prosecution in or conviction by any court of law in respect of any offence.

Suspension of members and employees.

26. (1) Any member or employee of the Department may be suspended from his office pending his trial or after his conviction of any offence, whether under this Act or otherwise, or pending any enquiry at which a charge of misconduct against him or his fitness to remain in the

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

23. 'n Raad van ondersoek bestaan uit een of meer persone wat 'n lid of lede met dieselfde of 'n hoër rang of graad as dié van die aangeklaagde lid of werknemer is.

Rade van ondersoek en getuies voor sodanige rade.

(2) 'n Raad van ondersoek kan enige persoon as getuie dagvaar en van 'n aldus gedagvaarde persoon 'n eed afneem of in plaas daarvan, 'n bevestiging van hom aanneem.

(3) By 'n raad van ondersoek ingevolge hierdie Wet geld, behoudens die bepalings van hierdie Wet, die reg wat met betrekking tot getuienis en getuies in verband met strafsake in 'n landdroshof van toepassing is, met uitsondering van paragraaf (a) van die voorbehoudsbepaling by artikel 217(1) van die Strafproseswet, 1977 (Wet 51 van 1977).

(4) (a) Iemand wat ingevolge subartikel (2) gedagvaar word om as 'n getuie voor 'n raad van ondersoek te verskyn en versuim om by die plek en op die datum en op die tyd te verskyn wat in die dagvaarding vermeld word, of wat versuim om by sodanige ondersoek aanwesig te bly of, nadat hy aldaar opgedaag het, weier om alle vrae wat wettig aan hom gestel word, te beantwoord, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige boete sowel as sodanige gevangenisstraf.

(b) So 'n getuie wat by so 'n ondersoek 'n valse verklaring onder eed aflê met die wete dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens vir meineed voorgeskryf is.

24. By 'n ondersoek deur 'n raad van ondersoek ingevolge hierdie Wet gehou, kan die lid of werknemer met betrekking tot wie die ondersoek gehou word, deur 'n ander lid of werknemer verteenwoordig word indien hy so verkies.

Verteenwoordiging van lid of werknemer by raad van ondersoek.

25. Die bepalings van hierdie Wet word nie so uitgelê dat dit 'n lid of werknemer teen vervolging in en skuldigbevinding deur 'n geregshof ten opsigte van 'n misdryf vrywaar nie.

Voorbehoud met betrekking tot wangedrag.

26. (1) 'n Lid of werknemer kan in sy amp geskors word in afwagting van sy verhoor weens of na sy skuldigbevinding aan enige misdryf, hetsy kragtens hierdie Wet of andersins, of in afwagting van 'n ondersoek waar 'n aanklag van wangedrag teen hom of sy geskiktheid om in

Skorsing van lede en werknemers.

Act No. 19, 1987

NATIONAL INTELLIGENCE ACT, 1987

Department or to retain his rank or grade, is being investigated, and shall be so suspended during any period during which he is under arrest or detention or is serving a term of imprisonment, but shall not by reason of such suspension cease to be a member or employee.

(2) During the suspension of a member or employee his powers, functions and authority as such member or employee shall be in abeyance, but he shall continue to be subject to the same duties and discipline as if he had not been suspended.

(3) The suspension of a member or employee may be terminated at any time.

(4) The suspension or termination of the suspension of a member or employee shall take place on the instructions of the Cabinet or, if the Cabinet has not delegated its powers under this subsection, as a provisional measure pending the decision of the Cabinet, on the instructions of the Secretary.

Salary, allowances, privileges and benefits of suspended members or employees.

27. (1) Any member or employee who has been suspended from office, shall not in respect of the period of his suspension be entitled to any salary, wages, allowances, privileges or benefit to which he would otherwise have been entitled as such a member or employee, but the Cabinet may in its discretion direct that in respect of the period of suspension of such a member or employee, not being a period during which he is or was serving a term of imprisonment in pursuance of a sentence which has not been set aside on appeal or review, there be paid to him the whole or a portion of his salary or wages and allowances or be granted to him such privileges and benefits as the Cabinet may determine.

(2) If it is decided not to discharge a member or employee who has been suspended from office, such member or employee shall in respect of the period of his suspension, not being a period during which he was serving a term of imprisonment in pursuance of a sentence which has not been set aside on appeal or review, be paid his full salary or wages and allowances and be granted all the privileges and benefits to which he would, but for his suspension, have been entitled as a member or employee of the Department: Provided that if such a member or employee is reduced in rank or grade, he shall in respect of such period be paid the salary or wages and allowances applicable to the rank or grade to which he is reduced, but if in respect of such period he was in terms of subsection (1) paid any salary, wages or allowances in excess of the salary or wages and allowances applicable to the rank or grade to which he is reduced, he shall not be obliged to refund the excess.

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

die Departement te bly of sy rang of graad te behou, ondersoek word, en moet aldus geskors word gedurende enige tydperk waartydens hy in hegtenis is of aangehou word of gevangenisstraf uitdien, maar hou nie uit hoofde van die skorsing op om 'n lid of werknemer te wees nie.

(2) Terwyl 'n lid of werknemer geskors is, is sy bevoegdheede, werksaamhede en gesag as so 'n lid of werknemer opgeskort, maar bly hy onderworpe aan dieselfde verpligtings en dissipline asof hy nie geskors word nie.

(3) Die skorsing van 'n lid of werknemer kan te eniger tyd opgehef word.

(4) Die skorsing of opheffing van die skorsing van 'n lid of werknemer vind plaas in opdrag van die Kabinet of, indien die Kabinet nie sy bevoegdheid kragtens hierdie subartikel gedelegeer het nie, as 'n voorlopige maatreël in afwagting van 'n beslissing van die Kabinet, in opdrag van die Sekretaris.

27. (1) 'n Lid of werknemer wat in sy amp geskors is, is nie ten opsigte van die tydperk van sy skorsing geregtig op enige salaris, loon, toelae, voorreg of voordeel waarop hy andersins as so 'n lid of werknemer geregtig sou gewees het nie, maar die Kabinet kan na goeë dunnke gelas dat daar ten opsigte van die tydperk van skorsing van so 'n lid of werknemer, behalwe 'n tydperk waartydens hy gevangenisstraf uitdien of uitgedien het ingevolge 'n vonnis wat nie by appèl of hersiening tersyde gestel is nie, aan hom sy volle salaris of loon en toelae of 'n deel daarvan betaal word of aan hom die voorregte en voordele toegestaan word wat die Kabinet bepaal.

