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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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KAAPSTAD, 2 APRIL 1969.

[No. 2344.]

DEPARTMENT OF THE PRIME MINISTER.

No. 529.

2nd April, 1969.

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

No. 29 of 1969: Cultural Institutions Act, 1969.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 529.

2 April 1969.

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

No. 29 van 1969: Wet op Kulturele Inrigtings, 1969.

ACT

To provide for the making of grants-in-aid to certain institutions, for their establishment as declared cultural institutions under the control of councils, for the establishment of an Advisory Council for Declared Institutions and a Committee of Heads of Declared Institutions, and for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 21st March, 1969.)*

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

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) "Advisory Council" means the Advisory Council for Declared Institutions established in terms of section 12; (i)
 - (ii) "Committee of Heads" means the Committee of Heads of Declared Institutions established by section 13; (iii)
 - (iii) "council" means a council referred to in section 6; (v)
 - (iv) "declared institution" means an institution declared under section 3 to be subject to the provisions of this Act, or deemed in terms of section 5 to have been so declared; (vii)
 - (v) "institution" means any library, museum, zoological or botanical gardens or other cultural institution deemed by the Minister to be of kindred character; (ii)
 - (vi) "Minister", in any provision of this Act, means the Minister to whom, or the Minister to whom acting in consultation with another Minister, the administration of that provision has been assigned by proclamation issued under section 16; (iv)
 - (vii) "prescribed" means prescribed by regulation made and in force under this Act; (viii)
 - (viii) "Secretary", and "officer", in any provision of this Act, mean, respectively, the head and any officer of the Department of State administered by the Minister to whom the administration of that provision has been assigned by proclamation issued under section 16. (vi)

Grants-in-aid may be made to institutions.

2. The Minister may, for such purposes, on such basis and subject to such conditions as he may in consultation with the Minister of Finance determine, out of moneys appropriated by Parliament for the purpose make a grant-in-aid to any institution.

Application of Act.

3. The Minister may by notice in the *Gazette* declare that any institution which is in receipt of a grant-in-aid made under section 2 shall, with effect from a date specified in that notice, be subject to the provisions of this Act.

Declared institution to be a corporate body.

4. (1) A declared institution shall be known under the name mentioned in the notice under section 3 in regard to it, shall be a corporate body, shall in law be capable of suing and being sued in its own name and may, subject to the provisions of this

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WET

Om voorsiening te maak vir die toekenning van hulptoelaes aan sekere inrigtings, vir hul instelling as verklaarde kulturele inrigtings onder die beheer van rade, vir die instelling van 'n Adviesraad vir Verklaarde Inrigtings en 'n Komitee van Hoofde van Verklaarde Inrigtings, en vir bykomstige aanleenthede.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Maart, 1969.)

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

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet— Woord-
omskrywing.

- (i) „Adviesraad” die Adviesraad vir Verklaarde Inrigtings ingevolge artikel 12 ingestel; (i)
- (ii) „inrigting” ’n biblioteek, museum, dieretuin of plantetuin of ander kulturele inrigting wat die Minister as gelyksoortig beskou; (v)
- (iii) „Komitee van Hoofde” die Komitee van Hoofde van Verklaarde Inrigtings by artikel 13 ingestel; (ii)
- (iv) „Minister”, in enige bepaling van hierdie Wet, die Minister aan wie, of die Minister aan wie handelende in oorleg met ’n ander Minister, die uitvoering van daardie bepaling by ’n kragtens artikel 16 uitgevaardigde proklamasie opgedra is; (vi)
- (v) „raad” ’n in artikel 6 bedoelde raad; (iii)
- (vi) „Sekretaris”, en „beampste”, in enige bepaling van hierdie Wet, onderskeidelik die hoof en ’n beampste van die Staatsdepartement onder beheer van die Minister aan wie die uitvoering van daardie bepaling by ’n kragtens artikel 16 uitgevaardigde proklamasie opgedra is; (viii)
- (vii) „verklaarde inrigting” ’n inrigting wat kragtens artikel 3 verklaar is onder die bepalings van hierdie Wet te val, of ingevolge artikel 5 geag word aldus verklaar te gewees het; (iv)
- (viii) „voorgeskrif” by regulasie kragtens hierdie Wet uitgevaardig en van krag, voorgeskryf. (vii)

2. Die Minister kan, vir die doeleindes en op die grondslag en op die voorwaardes wat hy in oorleg met die Minister van Finansies bepaal, aan ’n inrigting, uit gelde deur die Parlement vir die doel bewillig, ’n hulptoelae toeken. Hulptoelaes
kan aan
inrigtings
toegeken word.

3. Die Minister kan by kennisgewing in die *Staatskoerant* verklaar dat ’n inrigting wat ’n kragtens artikel 2 toegekende hulptoelae ontvang, met ingang van ’n in daardie kennisgewing vermelde datum onder die bepalings van hierdie Wet val. Toepassing van
Wet.

