

South Africa

Mineral Technology Act, 1989

Act 30 of 1989

Legislation as at 31 March 1989

FRBR URI: /akn/za/act/1989/30/eng@1989-03-31

There may have been updates since this file was created.

PDF created on 21 February 2024 at 23:12.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from LawLibrary and is presented in collaboration with the African Legal Information Institute, the Judicial Institute for Africa and the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.lawlibrary.org.za | info@lawlibrary.org.za

www.laws.africa | info@laws.africa

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Mineral Technology Act, 1989

Contents

1. Definitions	1
2. Continued existence of Council for Mineral Technology	1
3. Objects of Mintek	2
4. Functions, powers and duties of Mintek	2
5. Exercise of powers of Mintek outside Republic	3
6. Control over, and management of affairs of, Mintek	4
7. Committees for specific purposes	4
8. Meetings of Board	5
9. President of Mintek	5
10. Staff of Mintek and conditions of service	5
11. Discoveries, inventions and improvements by employees of Mintek and other persons	7
12. Accounting, auditing and annual report	7
13. Financing of Mintek	8
14. Accounting officer	9
15. Recovery of losses and damage	9
16. Regulations	10
17. Transfer of functions	10
18. Administration of Act	11
19. Savings	11
20. Repeal of Act 84 of 1981	11
21. Short title and commencement	11

South Africa

Mineral Technology Act, 1989

Act 30 of 1989

Published in Government Gazette 11783 on 31 March 1989

Assented to on 14 March 1989

Commenced on 1 August 1989 by Mineral Technology Act, 1989: Commencement

[This is the version of this document from 31 March 1989.]

(Afrikaans text signed by the acting State President.)

ACT

To provide for the continued existence of the Council for Mineral Technology and for the management thereof by a Board; and for matters connected therewith.

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

1. Definitions

In this Act, unless the context otherwise indicates—

“**Board**” means the Board referred to in section 6;

“**chairman**” means the chairman of the Board appointed in terms of section 6;

“**financial year**” means the period from 1 April in any year to 31 March in the next succeeding year;

“**fixed date**” means the date fixed in terms of section 21;

“**Minister**” means the Minister to whom the administration of this Act has been assigned in terms of section 18;

“**Mintek**” means the Council for Mineral Technology referred to in section 2;

“**president**” means the person appointed in terms of section 9 as the chief executive officer of Mintek;

“**regulation**” means a regulation in force in terms of this Act;

“**this Act**” includes a regulation.

2. Continued existence of Council for Mineral Technology

- (1) The Council for Mineral Technology established by section 2 of the Mineral Technology Act, 1981 (Act No. 84 of 1981), shall, notwithstanding the repeal of that Act by this Act, continue to exist as a juristic person known as Mintek.
- (2) The registrar of deeds concerned shall make the entries or endorsements in or on any relevant register, title deed or other document in his office or submitted to him which he may deem necessary in order to give effect to the provisions of subsection (1), and no office fee or other charge shall be payable in respect of any such entry or endorsement.

3. Objects of Mintek

The objects of Mintek are through research, development and technology transfer, to promote mineral technology, and to foster the establishment and expansion of industries in the field of minerals and products derived therefrom.