(2) Indien besluit word om 'n lid of werknemer wat in sy amp geskors is, nie te ontslaan nie, word aan daardie lid of werknemer ten opsigte van die tydperk van sy skorsing, behalwe 'n tydperk waartydens hy gevangenisstraf uitgedien het ingevolge 'n vonnis wat nie by appèl of hersiening tersyde gestel is nie, sy volle salaris of loon en toelae betaal en al die voorregte en voordele verleen waarop hy as 'n lid of werknemer geregtig sou gewees het indien hy nie geskors was nie: Met dien verstande dat indien so 'n lid of werknemer in rang of graad verlaag word, daar ten opsigte van bedoelde tydperk aan hom die salaris of loon en toelae betaal moet word wat geld vir die rang of graad waartoe hy verlaag word, maar indien ten opsigte van daardie tydperk ingevolge subartikel (1) aan hom 'n hoër salaris of loon of hoër toelae betaal is as die salaris of loon en toelae wat geld vir die rang of graad waartoe hy verlaag word, hy nie verplig is om die verskil terug te betaal nie.

Salaris, toelae, voorregte en voordele van lid of werknemer wat geskors is.

Act No. 19, 1987

NATIONAL INTELLIGENCE ACT, 1987

Manner in which notices may be given or process served.

28. If by this Act it is provided -

- (a) that any notice, statement or other document is to be given or supplied to or served upon any person or that any matter is to be or may be conveyed to any person in writing, the notice, statement, document or writing may be sent by post in a registered letter or be delivered to him or left at his last known place of residence; or
- (b) that any person is to be informed of any decision or finding, he may be informed thereof verbally or in writing sent by post in a registered letter or delivered to him or left at his last known place of residence.

Whole time of members and employees to be at the disposal of State.

29. (1) Unless otherwise provided in this Act -

- (a) every member or employee shall place the whole of his time at the disposal of the State;
- (b) no member or employee shall perform or engage himself to perform any remunerative work outside his employment in the Department; and
- (c) no member or employee shall claim as of right additional remuneration in respect of any official duty or work which he is required by any competent authority to perform.

(2) Notwithstanding the provisions of subsection (1), the Cabinet may grant permission to a member or employee to perform or engage himself to perform remunerative work outside his employment in the Department.

- (3) (a) Where any member or employee receives any remuneration, allowance or other reward whatsoever in connection with the performance of his work in the Department, otherwise than in accordance with the provisions of subsection (1)(b), such member or employee shall pay to the Department an amount equal to the amount of such remuneration, allowance or reward or, where such remuneration, allowance or reward does not consist of money, the value thereof, as determined by the Secretary, and if he does not do so, the Secretary may recover it by way of legal proceedings or in such other manner as the Secretary may deem fit: Provided that -

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

28. Indien by hierdie Wet bepaal word -

Wyse waarop kennis gegee of stukke bestel kan word.

- (a) dat 'n kennisgewing, verklaring of ander stuk aan iemand gegee of verstrekk of bestel moet word of dat enige aangeleentheid skriftelik aan 'n persoon meegedeel moet of kan word, kan die kennisgewing, verklaring, stuk of geskrif per pos in 'n geregistreerde brief aan hom gestuur word of aan hom oorhandig of gelaat word by die plek waar, sover bekend, hy laas gewoon het; of
- (b) dat 'n persoon van 'n beslissing of bevinding verwittig moet word, kan hy mondeling of per geskrif wat per pos in 'n geregistreerde brief aan hom gestuur word of aan hom oorhandig of gelaat word by die plek waar, sover bekend, hy laas gewoon het, daarvan verwittig word.

29. (1) Tensy anders in hierdie Wet bepaal word -

Lede en werknemers moet al hulle tyd ter beskikking van Staat stel.

- (a) moet elke lid of werknemer al sy tyd ter beskikking van die Staat stel;
- (b) mag geen lid of werknemer besoldigde werk buite sy werk in die Departement verrig of hom verbind om dit te verrig nie; en
- (c) kan geen lid of werknemer regtens aanspraak maak op addisionele besoldiging ten opsigte van enige amptelike diens of werk wat hy deur 'n bevoegde gesag aangesê word om te verrig nie.

(2) Ondanks die bepalings van subartikel (1)(b), kan die Kabinet toestemming aan 'n lid of werknemer verleen om besoldigde werk buite sy werk in die Departement te verrig of om hom te verbind om dit te verrig.

- (3) (a) Waar 'n lid of werknemer enige besoldiging, toelae of ander beloning, van watter aard ook al, in verband met die verrigting van sy werk in die Departement anders as ooreenkomstig die bepalings van hierdie Wet, of in stryd met die bepalings van subartikel (1)(b), ontvang, moet daardie lid of werknemer aan die Departement 'n bedrag oorbetaal gelykstaande met die bedrag van daardie besoldiging, toelae of beloning, of, waar sodanige besoldiging, toelae of beloning nie uit geld bestaan nie, die waarde daarvan, soos bepaal deur die Sekretaris, en as hy dit nie doen nie, kan die Sekretaris dit deur middel van geregtelike stappe of op die ander wyse wat die Sekretaris goedvind, op hom verhaal: Met dien verstande dat -

NATIONAL INTELLIGENCE ACT, 1987

- (i) there shall be a right of appeal to the Cabinet against that determination by the Secretary; and
 - (ii) the Cabinet may approve the retaining by a member or employee of the whole or a portion of that remuneration, allowance or reward.
- (b) Where in the opinion of the Secretary a member or employee has received any remuneration, allowance or other reward as contemplated in paragraph (a) and such remuneration, allowance or reward is still in his possession or under his control or in the possession or under the control of some or other person on his behalf or, if it is money, has been deposited in any bank, the post office, savings bank or any building society or other financial institution in his name or in the name of some other person on his behalf, the Secretary may in writing require such member or employee or such other person or such bank, the post office or such building society or financial institution not to dispose of such remuneration, allowance or reward, or, if it is money, to retain a corresponding sum of money, as the case may be, pending the outcome of any legal steps for the recovery of such remuneration, allowance or reward or the value thereof.
- (c) Any person who fails to comply with a requirement in terms of paragraph (b), shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.
- (4) Any salary, allowance, fee, bonus or honorarium which may be payable in respect of the services of a member or employee seconded in terms of section 21, shall be paid to the Department: Provided that in special circumstances the Cabinet may approve the payment to such member or employee of an amount equal to the said salary, allowance, fee, bonus or honorarium, or a portion thereof.