4. (1) ’n Verklaarde inrigting staan bekend onder die naam wat met betrekking tot hom vermeld staan in die kennisgewing kragtens artikel 3, is ’n regspersoon, kan in sy naam as eiser en verweerder in die regte optree en, behoudens die bepalings van Verklaarde
inrigting is ’n
regspersoon.

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Act, purchase or otherwise acquire, hold, hire, let, sell, exchange or otherwise alienate movable or immovable property, grant to any person any real right in or servitude over its property, invest, lend or borrow moneys and perform all such acts as are necessary for or incidental to the exercise of its powers and the performance of its functions.

(2) A declared institution shall not, without the prior approval of the Minister, granted in consultation with the Minister of Finance, purchase or otherwise acquire, hire, sell, let, exchange or otherwise alienate, hypothecate or encumber immovable property or invest, lend or borrow moneys.

(3) A declared institution shall not, without the prior approval of the Minister, let, sell, exchange or otherwise alienate any specimen, collection or other movable property belonging to it.

(4) When an institution is under section 3 declared to be subject to the provisions of this Act, all assets and liabilities which are, at the time of such declaration, assets and liabilities of that institution or of its governing body, shall, upon such declaration, devolve upon that institution.

Existing
declared
institutions.

5. (1) Any institution which has before the commencement of this Act been declared, under section 1 of the State-aided Institutions Act, 1931 (Act No. 23 of 1931), to be subject to the provisions of that Act and which is in existence at such commencement, shall be deemed to have been declared, under section 3 of this Act, to be subject to the provisions of this Act.

(2) The institutions known as the National Cultural History and Open-Air Museum, Pretoria, and the Transvaal Museum, Pretoria—referred to in Government Notice No. 1291 of the twenty-first day of August, 1964—shall be deemed to have been declared under section 3 of this Act, with effect from the twenty-first day of August, 1964, to be subject to the provisions of this Act.

(3) The institution known as the South African National War Museum, Johannesburg, and referred to in section 1 of the State-aided Institutions Amendment Act, 1954 (Act No. 48 of 1954), shall be deemed to have been declared, under section 3 of this Act, to be subject to the provisions of this Act.

(4) The board of any institution referred to in subsection (1), (2) or (3), as constituted or as purporting to have been constituted in terms of section 2 of the State-aided Institutions Act, 1931, and which is in existence at the commencement of this Act, shall be deemed to be the council of such institution and to have been constituted in terms of section 6 (1) of this Act as from the date it was constituted or purports to have been constituted in terms of section 2 of the State-aided Institutions Act, 1931, but shall cease to exist upon the date on which a council of such institution is constituted in terms of section 6 (1) of this Act.

Establishment
of councils.

6. (1) Every declared institution shall be under the control, management and direction of a council consisting of not less than seven members who shall be appointed or elected in the manner prescribed.

(2) If any institution is at the date on which it is declared to be subject to the provisions of this Act controlled, managed and directed by a board or other body, such board or other body shall, until the appointment or election of a council in terms of subsection (1), continue in office and have all the rights and obligations and exercise all the functions of a council constituted in terms of subsection (1).

(3) A member of a council shall hold office for a period of three years.

(4) Whenever a member of a council vacates his office before the expiration of the said period of three years, the Minister may appoint a person to fill the vacancy for the unexpired portion of the period of office of such vacating member.

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hierdie Wet, roerende of onroerende goed koop of op 'n ander wyse verkry, besit, huur, verhuur, verkoop, verruil of op 'n ander wyse vervreem, 'n saaklike reg of serwituut op sy goed aan iemand verleen, geld belê, uitleen of leen en alle handelinge verrig wat nodig is vir of in verband staan met die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede.

(2) 'n Verklaarde inrigting mag nie sonder die vooraf verkreeë goedkeuring van die Minister, verleen in oorleg met die Minister van Finansies, onroerende goed koop of op 'n ander wyse verkry, huur, verkoop, verhuur, verruil of op 'n ander wyse vervreem, verhipoteker of beswaar of geld belê, uitleen of leen nie.

(3) 'n Verklaarde inrigting mag nie sonder die vooraf verkreeë goedkeuring van die Minister 'n monster, versameling of ander roerende goed wat aan hom behoort, verhuur, verkoop, verruil of op 'n ander wyse vervreem nie.

(4) Wanneer 'n inrigting kragtens artikel 3 verklaar word onder die bepalings van hierdie Wet te val, gaan al die bates en laste wat ten tyde van daardie verklaring bates en laste van daardie inrigting of van sy bestuursliggaam is, oor op daardie inrigting.