4. Functions, powers and duties of Mintek

- (1) The functions of Mintek shall be to achieve its objects with the means at its disposal, and for the purposes of achieving those objects Mintek may—
 - (a) undertake research, development and technology transfer in connection with—
 - (i) the better utilization of the mineral resources of the Republic;
 - (ii) the improvement of technical processes and methods to improve mineral production; and
 - (iii) the promotion and expansion of existing, and the establishment of new, industries in the field of minerals and products derived therefrom;
 - (b) utilize the technological expertise in its possession or make it generally available;
 - (c) grant to any person bursaries and educational loans;
 - (d) publish information concerning its objects and functions, and establish facilities for the collection and dissemination of information in connection with research;
 - (e) establish and control facilities in those fields of research which the Board may from time to time approve;
 - (f) promote co-operation between the Republic and other countries in matters relating to research.
- (2) In order to promote relevant research Mintek may—
 - (a) make grants to universities, technikons, colleges and other educational and scientific institutions in aid of research by their staff or for the establishment of facilities for such research;
 - (b) co-operate with departments of State, universities, technikons, colleges, other educational and scientific institutions and other persons;
 - (c) co-operate with educational authorities and scientific or technical societies or industrial institutions representing employers and employees, respectively, for the promotion of—
 - (i) the instruction of researchers in schools, technikons, colleges and universities;
 - (ii) the training of researchers and technical experts; and
 - (iii) the training of craftsmen;
 - (d) promote the training of research workers by means of the granting of bursaries or grants-in-aid for research and the making of monetary contributions for research programmes out of its funds;
 - (e) co-operate with persons and associations undertaking research in other countries.
- (3) Mintek may, in order to achieve any of its objects—
 - (a) enter into agreements with any person or, subject to the provisions of section 5, any government or administration, on the conditions upon which Mintek and that person, government or administration may agree;

- (b) with the approval of the Minister, acting with the concurrence of the Minister of Finance—
 - (i) purchase, hire, possess or otherwise acquire immovable property and let, encumber or dispose of that property;
 - (ii) borrow money from time to time on the terms and conditions approved by the Board by way of loans from any source and against the security which the Board may deem fit;
 - (iii) establish any company, or in association with any person establish a company, for the purpose of developing or exploiting in any manner any invention or technological expertise, and for this purpose acquire an interest in or control over a company or statutory body referred to in section 1 of the Exchequer and Audit Act, 1975 ([Act No. 66 of 1975](#));
 - (c)
 - (i) purchase, hire, possess or otherwise acquire movable property, and let, pledge, encumber or dispose of that property;
 - (ii) hire or let services;
 - (d) as end-products of research, development and technology transfer undertaken by Mintek—
 - (i) produce and sell reports, computer programmes and other intellectual property;
 - (ii) manufacture and sell instruments, equipment and similar items;
 - (iii) produce, process and sell minerals, metals, chemicals and related products;
 - (iv) conduct market research and sell the results thereof;
 - (v) provide, against payment, services not directly related to research, in order to create viable business opportunities in industry;
 - (e) perform or exercise any function or power entrusted to or conferred upon Mintek in terms of any other law; and
 - (f) in addition to the other things that Mintek is required or empowered to do in terms of the other provisions of this Act or in terms of any other law, do everything that is conducive to the achievement of its objects or is calculated, directly or indirectly, to enhance the value of or render profitable the property or rights of Mintek.
- (4) Mintek shall, subject to its other functions in terms of this Act or any other law—
- (a) undertake the investigations or research that the Minister may assign to it; and
 - (b) advise the Minister on research in the field of mineral technology.

5. Exercise of powers of Mintek outside Republic

- (1) Mintek may at the request or with the prior approval of the Minister undertake research, development and technology transfer in any territory outside the Republic on behalf of any person (including any government or administration).
- (2) Subject to the provisions of subsection (3) the provisions of this Act shall, in so far as they can be applied, apply *mutatis mutandis* to the exercising by Mintek of its powers in terms of this section as if the territory in which it so exercises its powers were within the Republic.
- (3) Notwithstanding anything to the contrary in this Act contained, research, development and technology transfer under subsection (1) shall be undertaken on such conditions as may be agreed upon between Mintek and the person (including any government or administration) on whose behalf the research, development and technology transfer are to be undertaken, and as may be approved by the Minister.

- (4) The Minister may with the concurrence of the Minister of Finance indemnify Mintek against any losses which it may incur consequent on any act or omission of the government or administration of any territory outside the Republic.