Salary or allowance may not be assigned or attached.

30. A member or employee shall not, without the approval of the Secretary, assign any salary or allowance payable to him in terms of this Act, or any part thereof, and such salary or allowance or part thereof shall not be liable to be seized or attached under or by virtue of any judgement or order of any court, other than a garnishee order, or pass under or by virtue of any order made for the sequestration of the estate of any such member or employee.

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

- (i) daar 'n reg van appèl na die Kabinet teen bedoelde bepaling deur die Sekretaris is; en
- (ii) die Kabinet kan goedkeur dat 'n lid of werknemer die geheel of 'n gedeelte van bedoelde besoldiging, toelae of beloning behou.
- (b) Waar 'n lid of werknemer, volgens die oordeel van die Sekretaris, enige besoldiging, toelae of ander beloning soos bedoel in paragraaf (a), ontvang het en sodanige besoldiging, toelae of beloning nog in sy besit of onder sy beheer is of ten behoeve van hom in die besit of onder die beheer van iemand anders is of, indien dit geld is, in 'n bank, die posspaarbank of 'n bougenootskap of ander finansiële instelling gestort is op sy naam of op naam van iemand anders ten behoeve van hom, kan die Sekretaris daardie lid of werknemer of so iemand anders of daardie bank, die poskantoor of daardie bougenootskap of finansiële instelling skriftelik aansê om, hangende die uitslag van geregtelike stappe vir die verhaal van daardie besoldiging, toelae of beloning of die waarde daarvan, sodanige besoldiging, toelae of beloning nie van die hand te sit of anders daaroor te beskik nie, of, indien dit geld is, 'n ooreenstemmende bedrag geld te behou, na gelang van die geval.
- (c) Iemand wat 'n aansegging ingevolge paragraaf (b) nie nakom nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sodanige boete sowel as sodanige gevangenisstraf.
- (4) Enige salaris, toelae, geld, bonus of honorarium wat betaalbaar is ten opsigte van die dienste van 'n lid of werknemer wat ingevolge artikel 21 afgestaan is, word aan die Departement oorbetaal: Met dien verstande dat onder besondere omstandighede die Kabinet kan goedkeur dat 'n bedrag wat gelyk is aan genoemde salaris, toelae, geld, bonus of honorarium, of 'n gedeelte daarvan, aan daardie lid of werknemer betaal word.

30. 'n Lid of werknemer mag nie sonder goedkeuring van die Sekretaris enige salaris of toelae wat ingevolge hierdie Wet aan hom betaalbaar is of 'n deel daarvan, seeder nie, en sodanige salaris of toelae of deel daarvan is ook nie vir beslaglegging kragtens of uit hoofde van 'n uitspraak of bevel van 'n geregshof, behalwe 'n skuldbeslagorder, vatbaar nie, en gaan ook nie oor kragtens of uit hoofde van 'n bevel waarby so 'n lid of werknemer se boedel gesekwestreer word nie.

Salaris of toelae kan nie gesedeer of in beslag geneem word nie.

Act No. 19, 1987

NATIONAL INTELLIGENCE ACT, 1987

Acquiring of services for a stipulated task or period of time.

31. The Secretary may, subject to the provisions of this Act, obtain the services of any person or instance for the performance of a particular service or for any particular period.

Establishment of decorations and medals.

32. (1) The Administrator-General may, on recommendation of the Cabinet, establish and introduce decorations and medals, as well as bars, clasps and ribbons in respect of such decorations and medals, which may, subject to the provisions prescribed by the Administrator-General by regulation, be awarded by him or by the Cabinet, to any person who is or was a member or employee of the Department, in respect of his services as such member or employee or to any person who has rendered exceptional services to the Department.

(2) The regulations prescribed under subsection (1) may provide for the design, award (including a posthumous award), use, bequest, care, loss, forfeiture and restoration of any decoration, medal, bar, clasp or ribbon referred to in subsection (1).

Offences in respect of decorations and medals.

33. Any person who wears or uses any decoration, medal, bar, clasp or ribbon referred to in section 32, unless he is the person to whom such decoration, medal, bar, clasp or ribbon was awarded or has been bequeathed, or who, without the written permission of the Secretary, uses such decoration, medal, bar, clasp or ribbon, or who wears or uses anything so closely resembling any such decoration, medal, bar, clasp or ribbon, as to be calculated to deceive, shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

False representations as to association with Department.

34. Any person who, without the approval of the Cabinet, in connection with any activity carried on by him takes, assumes, uses or in any manner publishes any name, description, title or symbol indicating or conveying or calculated or likely to lead other persons to believe or infer that such activity is carried on under or by virtue of the provisions of this Act or under the patronage of the Department, or is in any manner associated or connected with the Department, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

31. Die Sekretaris kan, behoudens die bepalings van hierdie Wet, die dienste van enige persoon of instansie verkry vir die verrigting van 'n bepaalde taak of vir 'n bepaalde tydperk.

Verkryging van dienste vir bepaalde taak of tydperk.

32. (1) Die Administrateur-generaal kan op aanbeveling van die Kabinet dekorasies en medaljes, asook balke, gespes en linte met betrekking tot sodanige dekorasies en medaljes, instel en invoer wat, onderworpe aan die deur hom by regulasie voorgeskrewe voorwaardes deur hom of deur die Kabinet toegeken kan word aan iemand wat 'n lid of werknemer is of was ten opsigte van sy dienste as so 'n lid of werknemer, of aan iemand wat besondere dienste aan die Departement bewys het.