5. (1) 'n Inrigting wat voor die inwerkingtreding van hierdie Wet kragtens artikel 1 van die Wet op Staatsondersteunde Inrigtings, 1931 (Wet No. 23 van 1931), verklaar is onder die bepalings van daardie Wet te val en wat by sodanige inwerkingtreding bestaan, word geag kragtens artikel 3 van hierdie Wet verklaar te gewees het onder die bepalings van hierdie Wet te val.

Bestaande
verklarde
inrigtings.

(2) Die inrigtings wat bekend staan as die Nasionale Kultuurhistoriese en Opelugmuseum, Pretoria, en die Transvaalmuseum, Pretoria—vermeld in Goewermentskennisgewing No. 1291 van die een-en-twintigste dag van Augustus 1964—word geag kragtens artikel 3 van hierdie Wet met ingang van die een-en-twintigste dag van Augustus 1964 verklaar te gewees het onder die bepalings van hierdie Wet te val.

(3) Die inrigting wat bekend staan as die Suid-Afrikaanse Nasionale Oorlogsmuseum, Johannesburg, en vermeld in artikel 1 van die Wysigingswet op Staatsondersteunde Inrigtings, 1954 (Wet No. 48 van 1954), word geag kragtens artikel 3 van hierdie Wet verklaar te gewees het onder die bepalings van hierdie Wet te val.

(4) Die raad van 'n in subartikel (1), (2) of (3) bedoelde inrigting, soos saamgestel of soos hy saamgestel heet te wees, ingevolge artikel 2 van die Wet op Staatsondersteunde Inrigtings, 1931, en wat bestaan by die inwerkingtreding van hierdie Wet, word geag die raad van daardie inrigting te wees en ingevolge artikel 6 (1) van hierdie Wet saamgestel te gewees het vanaf die datum waarop hy ingevolge artikel 2 van die Wet op Staatsondersteunde Inrigtings, 1931 saamgestel is of saamgestel heet te wees, maar hou op om te bestaan op die datum waarop 'n raad van daardie inrigting ingevolge artikel 6 (1) van hierdie Wet saamgestel word.

6. (1) Elke verklaarde inrigting staan onder die beheer, bestuur en leiding van 'n raad bestaande uit minstens sewe lede, wat op die voorgeskrewe wyse aangestel of verkies word.

Instelling van
rade.

(2) Indien 'n inrigting by die datum waarop hy verklaar word onder die bepalings van hierdie Wet te val, beheer en bestuur word deur, en onder die leiding staan van, 'n raad of ander liggaam, bly daardie raad of ander liggaam, totdat 'n raad ingevolge subartikel (1) aangestel of verkies word, in sy amp aan en het hy al die regte en verpligtings en verrig hy al die werksaamhede van 'n raad ingevolge subartikel (1) saamgestel.

(3) 'n Lid van 'n raad beklee sy amp vir 'n tydperk van drie jaar.

(4) Wanneer 'n lid van 'n raad sy amp ontruim voor vermeldde tydperk van drie jaar verstryk, kan die Minister iemand aanstel om die vakature te vul vir die onverstreke gedeelte van die amps-termyn van sodanige lid wat sy amp ontruim.

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(5) Any person whose period of office as a member of a council has expired by effluxion of time shall be eligible for re-appointment or re-election as a member thereof.

(6) A member of a council who is not in the full-time service of the State shall receive, out of the funds of its declared institution, in respect of his services such allowances as may be prescribed.

(7) A member of a council shall vacate his office—

- (a) if he signifies in writing his wish to resign and his resignation is accepted by the Minister;
- (b) if he has been absent from three consecutive meetings of the council without its leave;
- (c) if he becomes insolvent or assigns his estate for the benefit of, or compounds with, his creditors;
- (d) if he is declared by a competent court to be of unsound mind; or
- (e) if he is convicted of an offence and sentenced to a term of imprisonment without the option of a fine.

Chairman of
a council.

7. (1) The members of every newly constituted council shall at its first meeting out of their number elect a chairman of the council and the chairman shall hold office during the term of office of the council.

(2) If the chairman of a council vacates his office before the expiration of the period for which he was appointed or elected as a member of the council, another member of the council shall, subject to the provisions of subsection (1), be elected as chairman of the council.

(3) If the chairman is absent from any meeting of a council or not able to preside thereat, the members present shall elect one of their number to preside at that meeting and the person so elected to preside may, during that meeting and until the chairman resumes duty, perform all the duties of the chairman.

Functions of
a council.

8. (1) The functions of a council shall be—

- (a) to hold and preserve all movable property of whatever kind placed in the care of or loaned or belonging to its declared institution;
- (b) to receive, hold and preserve all specimens, collections or other movable property placed under its care and management under section 10;
- (c) to manage and control the moneys received by its declared institution and to utilize such moneys for defraying expenses in connection with the performance of its functions;
- (d) to keep a proper record of the property of its declared institution, to submit to the Secretary any returns required by him in regard thereto and to cause proper books of account to be kept; and
- (e) generally to carry out the purposes and objects of its declared institution.