6. Control over, and management of affairs of, Mintek

- (1) The affairs of Mintek shall, subject to the provisions of this Act, be managed and controlled by a Board, which shall—
 - (a) determine the policy and objectives of Mintek and shall exercise control generally over the performance of its functions, the exercise of its powers and the execution of its duties; and
 - (b) have the same powers and authority as are conferred upon Mintek in terms of this Act to achieve its objects and to fulfil its functions and perform its duties.
- (2) The Board shall consist of—
 - (a) a chairman, appointed by the Minister after consultation with the Board: Provided that in the case of the first Board, only the Minister shall appoint such chairman;
 - (b) not fewer than six but not more than nine other members appointed by the Minister; and
 - (c) the president, who shall serve on the Board by virtue of his office.
- (3) A member of the Board, excluding the president, shall hold office for a period not exceeding three years, but shall be eligible for reappointment.
- (4) The chairman and the members of the Board, excluding a chairman or member who is in the full-time employment of the State, shall be appointed on such conditions, including conditions relating to the payment of remuneration and allowances, as the Minister may determine with the concurrence of the Minister of Finance.
- (5) The members of the Board, including the chairman, shall all be persons who have achieved distinction in science, engineering or industry or who have special knowledge or experience in relation to one or other aspect of Mintek's functions.
- (6) The Minister shall appoint a member of the Board as vice-chairman to act as chairman whenever the chairman is unable to perform his functions as chairman.
- (7) The chairman or vice-chairman, or in their absence a member of the Board elected by the members present, shall preside at any meeting of the Board.
- (8) Nothing contained in this Act shall preclude the president from also being appointed by the Minister as chairman of the Board, and serving as such for the period stated by the Minister.
- (9)
 - (a) The Minister may from time to time reserve any matter provided for in this Act, as a matter in respect of which a decision of the Board shall be subject to the consent of the Minister.
 - (b) The Minister and the Minister of Finance may jointly from time to time reserve any financial matter provided for in this Act as a matter in respect of which a decision of the Board shall be subject to the consent of the Minister with the concurrence of the Minister of Finance.

7. Committees for specific purposes

- (1) The Board may nominate one or more committees, which shall, subject to the instructions of the Board, perform those functions of the Board that the Board may determine.
- (2) Such a committee shall consist of such number of persons, including employees of Mintek, as the Board deems necessary, and the Board may at any time dissolve or reconstitute a committee.
- (3) If a committee referred to in subsection (1) consists of more than one member, the Board shall designate a member of the committee as chairman thereof.

- (4) Mintek may pay the members of a committee referred to in subsection (1) who are not in the full-time service of the State, not members of the Board, and not employees of Mintek, the remuneration and allowances determined by the Minister, with the concurrence of the Minister of Finance.
- (5) The Board shall not be discharged from any function performed in terms of the provisions of this section by any committee of the Board.

8. Meetings of Board

- (1) The meetings of the Board shall be held at such times and places as the Board may fix: Provided that the first meeting shall be held at such time and place as the chairman may fix.
- (2) The chairman, or in his absence the vice-chairman, may at any time call a special meeting of the Board, which shall be held at such time and place as the chairman or the vice-chairman, as the case may be, may direct.
- (3) The quorum for a meeting of the Board shall be a majority of its members.
- (4) A decision of the Board shall be taken by resolution of the majority of the members present at any meeting of the Board and, in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote as a member of the Board.
- (5) No decision taken by or act performed under the authority of the Board shall be invalid by reason only of a casual vacancy on the Board or of the fact that a person who was not entitled to sit as a member of the Board, sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the Board who were present at the time and entitled to sit as members.

9. President of Mintek

- (1) The Board shall appoint the chief executive officer of Mintek, who shall occupy the post of president of Mintek.
- (2) The president shall be responsible for and shall exercise control over the performance of the functions and the execution of the duties of Mintek and shall report on the affairs of Mintek to the Board as may be required of him by the Board.
- (3) Whenever for any reason the president is absent or unable to carry out his duties, or whenever there is a vacancy in the office of the president, the Board may appoint an employee of Mintek to act as president during such absence or inability, or until a president has been appointed in terms of subsection (1), and that employee shall, while so acting, have all the powers and perform all the duties of the president.
- (4) The president shall be appointed for a period of not more than five years on the conditions, including conditions relating to the payment of remuneration and allowances, that the Board may determine in accordance with a system approved from time to time by the Minister, with the concurrence of the Minister of Finance.