Instelling van dekorasies en medaljes.

(2) Die regulasies voorgeskryf kragtens subartikel (1) kan voorsiening maak vir die ontwerp, toekenning (met inbegrip van 'n postume toekenning), gebruik, bemaking, versorging, verlies en teruggawe van enige dekorasie, medalje, balk, gespe of lint bedoel in subartikel (1).

33. Iemand wat 'n dekorasie, medalje, balk, gespe of lint bedoel in artikel 32 dra of gebruik, tensy hy die persoon is aan wie sodanige dekorasie, medalje, balk, gespe of lint toegeken of bemaak is, of wat sonder die skriftelike toestemming van die Sekretaris sodanige dekorasie, medalje, balk, gespe of lint gebruik, of wat iets wat soveel na sodanige dekorasie, medalje, balk, gespe of lint lyk dat dit bereken is om te mislei, dra of gebruik, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige boete sowel as sodanige gevangenisstraf.

Misdrywe in verband met dekorasies en medaljes.

34. Iemand wat sonder goedkeuring van die Kabinet, in verband met die een of ander bedrywigheid waarop hy hom toelê, 'n naam, beskrywing, titel of kenteken aanneem, gebruik of op enige wyse publiseer wat aandui of te kenne gee of wat daarop bereken is om ander persone te laat vermoed of aflei of hulle waarskynlik sal laat vermoed of aflei dat daardie bedrywigheid kragtens of uit hoofde van die bepalings van hierdie Wet of onder beskerming van die Departement voortgesit word, of op die een of ander wyse met die Departement verbonde is of daarmee in verband staan, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sodanige boete sowel as sodanige gevangenisstraf.

Valse voorwendsels aangaande verband met Departement.

Act No. 19, 1987

NATIONAL INTELLIGENCE ACT, 1987

Offences in connection with members and employees.

35. Any person, not being the Secretary or a member or employee, who -

- (a) by words, conduct or demeanour pretends that he is the Secretary or such a member or employee;
- (b) persuades the Secretary or any member or employee to omit to carry out his duty or to do any act in conflict with his duty; or
- (c) is an accomplice to the commission of any act whereby any lawful order given to any member or employee or any regulation may be evaded,

shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Prohibition of access to premises of Department.

36. (1) The Cabinet may by notice in the *Official Gazette* or in any other manner which it deems sufficient in the circumstances, prohibit or restrict access to any land or premises under the control of the Department.

(2) The Cabinet may take or cause to be taken such measures as it deems necessary for the security of, or the application of a prohibition of or a restriction to, such land or premises, and the Cabinet may in connection with any measures so taken cause such notices to be published or such warnings to be erected as it may in each particular case deem necessary.

(3) Any person who enters upon any land or enters or is on or in any premises in contravention of any prohibition or restriction under subsection (1), shall be guilty of an offence and liable on conviction to a fine not exceeding R5 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

Service facilities of Department exempted from certain taxes, duties and fees.

37. (1) No tax, duty or fee (other than customs, excise or sales duties leviable by law) shall be payable in terms of any law in respect of an approved service facility of the Department contemplated in subsection (2) or in respect of any article on sale at such facility.

(2) The production of an official document signed by the Secretary and indicating that the Cabinet has approved any service facility for the purposes of this section, shall be conclusive proof that it is a service facility falling under this section.

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

35. Iemand wat nie die Sekretaris of 'n lid of werknemer is nie, en wat -

Misdrywe in verband met lede en werknemers.

- (a) deur woord, gedrag of houding voorgee dat hy die Sekretaris of so 'n lid of werknemer is;
- (b) die Sekretaris of 'n lid of werknemer oorreed om sy plig te versaak of in stryd met sy plig te handel; of
- (c) medepligtig is aan die pleeg van 'n handeling waardeur 'n wettige bevel wat aan 'n lid of werknemer gegee is of 'n regulasie of voorskrif ontduik mag word,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sodanige boete sowel as sodanige gevangenisstraf.

36. (1) Die Kabinet kan by kennisgewing in die *Offisiële Koerant* of op die ander wyse wat hy onder die omstandighede voldoende ag, toegang tot enige grond of perseel wat onder die beheer van die Departement is, verbied of beperk.

Verbod op toegang tot persele van Departement.

(2) Die Kabinet kan die maatreëls tref of laat tref wat hy nodig ag vir die beveiliging van of die toepassing van 'n verbod op of 'n beperking van toegang tot sodanige grond of perseel, en kan in verband met enige maatreëls aldus getref, die kennisgewings laat publiseer of die waarskuwingstekens laat oprig wat hy in elke bepaalde geval nodig ag.

(3) Iemand wat in stryd met 'n verbod of beperking in-gevolge subartikel (1) grond betree of 'n perseel binnegaan of daarop of daarin is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R5 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met sodanige boete sowel as sodanige gevangenisstraf.

37. (1) Geen belasting, reg of gelde (behalwe doeane-, aksyns- of verkoopregte wat volgens wet hefbaar is) is in-gevolge enige wet betaalbaar nie ten opsigte van 'n goedgekeurde diensfasiliteit van die Departement in subartikel (2) bedoel, of ten opsigte van enige artikel wat in so 'n diensfasiliteit te koop is.

Diensfasiliteite van Departement van sekere belasting, regte en gelde vrygestel.

(2) Die voorlegging van 'n amptelike stuk onderteken deur die Sekretaris en waarin aangedui word dat die Kabinet 'n diensfasiliteit vir die doeleindes van hierdie artikel goedgekeur het, is afdoende bewys dat dit 'n diensfasiliteit is wat onder hierdie artikel ressorteer.

Act No. 19, 1987

NATIONAL INTELLIGENCE ACT, 1987

(3) For the purposes of this section "service facility" means any mess or institution of the Department or any premises temporarily or permanently used for providing recreation, refreshment or necessaries mainly for members or employees or for the families of such members or employees or for persons employed in any work in or in connection with any such mess, institution or premises.

Prescription of actions, notification of proceedings and cause of action, and service of certain process.