(2) A council may, subject to the approval of the Minister, determine the hours during which and the conditions and restrictions subject to which the public or any group of persons or persons belonging to a particular race or class may visit its declared institution or portion thereof and the admission charges which shall be payable.

Placing of
buildings at
disposal of
councils.

9. The Minister may, on such basis and on such conditions as he may determine, make available to a council any land or building in order to enable it to carry out its functions in relation to its declared institution, and may provide for the maintenance of such building.

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(5) Iemand wie se ampstermyn as lid van 'n raad by tydsverloop verstryk het, kan weer as lid daarvan aangestel of verkies word.

(6) 'n Lid van 'n raad wat nie in die voltydse diens van die Staat is nie, ontvang uit die fondse van die raad se verklaarde inrigting ten opsigte van sy dienste die toelaes wat voorgeskryf word.

(7) 'n Lid van 'n raad ontruim sy amp—

- (a) as hy skriftelik kennis gee van sy wens om te bedank en sy bedanking deur die Minister aanvaar word;
- (b) as hy sonder toestemming van die raad van drie agtereenvolgende vergaderings van die raad afwesig was;
- (c) as hy insolvent raak of van sy boedel afstand doen ten voordele van sy skuldeisers of met hulle 'n skikking aangaan;
- (d) as 'n bevoegde hof verklaar dat hy in sy geestesvermoë gekrenk is; of
- (e) as hy weens 'n misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete gevonnissen word.

7. (1) Die lede van elke nuutsaamgestelde raad kies op sy eerste vergadering uit hul midde 'n voorsitter van die raad en die voorsitter beklee sy amp gedurende die ampsduur van die raad. Voorsitter van 'n raad.

(2) Indien die voorsitter van 'n raad sy amp ontruim voor die verstryking van die tydperk waarvoor hy as lid van die raad aangestel of verkies is, word 'n ander lid van die raad, behoudens die bepaling van subartikel (1), as voorsitter van die raad gekies.

(3) Indien die voorsitter van 'n vergadering van 'n raad afwesig is of nie as voorsitter daarop kan optree nie, moet die aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit, en die persoon aldus gekies om voor te sit, kan gedurende daardie vergadering en totdat die voorsitter sy ampspligte hervat, al die pligte van die voorsitter verrig.

8. (1) Die werksaamhede van 'n raad is—

- (a) om alle roerende goed van watter aard ook al wat in die bewaring van sy verklaarde inrigting geplaas is of daaraan geleen is of behoort, in sy besit te hou en te bewaar;
- (b) om alle monsters, versamelings of ander roerende goed wat kragtens artikel 10 aan sy sorg en beheer toevertrou is, te ontvang, in sy besit te hou en te bewaar;
- (c) om die gelde deur sy verklaarde inrigting ontvang, te bestuur en te beheer en daardie gelde aan te wend vir die bestryding van onkoste in verband met die verrigting van sy werksaamhede;
- (d) om behoorlik boek te hou van die eiendom van sy verklaarde inrigting, om aan die Sekretaris enige opgawes deur hom in verband daarmee vereis, voor te lê en om toe te sien dat behoorlike rekeningboeke gehou word; en
- (e) om in die algemeen die doeleindes en oogmerke van sy verklaarde inrigting te verwesenlik.

Werksaamhede van 'n raad.

(2) 'n Raad kan, behoudens die goedkeuring van die Minister, bepaal gedurende watter ure en op watter voorwaardes en onderworpe aan watter beperkings die publiek of enige groep persone of persone van 'n bepaalde ras of klas sy verklaarde inrigting of gedeelte daarvan kan besoek en watter toegangsgelde betaal moet word.

9. Die Minister kan op die grondslag en voorwaardes wat hy bepaal, aan 'n raad enige grond of gebou beskikbaar stel ten einde daardie raad in staat te stel om sy werksaamhede met betrekking tot sy verklaarde inrigting te verrig, en kan vir die instandhouding van so 'n gebou voorsiening maak. Besikbaarstelling aan rade van geboue

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Minister may place property under care of a council.

10. Any specimen, collection or other movable property which has been given or bequeathed to the Government or to the Republic or its inhabitants, or given or bequeathed on condition that the gift or bequest shall be for the use or benefit of the Republic and its inhabitants or any section of its inhabitants, or any portion of any such specimen, collection or other property, may, unless the donor or testator has made other provision for the care thereof, be placed by the Minister under the care and management of the council of any declared institution.

Auditing of accounts.

11. The books and statements of account of a council shall be audited by the Controller and Auditor-General.

Advisory Council for Declared Institutions.