10. Staff of Mintek and conditions of service

- (1)
 - (a) The Board may on the conditions which it may determine appoint the employees of Mintek whom it deems necessary to assist Mintek in the performance of its functions.
 - (b) Mintek shall pay to its employees such remuneration, allowances, subsidies and other benefits as the Board may determine in accordance with a system approved from time to time by the Minister, with the concurrence of the Minister of Finance.

- (c) Mintek may, in addition to employees referred to in subsection (1) (a), be assisted in the performance of its functions by officers and employees in the public service who have been placed at the disposal of Mintek in terms of the provisions of section 14 (3) (a) of the Public Service Act, 1984 ([Act No. 111 of 1984](#)).
 - (d) The Board may, on such conditions as it may deem fit, second an employee of Mintek, either for a particular service or for a period of time, to the service of a department of State, the government of any other country or territory, or a person in or outside the Republic: Provided that such an employee's rights, privileges and benefits by virtue of his conditions of service as an employee of Mintek are not adversely affected by such secondment: Provided further that an employee shall not be seconded to the service of the government of such other country or territory, or such ' person outside the Republic, unless the employee consents thereto.
 - (e) Any person who, immediately prior to the fixed date, was an officer or employee appointed or deemed to have been appointed as such in terms of section 9 (1) of the Mineral Technology Act, 1981, shall as from that date be deemed to have been appointed in terms of paragraph (a) of this subsection on such conditions of service as may be determined from time to time in terms of the said paragraph.
 - (f) Mintek shall for the purposes of the Associated Institutions Pension Fund Act, 1963 ([Act No. 41 of 1963](#)), be deemed to be an associated institution, except in relation to any person referred to in paragraph (e) who immediately prior to the fixed date was not a member of the "fund" as defined in that Act.
 - (g) Any person referred to in paragraph (e) who immediately prior to the fixed date was a member of "the university institutions provident fund" as defined in section 1 of the Associated Institutions Pension Fund Act, 1963, shall continue to be such a member, and in relation to any such person Mintek shall be deemed to be a "council" as defined in the regulations governing that fund and Mintek shall, notwithstanding anything to the contrary in any law contained, pay to the said fund or contribute towards any additional annuity or gratuity such contributions as would otherwise have been payable by the State.
- (2) Mintek may from time to time, on the conditions and against the security it deems fit—
- (a) provide collateral security, including guarantees, to a registered financial institution in respect of a loan granted to an employee by that financial institution, to enable the employee to acquire, improve or enlarge immovable property for residential purposes;
 - (b) build, cause to be built, purchase or rent houses, flats or flat buildings for occupation by employees, and may sell or let those houses or flats to employees, or otherwise dispose of, let or otherwise deal with those houses, flats or flat buildings;
 - (c) establish, institute, erect or maintain sports or recreational societies, social clubs, social and health services, restaurants, hostels, bursary schemes for purposes of study or other similar undertakings or schemes which in its opinion may be beneficial to its employees.
- (3) If a person who is employed in any capacity by or on behalf of Mintek suffers an injury or contracts a disease while engaged in, and which is directly attributable to, any activity in the course of such employment, the Minister may with the concurrence of the Minister of Finance authorize Mintek to pay compensation to such person, or, in the event of his death, to his dependants.
- (4) The provisions of subsection (3) shall not affect the right of any person to damages in respect of any injury or disease referred to in that subsection.

