Reviews/Resensies

Exchange Control Encyclopaedia 1996 edition

Redakteurs: Barry Kuper Spitz, Jo Gouws en Christa de Beer

Butterworths (1996)
vii en 33 bladsye
Sagteband R267,90 (BTW ing)

HIERDIE werk is in wese 'n kompilasie van 'n magdom inligting oor die verskynsel van valutabeheer. In die voorwoord formuleer die redakteurs hulle doelstelling soos volg: "The object of the Exchange Control Encyclopaedia is to assemble and make accessible the information and documentation in this complex field, together with an explanation of how the exchange control system works, in South Africa, as well as in certain other countries with which South Africans have business and personal links."

Hoewel hierdie werk nie 'n regswerk is in die sin dat dit verwysings na toepaslike regspraak oor valutabeheer bevat nie, is dit sonder twyfel ook vir regsgeleerdes van nut. Ter aanvang moet egter daarop gewys word dat die tersaaklike wetgewing, asook die riglyne waarvolgens gemagtigde handelaars en die Suid-Afrikaanse Reserwebank hulle diskresies uitoefen, intussen in sekere opsigte verander het. Dit is hoofsaaklik die gevolg van die verslappings in valutabeheer wat sedert 1 Julie 1997 in werking getree het. Gebruikers van die 1996-uitgawe moet dus versigtig met die werk omgaan totdat die 1997-uitgawe verskyn. In die besonder word gebruikers van die werk se aandag op die volgende gevestig:

(1) Die invoeging van artikel 9(6) in die Wet op Betaalmiddels en Wisselkoerse deur Wet 104 van 1996.
(2) Die skrapping van regulasies 3A en 3B, en die wysiging van regulasies 1 en 6 van die Valutabeheerregulasies deur Regeringskennisgewing R1022 van 1 Augustus 1997.
(3) Die wysiging van reëls 4, 6 en 7 van die Bevele en Reëls ingevolge die Valutabeheerregulasies deur Regeringskennisgewing R969 van 18 Julie 1997.

Die werk bestaan uit vyf dele. Deel I bevat die Suid-Afrikaanse Reserwebank se sogenaamde "Exchange Control Manual", wat in breë trekke aantoon hoe aansoeke om toestemmings in die praktyk gehanteer word. Deel 2 bevat die Suid-Afrikaanse wetgewing oor valutabeheer, waarvan die Valutabeheerregulasies (Regeringskennisgewing R1111 van 1 Desember 1961, soos gewysig) natuurlik die belangrikste is. Myns insiens behoort die tersaaklike wetgewing eerder in deel 1 te verskyn, en die "Exchange Control Manual" in deel 2. Logieserwys wil 'n mens eers weet watter handelinge in beginsel verbode is, en dus toestemming benodig, voordat 'n mens kyk na die wyse hoe 'n aansoek om toestemming waarskynlik gehanteer sal word.

Deel 3 bevat 'n baie kernagtige samevatting van die posisie met betrekking tot valutabeheer in elk van 56 ander lande. Hierdie deel behoort veral nuttig te wees vir persone wat met partye in een van hierdie lande handel dryf. Deel 4 bevat 'n aantal handelsmaatreëls wat in 1995 deur die Europese Unie getref is. Ten slotte bevat deel 5 'n tabel wat die wesenlike kenmerke van die valuta- en handelstelsels van die lidlande van die Internasionale Monetêre Fonds met verwysing na die Akte van Ooreenkoms van die Internasionale Monetêre Fonds weergee.

Opsommenderwys kan gesê word dat die *Exchange Control Encyclopaedia* beslis 'n nuttige bydrae tot die onderwerp van valutabeheer is.

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Construction Law and Related Issues

Third edition by Philip C Loots

Juta and Co Ltd (1995)
lxvii & 1213 pages
Hard cover, R550 (VAT incl)

THE editor and authors of this *magnum opus* are to be congratulated. J J Trengove, former judge of appeal, fully endorses the following views expressed by Prof Fred Hugo (President of the South African Institution of Civil Engineers) in his foreword:

> "At a time when information technology is progressing at an alarming rate, financial resources are scarce, and the engineering world has become very complex, it is of great importance to provide an authoritative and comprehensive source to which users from all disciplines and spheres of the industry can refer to obtain information. It is only through the collective thoughts and efforts of expert academics and practitioners on a wide array of topics that it becomes feasible to encapsulate such information. Ways and means have to be found to enhance the execution of contracts and to improve the relationships between the parties involved in construction. I believe that this book will serve this purpose."

Chapters of this work were written by such eminent academics and practitioners as Prof R H Christie QC, Adv C J Claassen SC (as he then was – now a judge of the High Court), P M M Lane SC, Prof J T Pretorius, Prof André Rabie, Dr Owen Dean, Prof Coenraad Visser and others. More technical topics such as site investigation and geotechnical information, project risk management and the planning and programming for construction contracts are dealt with by experts in the field of engineering and project management.

As this work caters for a large audience, certain of the topics are of necessity dealt with in a general and perhaps superficial manner. However, the treatment of topics such as the granting of provisional sentence on certificates by architects or engineers is superior to the treatment of such topics in standard works such as *The Civil Practice of the Supreme Court of South Africa* (4ed 1997) and *Superior Court Practice* (1994). The authors refer liberally to English cases which are instructive and which may provide solutions to thorny issues arising in South Africa.

In my view this work will prove to be indispensable to advocates and attorneys with an interest in construction law.

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