12. (1) The Minister shall establish a council to be known as the Advisory Council for Declared Institutions, which shall consist of so many members, but not less than three and not more than six, as the Minister may determine.

(2) The members of the Advisory Council shall be appointed by the Minister and shall hold office for such period and subject to such conditions as he may determine.

(3) The filling of casual vacancies on the Advisory Council shall, subject to the provisions of subsection (1), be in the discretion of the Minister.

(4) A person appointed by the Minister to fill any such vacancy, shall do so for the unexpired portion of the period for which the vacating member concerned was appointed.

(5) One of the members of the Advisory Council shall be designated by the Minister as the chairman thereof.

(6) If the chairman is absent from any meeting of the Advisory Council or is not able to preside thereat, the members present shall elect one of their number to preside at that meeting, and the person so elected to preside may, during that meeting and until the chairman resumes duty, perform all the duties of the chairman.

(7) The Advisory Council shall meet at least once in every year upon written notice of its chairman, and at a time and place to be determined by the chairman.

(8) The Advisory Council may determine the procedure at and the quorum for its meetings.

(9) With the approval of the Minister the Advisory Council may co-opt during its pleasure so many persons as the Minister may determine, in an advisory capacity as members of the Advisory Council.

(10) The members co-opted under subsection (9) may take part in the proceedings at any meeting of the Advisory Council but shall not be entitled to vote at such meeting.

(11) With the approval of the Minister the Advisory Council may from time to time appoint an *ad hoc* committee to advise it on any matter which the Advisory Council may refer to it.

(12) A member and a co-opted member of the Advisory Council and a member of a committee referred to in subsection (11), who is not in the full-time service of the State, shall receive in respect of his services such allowances as the Minister acting in consultation with the Minister of Finance may from time to time determine.

(13) The secretarial and administrative work connected with the performance of their functions and the exercise of their powers by the Advisory Council and a committee referred to in subsection (11), shall be performed by officers of the Department of Cultural Affairs designated by the Secretary.

(14) The Advisory Council shall have power to advise the Minister—

(a) at his request, on general questions of policy arising out of or connected with the administration of the provisions of this Act;

(b) on such other matters relating to institutions and declared institutions as the Minister may refer to it.

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10. Die Minister kan 'n monster, versameling of ander roerende goed wat aan die Regering of aan die Republiek of sy inwoners geskenk of bemaak is of wat geskenk of bemaak is op voorwaarde dat die geskenk of bemaking vir die gebruik of tot voordeel van die Republiek en sy inwoners of 'n deel van sy inwoners staan, of 'n deel van so 'n monster, versameling of ander goed, aan die sorg en beheer van die raad van 'n verklaarde inrigting toevertrou, tensy die skenker of erflater vir die bewaring daarvan ander voorsiening gemaak het.

Minister kan goed aan sorg van 'n raad toevertrou.

11. Die boeke en rekeningstate van 'n raad word deur die Kontroleur en Ouditeur-generaal geouditeer.

Ouditering van rekenings.

12. (1) Die Minister stel 'n raad met die naam die Adviesraad vir Verklaarde Inrigtings in, wat bestaan uit die getal lede, maar minstens drie en hoogstens ses, wat die Minister bepaal.

Adviesraad vir Verklaarde Inrigtings.

(2) Die lede van die Adviesraad word deur die Minister aangestel en bekleed hul amp vir die tydperk en op die voorwaardes wat hy bepaal.

(3) Die vul van toevallige vakatures in die Adviesraad berus, behoudens die bepalings van subartikel (1), by die Minister.

(4) Iemand wat deur die Minister aangestel word om so 'n vakature te vul, doen dit vir die onverstreke gedeelte van die tydperk waarvoor die betrokke lid wat sy amp ontruim het, aangestel was.

(5) Een van die lede van die Adviesraad word deur die Minister as die voorsitter daarvan aangewys.

(6) Indien die voorsitter van 'n vergadering van die Adviesraad afwesig is of nie as voorsitter daarop kan optree nie, moet die aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit, en die persoon aldus gekies om voor te sit, kan gedurende daardie vergadering en totdat die voorsitter sy ampspligte hervat, al die pligte van die voorsitter verrig.

(7) Die Adviesraad kom op skriftelike kennisgewing van sy voorsitter minstens een maal elke jaar, en op 'n tyd en plek wat die voorsitter bepaal, byeen.

(8) Die Adviesraad kan die prosedure by en die kworum vir sy vergaderings bepaal.

(9) Die Adviesraad kan met die goedkeuring van die Minister vir solank dit die Adviesraad behaag, die getal persone wat die Minister bepaal, in 'n raadgewende hoedanigheid as lede van die Adviesraad koöpteer.

(10) Die kragtens subartikel (9) gekoöpteerde lede kan aan die verrigtinge by enige vergadering van die Adviesraad deelneem maar is nie geregtig om by sodanige vergadering 'n stem uit te bring nie.