38. (1) Any civil proceedings against the State or any person in respect of anything done in pursuance of this Act, shall be instituted within six months after the cause of action arose, and notice in writing of any such proceedings and of the cause thereof shall be given to the defendant not less than one month before it is instituted.

(2) If any notice contemplated in subsection (1) is given to the Secretary, it shall be deemed to be notification to the defendant concerned.

(3) Any process by which any proceedings contemplated in subsection (1) is instituted and in which the Cabinet is the defendant or the respondent, may be served on the Secretary.

Missing members and employees.

39. (1) If a member or employee is missing and the Secretary is satisfied that his absence arose from the performance of his functions in terms of this Act, such member or employee shall for all purposes be deemed to be still employed by the Department from the first day after the day on which such absence commenced until the day on which he again reports for duty or, in the opinion of the Secretary, should have reported for duty, or a competent court issued an order whereby the death of such member or employee is presumed.

(2) The salary or wages and allowances accruing to any member or employee during his absence contemplated in subsection (1) shall, subject to the provisions of subsection (4), be paid to his spouse or if he has no spouse, to his other dependents, or if he has no other dependents, to his heirs or to any person who, in the opinion of the Secretary, is competent to receive and administer such salary or wages and allowances on behalf of his spouse or such other dependents or his heirs.

(3) Payment of any salary or wages and allowances in terms of subsection (2) shall for all purposes be deemed to be payment thereof to the member or employee concerned, and an amount so paid shall not be recoverable by the State from any person.

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

(3) Vir die doeleindes van hierdie artikel beteken "diensfasiliteit" 'n menasie of instelling van die Departement of 'n perseel wat tydelik of permanent gebruik word om ontspanning, verversings of benodighede te verskaf hoofsaaklik vir lede of werknemers of vir die gesinne van sodanige lede of werknemers of vir persone wat in enige werk in, of in verband met so 'n menasie, inrigting of perseel werksaam is.

38. (1) 'n Siviele geding teen die Staat of iemand ten opsigte van iets wat ingevolge hierdie Wet gedoen is, moet ingestel word binne ses maande nadat die eisoorzaak ontstaan het, en skriftelike kennis van so 'n geding en van die oorsaak daarvan moet aan die verweerder gegee word minstens een maand voordat dit ingestel word.

Verjaring van aksies, kennisgewing van geding en eisoorzaak, en bestelling van sekere prosesstukke.

(2) Indien kennis beoog in subartikel (1) aan die Sekretaris gegee word, word dit geag kennisgewing aan die betrokke verweerder te wees.

(3) 'n Prosesstuk waarby 'n geding beoog in subartikel (1) ingestel is en waarin die Kabinet die verweerder of respondent is, kan aan die Sekretaris bestel word.

39. (1) Indien 'n lid of werknemer vermis word en die Sekretaris oortuig is dat sy afwesigheid ontstaan het uit die verrigting van sy werksaamhede ingevolge hierdie Wet, word daardie lid of werknemer vir alle doeleindes geag steeds in diens van die Departement te wees vanaf die eerste dag na die dag waarop daardie afwesigheid begin het tot op die dag waarop hy hom weer vir diens aanmeld of, volgens die oordeel van die Sekretaris, moet aangemeld het, of 'n bevoegde hof 'n bevel uitreik waarby die dood van daardie lid of werknemer vermoed word.

Vermiste lede en werknemers.

(2) Die salaris of loon en toelaes wat 'n lid of werknemer toeval tydens sy afwesigheid beoog in subartikel (1) word, behoudens die bepalings van subartikel (4), uitbetaal aan sy eggenote of, indien hy nie 'n eggenote het nie, aan sy ander afhanklikes, of indien hy nie ander afhanklikes het nie, aan sy erfgename, of aan iemand wat, volgens die oordeel van die Sekretaris, bevoeg is om daardie salaris of loon en toelaes ten behoeve van sy eggenote of daardie ander afhanklikes of sy erfgename te ontvang en te administreer.

(3) Betaling van salaris of loon en toelaes ingevolge subartikel (2) word vir alle doeleindes geag betaling daarvan aan die betrokke lid of werknemer te wees, en 'n bedrag aldus betaal is nie deur die Staat op iemand verhaalbaar nie.

(4) Notwithstanding the provisions of subsection (2), the Secretary may in his discretion direct that only a portion of the salary or wages and allowances of a member or employee be paid in terms of the said subsection or that no portion thereof be so paid.

Exemption from training and compulsory service in terms of particular legislation.

40. (1) The provisions of the Defence Act, 1957 (Act 44 of 1957), relating to compulsory service, service or the liability to undergo training shall not apply to any member.

(2) The provisions of the Police Act, 1958 (Act 7 of 1958), relating to the establishment or functioning of, or service or training in the Police Reserve, shall not apply to any member.

(3) (a) Notwithstanding the provisions of subsections (1) and (2) the Cabinet may, with due regard to the requirements of the Department, second any member for service or training subject to the provisions of the Defence Act, 1957 (Act 44 of 1957), or the Police Act, 1958 (Act 7 of 1958).

(b) Any member shall, while so seconded for service or training, be subject to the discipline, command and control applicable in terms of the acts referred to in paragraph (a), but shall not thereby be exempted from the application of the provisions of this Act.

Restriction on inspection, investigation, revision and audit.

41. Notwithstanding anything to the contrary in any other law contained, no inspection, investigation, revision or auditing which, in terms of the provisions of any other law, has to be or may be done with reference to any matter or document concerning the Department or Account, shall be done, unless the person who has to or may do such inspection, investigation, revision or auditing conforms to the security requirements determined by the Cabinet for this purpose.

Establishment of Personnel Committee and Means Committee.

42. (1) There is hereby established-

(a) A Personnel Committee, consisting of the Secretary as chairman, and the Secretary of the Central Personnel Institution or his assignee; and

(b) A Means Committee, consisting of the Secretary as chairman, and the Secretary of Finance or his assignee.

(2) Such committees shall take care of -

(a) matters in this Act entrusted to such committees; and

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

(4) Ondanks die bepalings van subartikel (2), kan die Sekretaris na goeddunke gelas dat slegs 'n gedeelte van 'n lid of werknemer se salaris of loon en toelaes ingevolge genoemde subartikel uitbetaal word of dat geen gedeelte daarvan aldus uitbetaal word nie.