11. Discoveries, inventions and improvements by employees of Mintek and other persons

- (1) Subject to the provisions of subsections (5) and (6) the rights in all discoveries and inventions and in all improvements in respect of processes, apparatus and machines made by—
 - (a) employees of Mintek or officers and employees in the public service who have been placed at the disposal of Mintek under section 10 (1) (c);
 - (b) persons assisting Mintek with any investigation or research; or
 - (c) persons to whom bursaries or grants-in-aid have been granted by Mintek, shall vest in Mintek.
- (2) Mintek may make the discoveries, inventions and improvements referred to in subsection (1) available for use in the public interest subject to the conditions and the payment of fees or royalties that Mintek may determine.
- (3) If the rights in any discovery, invention or improvement are vested in Mintek in terms of subsection (1), the Board may award to the person responsible for the discovery, invention or improvement such bonus as it deems fit, or make provision for financial participation by him in the profits derived from such discovery, invention or improvement to such extent as the Minister may determine with the concurrence of the Minister of Finance.
- (4) Mintek may apply for a patent in respect of any discovery, invention or improvement contemplated in subsection (1), and shall for the purposes of the Patents Act, 1978 ([Act No. 57 of 1978](#)), be regarded as the assignee of the discoverer or inventor in question.
- (5) Unless it is otherwise agreed, the rights in a discovery, invention or improvement made by Mintek in the course of an investigation for or on behalf of another person, government or administration shall vest in Mintek.
- (6) The provisions of this section shall not apply in respect of a discovery or an invention or improvement referred to in subsection (1) which, in the opinion of the Minister, was made by the person concerned otherwise than—
 - (a) in the course of his employment as an employee of Mintek;
 - (b) during the performance of functions in respect of which he has been placed at the disposal of Mintek in terms of section 10 (1) (c);
 - (c) in the course of any investigation or research while assisting Mintek; or
 - (d) in the course of any research in respect of which he receives a bursary or grant-in-aid from Mintek,and which is not connected with such employment, investigation or research.

12. Accounting, auditing and annual report

- (1) The accounting and compilation of annual financial statements of a company referred to in section 4 (3) (b) (iii) shall be done in accordance with the provisions of the Companies Act, 1973 ([Act No. 61 of 1973](#)).
- (2)
 - (a) The Auditor-General shall audit the annual financial statements of Mintek and shall submit a copy of his report on the audit of the said statements to Mintek.
 - (b) Notwithstanding anything to the contrary contained in any law, the Auditor-General shall audit the annual financial statements of a company referred to in section 4 (3) (b) (iii), and shall submit, within six months after the end of the financial year concerned, copies of such annual financial statements to the Minister.

- (3) The Board shall furnish the Minister with such information as he may call for from time to time in connection with the activities and financial position of Mintek, and shall as soon as practicable after the end of each financial year submit to the Minister an annual report on Mintek's affairs and functions in respect of that financial year, which shall, *inter alia*, include the following:
- (a) An audited balance sheet, including any notes thereon or document annexed thereto providing information required by this Act;
 - (b) a audited income statement, including any similar financial statement where such form is appropriate and including any notes thereon or document annexed thereto providing information required by this Act;
 - (c) a statement of cash flow information; and
 - (d) the report of the auditors.
- (4) The financial statements referred to in subsection 3 (a), (b) and (c) shall—
- (a) be in conformity with generally accepted accounting practice;
 - (b) fairly present the state of affairs and functions of Mintek and the results thereof; and
 - (c) refer to any material matters not specifically prescribed by this Act which have affected or are likely to affect the affairs of Mintek, both by way of figures and by descriptive report, amplifying and explaining, where necessary, figures in financial statements.
- (5) A report referred to in subsection [\(2\)](#) shall be printed in both official languages.
- (6) As soon as practicable after a report has been submitted to the Minister in terms of subsection [\(3\)](#), he shall table it in Parliament.