(11) Die Adviesraad kan met die goedkeuring van die Minister van tyd tot tyd 'n *ad hoc*-komitee aanstel om die Adviesraad van advies te dien aangaande enige aangeleentheid wat die Adviesraad na hom verwys.

(12) 'n Lid en 'n gekoöpteerde lid van die Adviesraad en 'n lid van 'n in subartikel (11) bedoelde komitee wat nie in die vóltydse diens van die Staat is nie, ontvang ten opsigte van sy dienste die toelaes wat die Minister in oorleg met die Minister van Finansies van tyd tot tyd bepaal.

(13) Die sekretariële en administratiewe werk verbonde aan die verrigting van hul werksaamhede en die uitoefening van hul bevoegdhede deur die Adviesraad en 'n in subartikel (11) bedoelde komitee, word verrig deur beamptes van die Departement van Kultuursake wat deur die Sekretaris aangewys word.

(14) Die Adviesraad is bevoeg om die Minister te adviseer—

(a) oor algemene beleidsvraagstukke wat ontstaan uit of in verband staan met die uitvoering van die bepalings van hierdie Wet;

(b) oor die ander aangeleenthede rakende inrigtings en verklaarde inrigtings wat die Minister na hom verwys.

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Committee of
Heads of
Declared
Institutions.

13. (1) There shall be a committee, to be known as the Committee of Heads of Declared Institutions, consisting of the persons in charge of the declared institutions.

(2) If the post of any such person is vacant or he is unable to attend any meeting of the Committee of Heads, the council of the declared institution concerned may nominate another person to represent that declared institution at such meeting.

(3) The Committee of Heads may determine the calling of and the procedure and the quorum at its meetings.

(4) The Committee of Heads shall—

(a) perform such duties as the Minister may from time to time assign to it;

(b) consider and make recommendations to the Minister or the Secretary regarding any matter which may be referred to it by the Minister or the Secretary or which it considers to be of common interest to the declared institutions.

Abolition of
declared
institution.

14. (1) The Minister may, after consultation with the council of any declared institution, by notice in the *Gazette* withdraw, with effect from a date specified in such notice, the notice issued under section 3 in regard to that declared institution.

(2) With effect from such date that institution shall cease to exist.

(3) All the assets, rights, liabilities and obligations of that institution, immediately prior to such date, shall devolve, as from a date fixed by the Minister, upon the declared institution or person or persons determined by the Minister, acting in consultation with the persons who immediately prior to the date mentioned in subsection (1) were members of the council referred to in that subsection.

(4) With effect from the date mentioned in subsection (1) any reference in any law or document to a declared institution mentioned in that subsection shall be deemed to be a reference to such other declared institution, person, officer of any Department of State or Minister as may be prescribed.

(5) The registrar of deeds concerned shall cause all such notes and endorsements to be made in his registers and on the title deeds relating to any land owned by a declared institution mentioned in subsection (1) immediately prior to the date mentioned in that subsection, as may be necessary to give effect to the provisions of this section.

(6) All property referred to in section 8 (1) (a) or (b) which is held by the council of a declared institution mentioned in subsection (1) of this section immediately prior to the date mentioned in that subsection, shall as from such date be dealt with as the Minister may determine.

Regulations.

15. (1) The Minister may make regulations as to—

(a) any matters which by this Act are required or permitted to be prescribed;

(b) the appointment or election of the members of a council, or the appointment of some of the members of a council and the election of the other members thereof and the method of such election;

(c) the calling of and procedure and quorum at meetings of a council, including the manner of voting and the number of votes required for a decision of the council;

(d) the safety and good custody and preservation of the property of any declared institution;

(e) the appointment and dismissal of and the granting of leave of absence and other privileges to, the persons employed by any declared institution, the creation of posts in connection with any declared institution and the transfer of persons employed by any declared institution (including an institution abolished under section 14) to the service of any other declared institution;

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13. (1) Daar is 'n komitee met die naam die Komitee van Hoofde van Verklaarde Inrigtings, wat bestaan uit die persone wat aan die hoof staan van die verklaarde inrigtings.

Komitee van
Hoofde van
Verklaarde
Inrigtings.

(2) Indien die amp van so 'n persoon vakant is of hy nie in staat is om 'n vergadering van die Komitee van Hoofde by te woon nie, kan die raad van die betrokke verklaarde inrigting iemand anders benoem om daardie verklaarde inrigting by daardie vergadering te verteenwoordig.

(3) Die Komitee van Hoofde kan die belê van en die prosedure en die kworum by sy vergaderings bepaal.