40. (1) Die bepalings van die Verdedigingswet, 1957 (Wet 44 van 1957), op diensplig, diens of die verpligting om opleiding te ondergaan, is nie op 'n lid van toepassing nie.

Opstelling van opleiding en diensplig ingevolge bepaalde wetgewing.

(2) Die bepalings van die Polisiewet, 1958 (Wet 7 van 1958), op die instelling of funksionering van of diens of opleiding in die Polisie-reserwe, is nie op 'n lid van toepassing nie.

(3) (a) Ondanks die bepalings van subartikels (1) en (2) kan die Kabinet, met inagneming van die behoeftes van die Departement, 'n lid afstaan vir diens of opleiding ingevolge die bepalings van die Verdedigingswet, 1957 (Wet 44 van 1957), of die Polisiewet, 1958 (Wet 7 van 1958).

(b) 'n Lid is, terwyl hy aldus vir diens of opleiding afgestaan is, onderworpe aan die dissipline, bevel en beheer van toepassing ingevolge die wette bedoel in paragraaf (a), maar word nie daardeur van die toepassing van die bepalings van hierdie Wet onthef nie.

41. Ondanks andersluidende wetsbepalings word geen inspeksie, ondersoek, nasiening of ouditering wat ingevolge enige wetsbepaling gedoen moet of kan word met betrekking tot 'n aangeleentheid of stuk betreffende die Departement of Rekening gedoen nie, tensy die persoon wat sodanige inspeksie, ondersoek, nasiening of ouditering moet of kan doen aan die sekerheidsvereistes vir die doel deur die Kabinet bepaal, voldoen.

Beperking op doen van inspeksie, ondersoek, nasiening en ouditering.

42. (1) Daar word hierby ingestel -

(a) 'n Personeelkomitee, bestaande uit die Sekretaris as voorsitter, en die Sekretaris van die Sentrale Personeelinstelling of sy gevolmagtigde; en

(b) 'n Middelekomitee, bestaande uit die Sekretaris as voorsitter, en die Sekretaris van Finansies of sy gevolmagtigde.

Instelling van Personeelkomitee en Middelekomitee.

(2) Sodanige komitees behartig -

(a) aangeleenthede in hierdie Wet aan sodanige komitees opgedra; en

- (b) such other functions entrusted by the Cabinet from time to time to such committees.

Delegation of powers,
duties and functions.

43. (1) The Cabinet may on such conditions as it may deem fit delegate any power, duty or function conferred upon it by this Act, excluding any power, duty or function referred to in section 4(1), 17(2), 18(2), 19(a), 22(7), 27(1), 29(3)(a) and (4), 32, 36(1) and 44(1), to the Secretary or any member.

(2) The Secretary may delegate any power, duty or function conferred upon or entrusted to him in terms of this Act, to any member on such conditions as he may deem fit.

Regulations and
directives.

44. (1) The Cabinet may -

(a) by notice in the *Official Gazette* make regulations as to -

- (i) the assembly of boards of enquiry constituted under this Act, the procedure at the proceedings of such boards and the attendance of witnesses at such boards;

- (ii) appeals in terms of this Act; and

- (iii) generally, all matters for which it deems it necessary or expedient to make regulations in order to achieve the objects of this Act;

(b) on recommendation of the Personnel Committee, make directives as to -

- (i) the subdividing of the Department in different directorates, divisions, offices or institutions and the organisation of such divisions, offices and institutions;

- (ii) the determination of the amount, classes and grades of posts on the establishment of the Department, the classification of such posts as posts for occupation by members or employees and the determination of the different ranks, grades, designations, salary scales and other measures and requirements incident to such posts and the occupation thereof;

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

- (b) sodanige ander werksaamhede soos wat die Kabinet van tyd tot tyd aan sodanige komitees opdra.

43. (1) Die Kabinet kan 'n bevoegdheid, plig of werksaamheid by hierdie Wet aan hom verleen, uitgesonderd 'n bevoegdheid, plig of werksaamheid genoem in artikels 4(1), 17(2), 18(2), 19(a), 22(7), 27(1), 29(3)(a) en (4), 32, 36(1) en 44(1), aan die Sekretaris of 'n lid delegeer op die voorwaardes wat hy goedvind.

Delegasie van bevoegd-
hede, pligte en werk-
saamhede.

(2) Die Sekretaris kan 'n bevoegdheid, plig of werksaamheid by of ingevolge hierdie Wet aan hom verleen of opgedra, aan 'n lid delegeer op die voorwaardes wat hy goedvind.

44. (1) Die Kabinet kan -

Regulasies en voor-
skrifte.

(a) by kennisgewing in die *Offisiële Koerant* regulasies uitvaardig betreffende -

(i) die byeenkoms van rade van ondersoek ingevolge hierdie Wet saamgestel, die prosedure by die verrigtinge van sodanige rade en die verskyning van getuies by sodanige rade;

(ii) appèlle ingevolge hierdie Wet; en

(iii) in die algemeen, alle aangeleenthede waarvoor hy dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te verwesenlik;

(b) op aanbeveling van die Personeelkomitee, voorskrifte uitvaardig betreffende -

(i) die onderverdeling van die Departement in verskillende direktorate, afdelings, kantore of inrigtings en die organisasie van sodanige afdelings, kantore en inrigtings;

(ii) die bepaling van die getal, klasse en grade van poste op die diensstaat van die Departement, die indeling van sodanige poste as poste vir bekleding deur lede of werknemers, en die bepaling van die verskillende range, graderings, benamings, salarisskale en ander maatreëls en vereistes verbonde aan sodanige poste en die bekleding daarvan;