13. Financing of Mintek

- (1) The funds of Mintek shall consist of—
- (a) money appropriated by Parliament to enable Mintek to perform its functions;
 - (b) revenue obtained by virtue of the provisions of subsections [\(4\)](#) and [\(5\)](#);
 - (c) money borrowed by Mintek in terms of section [4 \(3\) \(b\) \(ii\)](#);
 - (d) fees or royalties referred to in section [11 \(2\)](#) which are paid to Mintek;
 - (e) the proceeds from the sale of shares, and from dividends on shares held by Mintek in any company referred to in section [4 \(3\) \(b\) \(iii\)](#);
 - (f) donations or contributions which Mintek may receive from any person, body, government or administration;
 - (g) money received from any other source.
- (2) (a) Mintek shall utilize its funds for defraying expenses in connection with the performance of its functions or the exercise of its powers.
- (b) Mintek shall utilize any money contemplated in subsection [\(1\) \(a\)](#) in accordance with the statement of its estimated income and expenditure referred to in subsection [\(3\)](#), as approved by the Minister: Provided that, subject to the provisions of paragraph [\(a\)](#), Mintek may utilize any amount or portion of any amount required to be so utilized for a particular purpose in connection with a specified matter, for any other purpose in connection with that matter; Provided further that Mintek may utilize any balance of the money remaining at the end of Mintek's financial year in question, for any expenses in connection with the exercise of its powers or the performance of its functions with the concurrence of the Minister.

- (c) Mintek shall utilize any donations or contributions contemplated in subsection (1) (f) in accordance with the conditions, if any, imposed by the donor or contributor concerned.
- (3) The Board shall in each financial year, at a time determined by the Minister, submit a statement of Mintek's estimated income and expenditure during the following financial year to the Minister for his approval, granted with the concurrence of the Minister of Finance.
- (4) Mintek may, in respect of any work performed or services rendered by it under this Act, or for the use of its facilities or rights resulting from any discoveries, inventions or improvements, charge such fees or make such other financial arrangements as it may deem fit.
- (5)
 - (a) The Board may invest any unexpended portion of Mintek's funds with the Corporation for Public Deposits, or, subject to the approval of the Minister acting with the concurrence of the Minister of Finance, dispose thereof in any other manner.
 - (b) The Board may establish such reserve funds and deposit therein such amounts as the Minister, acting with the concurrence of the Minister of Finance, may approve.

14. Accounting officer

- (1) The president shall be the accounting officer charged with the responsibility of accounting for all money received, and for all payments made, by Mintek.
- (2) The accounting officer shall cause such records of account to be kept as are necessary to represent fairly the state of affairs and business of Mintek and to explain the transactions and financial position of the business of Mintek.

15. Recovery of losses and damage

- (1) If a person who is or was in the employment of Mintek caused Mintek any loss or damage because he—
 - (a) failed to collect money due to Mintek and for the collection of which he is or was responsible;
 - (b) is or was responsible for an irregular payment of money of Mintek or for a payment of such money not supported by a proper voucher;
 - (c) is or was responsible for fruitless expenditure of money of Mintek owing to an omission to carry out his duties;
 - (d) is or was responsible for a deficiency in, or for the destruction of, or any damage to, money of Mintek, stamps, face value documents and forms having potential value, securities, equipment, stores or any other property of Mintek;
 - (e) is or was responsible for a claim against Mintek owing to an omission to carry out his duties,the accounting officer shall determine the amount of such loss or damage, and may order that person, by notice in writing, to pay to Mintek, within 30 days from the date of such notice, the whole or any part of the amounts so determined.
- (2) If a person who is in the employment of Mintek and who has in terms of subsection (1) been ordered to pay an amount, fails to pay the amount within the period stipulated in the notice in question, the amount shall, subject to the provisions of subsections (4), (5) and (6), be deducted from his monthly salary: Provided that such deduction shall not in any month exceed a fourth of his monthly salary.
- (3) If a person who was in the employment of Mintek and who has in terms of subsection (1) been ordered to pay an amount, fails to pay the amount within the period stipulated in the notice in question, the accounting officer shall, subject to the provisions of subsections (4), (5) and (6), recover the amount from the person concerned by legal process.