(4) Die Komitee van Hoofde—

(a) vervul die pligte wat die Minister van tyd tot tyd aan hom opdra;

(b) oorweeg en doen aanbevelings aan die Minister of die Sekretaris omtrent 'n aangeleentheid wat die Minister of die Sekretaris na hom verwys, of wat hy meen van algemene belang vir die verklaarde inrigtings is.

14. (1) Na raadpleging met die raad van 'n verklaarde inrigting kan die Minister by kennisgewing in die *Staatskoerant* en met ingang van 'n datum in daardie kennisgewing vermeld, die kragtens artikel 3 uitgereikte kennisgewing aangaande daardie verklaarde inrigting, intrek.

Afskaffing van
verklaarde
inrigting.

(2) Daardie inrigting hou met ingang van sodanige datum op om te bestaan.

(3) Al die bates, regte, laste en verpligtings, onmiddellik voor sodanige datum, van daardie inrigting, gaan, vanaf 'n datum deur die Minister vasgestel, oor op die verklaarde inrigting of persoon of persone deur die Minister bepaal in oorleg met die persone wat onmiddellik voor die in subartikel (1) vermelde datum lede was van die in daardie subartikel genoemde raad.

(4) 'n Verwysing in 'n wet of dokument na die in subartikel (1) genoemde verklaarde inrigting word, met ingang van die in daardie subartikel genoemde datum, geag 'n verwysing te wees na die ander verklaarde inrigting, persoon, beampte van 'n Staatsdepartement of Minister wat voorgeskryf word.

(5) Die betrokke registrateur van aktes laat alle aantekeninge en endossemente in sy registers en op die titelbewyse met betrekking tot grond behorende aan die in subartikel (1) genoemde verklaarde inrigting onmiddellik voor die in daardie subartikel genoemde datum, aanbring wat nodig is om gevolg te gee aan die bepalinge van hierdie artikel.

(6) Alle in artikel 8 (1) (a) of (b) bedoelde goed wat deur die raad van die in subartikel (1) van hierdie artikel genoemde verklaarde inrigting in sy besit gehou word onmiddellik voor die in daardie subartikel genoemde datum, word vanaf daardie datum mee gehandel soos die Minister bepaal.

15. (1) Die Minister kan regulasies uitvaardig aangaande— Regulasies.

(a) aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word;

(b) die aanstelling of verkiesing van die lede van 'n raad, of die aanstelling van sommige lede en die verkiesing van die ander lede van 'n raad en die wyse waarop so 'n verkiesing gevoer word;

(c) die belê van en die prosedure en kworum by vergaderings van 'n raad, met inbegrip van die wyse waarop gestem word en die getal stemme vereis vir 'n beslissing van die raad;

(d) die veiligheid en goeie bewaring en behoud van die eiendom van 'n verklaarde inrigting;

(e) die aanstelling en ontslag van en die toekenning van verlof en ander voorregte aan, die persone in diens by 'n verklaarde inrigting, die skep van poste met betrekking tot 'n verklaarde inrigting en die oorplasing van persone in diens by 'n verklaarde inrigting (met inbegrip van 'n inrigting kragtens artikel 14 afgeskaf) na die diens van 'n ander verklaarde inrigting;

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- (f) the investigation of charges of misconduct or inefficiency against any person employed by any declared institution, or of any alleged irregularity in connection with the affairs of any declared institution, the procedure to be followed and the summoning and attendance of witnesses to give evidence thereat, and the punishment to be imposed on or other steps to be taken against such person against whom such a charge has been established, and the meaning of misconduct for the purposes of such regulations;
- (g) the control, management, utilization and disposal of all moneys received by councils or by any council;
- (h) the keeping of records and the times when and forms in which, and the persons to whom, financial accounts and reports shall be rendered in respect of declared institutions; and
- (i) generally, all matters for which he deems it necessary or expedient to make regulations in order to achieve the objects of this Act.

(2) Different regulations may be made in respect of different declared institutions.

(3) Any regulation under paragraph (e) or (g) of subsection (1), or in respect of the allowances referred to in section 6 (6), shall be made after consultation with the Minister of Finance.

(4) Any regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of one hundred rand.

Administration of Act.

16. (1) The State President may by proclamation in the *Gazette* assign the administration of the provisions of this Act to any Minister, or partly to one Minister and partly to another Minister or other Ministers, or any part thereof for certain purposes to one Minister and for other purposes to another Minister, or assign to different Ministers the administration of any of the said provisions in so far as they relate to different declared institutions, and may in such proclamation prescribe the powers and functions which shall be exercised and performed by the several Ministers; and may further prescribe that any power or duty conferred or imposed by this Act upon the Minister shall be exercised or performed by one Minister acting in consultation with another Minister.

(2) The State President may from time to time vary or amend any such proclamation.

Repeal of laws.