NATIONAL INTELLIGENCE ACT, 1987

- (iii) the recruitment, selection, appointment in full-time or part-time capacities, confirmation of probation, , promotion, continued employment in addition to the approved establishment, station, transfer, changeover, resignation, discharge, retirement, suspension or reduction in rank or grade of members and employees;
- (iv) the obtaining of services referred to in section 31;
- (v) the standards of physical and mental fitness and the medical examination of members and employees;
- (vi) the hours of attendance, overtime-payment, leave, allowances, bonuses, salary increases and other conditions of service (excluding housing loans and pensions) of members and employees and the conditions under which they are entitled thereto;
- (vii) the special conditions whereunder any person may be transferred and appointed from an institution instituted by law to the Department;
- (viii) the granting of any financial or other reward or special increase or special promotion for extraordinary capability, excellent service or special qualifications, to members and employees;
- (ix) the utilisation, evaluation, training, examination and development of members and employees and the creation of the necessary training facilities;
- (x) the granting of bursaries or other financial help for study purposes to members and employees;
- (xi) the granting of loans for certain purposes (excluding housing loans) to members and employees and the conditions whereunder such loans are granted;
- (xii) the medical, dental and hospital treatment of members and employees and their dependents and retired members and employees and their dependents;

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

- (iii) die werwing, keuring, aanstelling in heeltydse of deelydse hoedanighede, proefbekragting, bevordering, indienshouding bo en behalwe die goedgekeurde diensstaat, standplaas, oorplasing, oorskakeling, bedanking, ontslag, aftreding, skorsing of verlagings in rang of graad van lede en werknemers;
- (iv) die verkryging van dienste bedoel in artikel 31;
- (v) die standaard van liggaamlike en geestelike geskiktheid en die geneeskundige ondersoek van lede en werknemers;
- (vi) die diensure, oortydbesoldiging, verlof, toelae, bonusse, salarisverhogings en ander diensvoorwaardes (uitgesonderd behuisinglenings en pensioene) van lede en werknemers en die voorwaardes waaronder hulle daarop geregtig is;
- (vii) die spesiale voorwaardes waaronder iemand vanaf 'n instelling by wet ingestel na die Departement oorgeplaas en aangestel kan word;
- (viii) die toekenning van 'n geldelike of ander beloning of spesiale verhoging of spesiale bevordering vir buitengewone bekwaamheid, voortreflike diens of spesiale kwalifikasies, aan lede en werknemers;
- (ix) die aanwending, evaluering, opleiding, eksaminering en ontwikkeling van lede en werknemers en die daarstelling van die nodige opleidingsfasiliteite;
- (x) die toekenning van beurse of ander finansiële hulp vir studiedoeleindes aan lede en werknemers;
- (xi) die toestaan van lenings vir bepaalde doeleindes (uitgesonderd behuisinglenings) aan lede en werknemers en die voorwaardes waaronder sodanige lenings toegestaan word;
- (xii) die geneeskundige-, tandheelkundige- en hospitaalbehandeling van lede en werknemers en hul afhanklikes en oud-lede en werknemers en hul afhanklikes;

Act No. 19, 1987

NATIONAL INTELLIGENCE ACT, 1987

- (xiii) the definition of offences against duty and discipline, the behaviour of members and employees and in general, the control and discipline of the Department;
 - (xiv) the charging of members and employees on account of misconduct;
 - (xv) the settlement of grievances of members and employees;
 - (xvi) the political rights of members and employees and the taking part of members and employees in personnel associations, other employee organisations and political organisations;
 - (xvii) the administration of the Department, the promotion of efficiency in the Department and of the image of the Department;
 - (xviii) the powers, duties and functions of members and employees and the exercise of their powers and the performance of their duties and functions; and
 - (xix) generally, all matters for which it deems it necessary or expedient to make directives in order to achieve the objects of this Act;
- (c) on recommendation of the Means Committee, make directives as to -
- (i) the incurring of expenditure and the regulation of the collections, receipts, custody, banking, investment, payment and control of moneys in the Account;
 - (ii) the receipt and making of donations by the Department, the making of payments out of grace, the waiving of claims by the Department and the writing off of a loss of State moneys and State goods;
 - (iii) the payment of salaries and the deductions to be made or may be made from the salaries, wages or allowances of members and employees;
 - (iv) the obtaining and provision of supplies, accessories, other equipment and means of transport required for the Department, and

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

- (xiii) die omskrywing van diens- en dissiplinêre oortredings, die gedrag van lede en werknemers en in die algemeen, die beheer oor en dissipline van die Departement;
 - (xiv) die aankla van lede en werknemers weens wangedrag;
 - (xv) die beslegting van griewe van lede en werknemers;
 - (xvi) die politieke regte van lede en werknemers en die deelname van lede en werknemers aan personeelverenigings, ander werknemerorganisasies en politieke organisasies;
 - (xvii) die administrasie van die Departement, die bevordering van doeltreffendheid in die Departement en van die beeld van die Departement;
 - (xviii) die bevoegdhede, pligte en werksaamhede van lede en werknemers en die uitoefening van hul bevoegdhede en die verrigting van hul pligte en werksaamhede; en
 - (xix) in die algemeen, alle aangeleenthede waarvoor hy dit nodig of dienstig ag om voorskrifte uit te vaardig ten einde die oogmerke van hierdie Wet te verwesenlik;
- (c) op aanbeveling van die Middelekomitee, voorskrifte uitvaardig betreffende -
- (i) die aangaan van uitgawes en die reëling van die invorderings, ontvangs, bewaring, bank, belegging, uitbetaling en beheer oor gelde in die Rekening;
 - (ii) die ontvangs en doen van skenkings deur die Departement, die doen van betalings uit grasia, die afstand doen van eise deur die Departement en die afskrywing van 'n verlies van Staatsgeld of Staatsgoed;
 - (iii) die betaling van salarisse en die aftrekkings wat van die salarisse, lone of toelaes van lede of werknemers gemaak moet of kan word;
 - (iv) die verkryging en voorsiening van voorrade, toebehore, ander uitrusting, vervoermiddels en dienste wat nodig is vir die Departement,

the utilisation, care, safe custody, maintenance and control thereof;

- (v) the recovery from a member or employee of any deficiency, loss, damage or expense which he has unlawfully caused the State;
- (vi) the establishment and operation of service facilities referred to in section 37 and the control of the moneys thereof;
- (vii) the control of moneys collected or received by members and employees for the benefit of members and employees or ex-members and -employees, or their dependents; and
- (viii) generally, all matters for which it deems it necessary or expedient to make directives in order to achieve the objects of this Act; and

(d) make directives as to -

- (i) the general security in the Department and the security requirements to which members and employees shall conform;
- (ii) returns, registers, records, books, forms, other documents and correspondence relating to the Department, as well as the custody, care, filing of and the control and disposal of such returns, registers, records, books, forms, other documents and correspondence; and
- (iii) generally, all matters for which it deems it necessary or expedient to make directives in order to achieve the objects of this Act.