- (4) If a person who has in terms of subsection (1) been ordered to pay an amount offers, within the period stipulated in the notice in question, to pay the amount in instalments, the accounting officer may allow payment in such instalments as he may deem reasonable.
- (5) A person who has in terms of subsection (1) been ordered to pay an amount may within a period of 30 days from the date of such order appeal in writing against such order to the Board, stating the grounds for his appeal, and the Board may, after such investigation as it may deem necessary, dismiss the appeal, or order that the appellant be exempted, either wholly or partly, as the Board may deem fair and reasonable, from the payment of such amount.
- (6) A person who has in terms of subsection (1) been ordered to pay an amount may, instead of appealing to the Board under subsection (5), apply within a period of 30 days from the date of such order, or within such further period as the court may allow, to a competent court for an order setting aside such first-mentioned order or reducing such amount, and the court may upon such an application, if it is not convinced by the accounting officer on the merits of the case that the order was rightly made or that the amount is correct, make an order setting aside such first-mentioned order or reducing that amount, as the case may be.

16. Regulations

The Minister may make regulations as to—

- (a) the circumstances under which a member of the Board shall vacate his office;
- (b) the filling of casual vacancies on the Board and the appointment of persons to act on behalf of absent members;
- (c) the matters in respect of which fees shall be payable to Mintek, the amount of such fees and the persons who shall be liable for the payment thereof and the circumstances in which any fees so paid shall be refunded;
- (d) the procedure at meetings of the Board;
- (e) the preservation of secrecy in respect of the affairs of Mintek,

and, generally, as to any matter in respect of which the Minister considers it necessary or expedient to make regulations in order to achieve the objects of this Act.

17. Transfer of functions

- (1) The Board may—
 - (a) delegate to the chairman or any other member of the Board, the president or any other employee of, or holder of an office with, Mintek or to a committee established under section 7 any power conferred upon the Board by or under this Act, on such conditions as the Board may determine; or
 - (b) authorize the chairman or any other member of the Board, the president or any other employee of, or holder of an office with, Mintek or a committee established under section 7 to perform any duty assigned to the Board by or under this Act.
- (2) The president may—
 - (a) delegate to an employee of, or the holder of an office with, Mintek any power conferred upon the president by or under this Act in his capacity as president or accounting officer; or
 - (b) authorize that employee or holder of an office to perform any duty assigned to the president by or under this Act in the said capacities.
- (3) Any delegation under subsection (2) may be made subject to such conditions and restrictions as may be determined by the president and may be withdrawn by him.

- (4) The Board and the president shall not be divested of any power delegated under subsection (1) or (2) by it or him, and may amend or withdraw any decision made in the exercise of such delegated power.

18. Administration of Act

The State President may by proclamation in the *Gazette* assign the administration of this Act to any Minister, and may determine that any power or duty conferred or imposed by this Act on such Minister, shall be exercised or carried out by that Minister after consultation with one or more other Ministers.

19. Savings

- (1) At the fixed date anything done in terms of the provisions of the Mineral Technology Act, 1981, prior to such date and which may be done in terms of the provisions of this Act, shall be deemed to have been done in terms of the latter provisions.
- (2) If at the fixed date any matter has not been disposed of by the Council for Mineral Technology established by section 2 of the Mineral Technology Act, 1981, or a committee thereof, the Board established in terms of this Act may continue with the disposal of the matter in accordance with the provisions of this Act, and anything done by the Council in connection with that matter shall be deemed to have been done by the Board established in terms of this Act.
- (3) Any regulation made by the Minister under section 18 of the Mineral Technology Act, 1981, and in force at the repeal of that Act by section 20 of this Act shall, notwithstanding such repeal, remain in force after the fixed date in so far as it deals with any matter in respect of which the Minister may make regulations under section 16, until it is replaced by a regulation made under section 16.
- (4) The person who, immediately prior to the fixed date held the office of president of the Council for Mineral Technology established by section 2 of the Mineral Technology Act, 1981, shall as from the said date be deemed to have been appointed in terms of section 9 (1) of this Act, and he shall be deemed to have been so appointed on the conditions of service and at the remuneration applicable to him immediately prior to the said date.
- (5) The conditions of service and remuneration referred to in subsection (4) shall, subject to the provisions of section 9 (4), not be altered without the consent of the person concerned.

20. Repeal of Act 84 of 1981

The Mineral Technology Act, 1981, is hereby repealed.

21. Short title and commencement

This Act shall be called the Mineral Technology Act, 1989, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.