17. (1) Subject to the provisions of section 5 and subsection (2) of this section, and except in so far as they relate to any person who has not elected to become a member of and to contribute to the pension fund referred to in section 2 (1) (b) of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), the State-aided Institutions Act, 1931 (Act No. 23 of 1931), the State-aided Institutions Amendment Act, 1954 (Act No. 48 of 1954), the State-aided Institutions Amendment Act, 1957 (Act No. 46 of 1957), and the State-aided Institutions Amendment Act, 1966 (Act No. 35 of 1966), are hereby repealed.

(2) Any regulation made or, subject to the provisions of this Act, any other thing done under a provision of a law repealed by subsection (1), shall be deemed to have been made or done under the corresponding provision of this Act.

Application of Act to South-West Africa.

18. This Act and any amendment thereof shall apply also in the territory of South-West Africa, including that part of the said territory known as the Eastern Caprivi Zipfel and referred to in section 38 (5) of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968).

Short title.

19. This Act shall be called the Cultural Institutions Act, 1969.

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- (f) die ondersoek van aanklagte van wangedrag of onbekwaamheid teen iemand in diens by 'n verklaarde inrigting, of van enige beweerde onreëlmatigheid in verband met die aangeleenthede van 'n verklaarde inrigting, die prosedure wat daarby gevolg moet word en die dagvaarding en bywoning van getuies om daarby getuienis af te lê, en die straf wat opgelê of ander stappe wat gedoen moet word op of teen so 'n persoon teen wie so 'n aanklag bewys is, en die betekenis van wangedrag by die toepassing van sodanige regulasies;
 - (g) die bestuur, beheer, aanwending van en beskikking oor alle gelde deur rade of deur een of ander raad ontvang;
 - (h) die hou van aantekeninge en die tye wanneer, die vorm waarin en die persone aan wie, finansiële state en verslae ten opsigte van verklaarde inrigtings verstrekt moet word; en
 - (i) 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.
- (2) Verskillende regulasies kan ten opsigte van verskillende verklaarde inrigtings uitgevaardig word.
- (3) 'n Regulasie kragtens paragraaf (e) of (g) van subartikel (1), of ten opsigte van die in artikel 6 (6) bedoelde toelaes, word uitgevaardig na oorlegpleging met die Minister van Finansies.
- (4) Regulasies kragtens hierdie artikel uitgevaardig, kan strawwe, wat 'n boete van eenhonderd rand nie te bowe gaan nie, voorskryf vir 'n oortreding daarvan of versuim om daaraan te voldoen.

16. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant* die uitvoering van die bepalings van hierdie Wet aan 'n Minister, of gedeeltelik aan een Minister en gedeeltelik aan 'n ander Minister of ander Ministers, of 'n deel daarvan vir sekere doeleindes aan een Minister en vir ander doeleindes aan 'n ander Minister opdra, of aan verskillende Ministers die uitvoering van enige van bedoelde bepalings, vir sover hulle op verskillende verklaarde inrigtings betrekking het, opdra, en kan in so 'n proklamasie die bevoegdheid en werksaamhede wat die onderskeie Ministers moet uitoefen en verrig, voorskryf; en kan verder voorskryf dat 'n bevoegdheid of plig wat by hierdie Wet aan die Minister verleen of opgelê word, deur een Minister handelende in oorleg met 'n ander Minister uitgeoefen of uitgevoer moet word.

Uitvoering van Wet.

(2) Die Staatspresident kan van tyd tot tyd so 'n proklamasie verander of wysig.

17. (1) Behoudens die bepalings van artikel 5 en subartikel (2) van hierdie artikel, en behalwe vir sover hulle betrekking het op iemand wat nie gekies het om lid te word van en by te dra tot die pensioenfonds bedoel in artikel 2 (1) (b) van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), nie, word die Wet op Staatsondersteunde Inrigtings, 1931 (Wet No. 23 van 1931), die Wysigingswet op Staatsondersteunde Inrigtings, 1954 (Wet No. 48 van 1954), die Wysigingswet op Staatsondersteunde Inrigtings, 1957 (Wet No. 46 van 1957), en die Wysigingswet op Staatsondersteunde Inrigtings, 1966 (Wet No. 35 van 1966), hierby herroep.

Herroeping van wette.

(2) 'n Regulasie uitgevaardig of, behoudens die bepalings van hierdie Wet, enigiets anders gedoen, kragtens 'n bepaling van 'n wet wat by subartikel (1) herroep word, word geag uitgevaardig of gedoen te gewees het kragtens die ooreenstemmende bepaling van hierdie Wet.

18. Hierdie Wet en enige wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van dié gedeelte van genoemde gebied wat die Oostelike Caprivi Zipfel heet en vermeld word in artikel 38 (5) van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet No. 39 van 1968).

Toepassing van Wet op Suidwes-Afrika.

19. Hierdie Wet heet die Wet op Kulturele Inrigtings, 1969. Kort titel.