(2) Different regulations and directives may be made with reference to members and employees and different categories of members and employees.

(3) Regulations and directives made under subsection (1) may be made with retrospective effect.

(4) Directives made in terms of this section need not be published in the *Official Gazette*, but shall be notified to members and employees to whom it applies in such manner as the Cabinet may determine.

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

en die aanwending, versorging, veilige bewaring en instandhouding daarvan en beheer daaroor;

(v) die verhaal op 'n lid of werknemer van enige tekort, verlies, skade of uitgawe wat hy die Staat onregmatig berokken het;

(vi) die stigting en die bedryf van diensfasiliteite bedoel in artikel 37 en die beheer van die geld daarvan;

(vii) die beheer van geld ingesamel of ontvang deur lede en werknemers vir die voordeel van lede en werknemers van oud-lede en -werknemers, of hulle afhanklikes; en

(viii) in die algemeen, alle aangeleenthede waarvoor hy dit nodig of dienstig ag om voorskrifte uit te vaardig ten einde die oogmerke van hierdie Wet te verwesenlik; en

(d) voorskrifte uitvaardig betreffende -

(i) die algemene sekerheid in die Departement en die sekerheidsvereistes waaraan lede en werknemers moet voldoen;

(ii) opgawes, registers, aantekeninge, boeke, vorms, ander stukke en briefwisseling met betrekking tot die Departement, asook die bewaring, versorging, liassing van en die beheer en beskikking oor sodanige opgawes, registers, aantekeninge, boeke, vorms, ander stukke en briefwisseling; en

(iii) in die algemeen, alle aangeleenthede waarvoor hy dit nodig of dienstig ag om voorskrifte uit te vaardig ten einde die oogmerke van hierdie Wet te verwesenlik.

(2) Verskillende regulasies en voorskrifte kan uitgevaardig word met betrekking tot lede en werknemers en verskillende kategorieë lede en werknemers.

(3) Regulasies en voorskrifte kragtens subartikel (1) uitgevaardig, kan met terugwerkende krag uitgevaardig word.

(4) Voorskrifte wat kragtens hierdie artikel uitgevaardig word, hoef nie in die *Offisiële Koerant* gepubliseer te word nie, maar word op die wyse wat die Kabinet bepaal, bekend gemaak aan die lede en werknemers vir wie dit geld.

Act No. 19, 1987

NATIONAL INTELLIGENCE ACT, 1987

(5) The Cabinet may authorise or condone any deviation or non-compliance of a directive to the extent as it deems fit.

Amendment of section 1 of Act 84 of 1982.

45. Section 1 of the Protection of Information Act, 1982 (Act 84 of 1982), is hereby amended by the substitution in subsection (1) in the definition of "security matter" -

(a) for the words "National Intelligence Service" of the words "Department of National Intelligence"; and

(b) for the word "Service" of the word "Department".

Application of certain sections of Act 44 of 1958.

46. For the purposes of this Act shall in the application of section 118A of the Post Office Act, 1958 (Act 44 of 1958), subsection (2)(a) of the said section be deemed to provide that the Cabinet designates the person or persons mentioned therein, and such person or persons shall not be of a lower grading in the Department than a grading equal to that of a Director in the Government Service.

Application of Government Service Act, 1980, on Department.

47. The provisions of the Government Service Act, 1980 (Act 2 of 1980), and the regulations and directions made thereunder, shall apply in respect of the administration of the Department and members and employees only in so far as such provisions, regulations and directions are not repugnant to this Act, and such provisions, regulations and directions shall not be construed as detracting from the powers, duties and functions conferred to or entrusted to the Secretary or Department.

Short title and commencement.

48. This Act shall be called the National Intelligence Act, 1987, and shall be deemed to have come into operation on 1 April 1987.

WET OP NASIONALE INTELLIGENSIE, 1987

Wet No. 19, 1987

(5) Die Kabinet kan 'n afwyking of nie-nakoming van 'n voorskrif magtig of kondoneer in die mate wat hy goedvind.

45. Artikel 1 van die Wet op die Beveiliging van Inligting, 1982 (Wet 84 van 1982), word hierby gewysig deur in die omskrywing van "veiligheidsaangeleentheid" in subartikel (1) -

Wysiging van artikel 1 van Wet 84 van 1982.

(a) die woorde "Nasionale Intelligensiediens" deur die woorde "Departement van Nasionale Intelligensie" te vervang; en

(b) die woord "Diens" deur die woord "Departement" te vervang.

46. Vir doeleindes van hierdie Wet word, by die toepassing van artikel 118A van die Poswet, 1958 (Wet 44 van 1958), subartikel (2)(a) van genoemde artikel geag te bepaal dat die Kabinet die daaringenoemde persoon of persone aanwys en sodanige persoon of persone mag nie van 'n laer gradering in die Departement as 'n gradering gelykstaande aan dié van 'n Direkteur in die Regeringsdiens wees nie.

Toepassing van sekere artikel van Wet 44 van 1958.

47. Die bepalings van die Regeringsdienswet, 1980 (Wet 2 van 1980), en die regulasies en voorskrifte daarkragtens uitgevaardig, is op of ten opsigte van die administrasie van die Departement en lede en werknemers van toepassing slegs vir sover sodanige bepalings, regulasies en voorskrifte nie met hierdie Wet onbestaanbaar is nie, en sodanige bepalings, regulasies en voorskrifte word nie so uitgelê nie dat dit afbreuk doen aan die bevoegdhede, pligte en werksaamhede wat aan die Sekretaris of Departement verleen of opgedra is.

Toepassing van die Regeringsdienswet, 1980, op Departement.

48. Hierdie Wet heet die Wet op Nasionale Intelligensie, 1987, en word geag op 1 April 1987 in werking te getree het.

Kort titel en inwerking-treding.