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GOVERNMENT GAZETTE

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 583.

7 April 1976.

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

No. 38 of 1976: Scientific Research Council Amendment Act, 1976.

No. 583.

7 April 1976.

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

No. 38 van 1976: Wysigingswet op die Wetenskaplike Navorsingsraad, 1976.

Wet No. 38, 1976

WYSIGINGSWET OP DIE WETENSKAPLIKE
NAVORSINGSRAAD, 1976.

WET

Tot wysiging van die bepalinge van die Wet op die Wetenskaplike Navorsingsraad, 1962, ten einde die bevoegdheid van die Wetenskaplike en Nywerheidsnavorsingsraad om onroerende goed te huur of te verhuur, verder te reël; die bevoegdhede en werksaamhede van bedoelde Raad en van iemand wat as president van bedoelde Raad waarneem, nader te bepaal; die vasstelling van die diensvoorwaardes van amptenare en werknemers van bedoelde Raad verder te reël; voorskotte van geld aan sekere persone om hulle in staat te stel om lede van 'n sekere pensioenfonds of voorsorgfonds te word, te magtig; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Maart 1976.)

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

Wysiging van
artikel 4 van
Wet 32 van 1962,
soos gewysig deur
artikel 2 van
Wet 71 van 1964.

1. (1) Artikel 4 van die Wet op die Wetenskaplike Navorsingsraad, 1962 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

- „(3) Die raad kan—
- (a) ter bereiking van sy oogmerke—
 - (i) met goedkeuring van die Minister onroerende goed aankoop of op ander wyse verkry, of besit of vervreem, en laboratoria of ander fasiliteite tot stand bring; en
 - (ii) roerende goed aankoop of op ander wyse verkry, of besit of vervreem, en sodanige goed asook enige onroerende goed of dienste huur of verhuur; en
 - (b) benewens die ander dinge wat die raad kragtens die ander bepalinge van hierdie Wet of kragtens enige ander wet moet of kan doen, al die dinge doen wat bevorderlik is vir die bereiking van sy oogmerke of wat bereken is om regstreeks of onregstreeks die waarde van die raad se eiendom of regte te verhoog of dit winsgewend te maak.”

(2) Subartikel (1) word geag op 1 April 1962 in werking te getree het.

Wysiging van
artikel 6 van
Wet 32 van 1962.

2. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Wanneer die president om een of ander rede afwesig is of nie in staat is om sy pligte uit te voer nie, of wanneer die amp van president vakant is, kan die Minister op die voorwaardes en onderworpe aan die betaling van die besoldiging en toelaes wat hy ná oorlegpleging met die Minister van Finansies bepaal, iemand anders aanstel om

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ACT

To amend the provisions of the Scientific Research Council Act, 1962, so as to further regulate the powers of the Council for Scientific and Industrial Research to hire or let immovable property; to determine in greater detail the powers and functions of the said Council and of any person acting as president of the said Council; to further regulate the determination of the conditions of service of officers and employees of the said Council; to authorize advances of money to certain persons to enable them to become members of a certain pension fund or provident fund; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 19 March 1976.)*

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

1. (1) Section 4 of the Scientific Research Council Act, 1962 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of section 4 of Act 32 of 1962, as amended by section 2 of Act 71 of 1964.

“(3) The council may—

(a) for achieving its objects—

(i) with the approval of the Minister purchase or otherwise acquire, or hold or alienate immovable property, and establish laboratories or other facilities; and

(ii) purchase or otherwise acquire, or hold or alienate movable property, and hire or let such property as well as any immovable property or services; and

(b) in addition to the other things which the council is required or empowered to do under the other provisions of this Act or under any other law, do all such things as are conducive to the achievement of its objects or calculated directly or indirectly to enhance the value of or render profitable the property or rights of the council.”.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1962.

2. Section 6 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of section 6 of Act 32 of 1962.

“(3) Whenever for any reason the president is absent or unable to perform his duties, or whenever there is a vacancy in the office of president, the Minister may, subject to such conditions and the payment of such remuneration and allowances as he may after consultation with the Minister of Finance determine, appoint some other person

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as president waar te neem tydens sodanige afwesigheid of onvermoë of totdat 'n president ingevolge artikel 5 aangestel is, en terwyl hy aldus waarneem, het daardie ander persoon al die bevoegdhede en verrig hy al die werksaamhede van die president.”.

Wysiging van
artikel 10 van
Wet 32 van 1962,
soos gewysig deur
artikel 1 van
Wet 21 van 1969.

3. (1) Artikel 10 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) (a) Die raad kan die amptenare en werknemers aanstel wat hy nodig ag om hom behulpzaam te wees om sy oogmerke te bereik.

(b) Iemand wat onmiddellik vóór die inwerking-treding van hierdie Wet 'n amptenaar of werknemer van die raad is en nie ingevolge artikel 12 van die Wet op Standaarde, 1962, 'n amptenaar of werknemer word nie van die Raad van die Suid-Afrikaanse Buro vir Standaarde bedoel in daardie artikel, word geag ingevolge paragraaf (a) aangestel te wees as 'n amptenaar of werknemer van die raad, na gelang van die geval.

(c) Die raad moet uit sy fondse aan die amptenare en werknemers van die raad die besoldiging betaal wat die Minister in oorleg met die Minister van Finansies van tyd tot tyd goedkeur.

(d) Die raad kan van tyd tot tyd uit sy fondse aan die president en amptenare en werknemers van die raad die toelaes, bonusse, subsidies en ander soortgelyke voordele betaal wat aan hulle betaalbaar sou gewees het indien hulle beamptes en werknemers in die staatsdiens was: Met dien verstande dat die Minister op die aanbeveling van die raad en in oorleg met die Minister van Finansies in bepaalde gevalle die betaling kan goedkeur van—

(i) sodanige toelaes, bonusse, subsidies of ander soortgelyke voordele ooreenkomstig skale wat verskil van dié wat op beamptes en werknemers in die staatsdiens van toepassing is;

(ii) ander toelaes, bonusse, subsidies of ander soortgelyke voordele as dié wat aan beamptes en werknemers in die staatsdiens betaalbaar is.

(e) 'n Aanstelling kragtens paragraaf (a) gemaak of wat geag word daarkragtens gemaak te wees, is, behoudens die bepalings van paragrawe (c) en (d), onderworpe aan die diensvoorwaardes wat die raad van tyd tot tyd bepaal: Met dien verstande dat enige sodanige diensvoorwaardes wat direkte uitgawes uit die fondse van die raad tot gevolg sal hê, deur die Minister in oorleg met die Minister van Finansies goedgekeur moet word.”;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die president en die ander lede van die personeel van die raad wat in sy voltydse diens is en poste beklee wat deur die Minister goedgekeur is, moet, behoudens die bepalings van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), en die regulasies daarkragtens uitgevaardig, lede wees van, en bydra tot, die voorsorgfonds ingestel kragtens artikel 12 van die Wet tot Addisionele Regeling van het Hoger Onderwys, 1917 (Wet No. 20

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to act as president during such absence or inability, or until a president has been appointed in terms of section 5, and that other person shall, while so acting, have all the powers and perform all the functions of the president.”.

3. (1) Section 10 of the principal Act is hereby amended—

Amendment of section 10 of Act 32 of 1962, as amended by section 1 of Act 21 of 1969.

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

“(1) (a) The council may appoint such officers and employees as it may deem necessary to assist it to achieve its objects.

(b) Any person who immediately prior to the commencement of this Act is an officer or employee of the council and who does not in terms of section 12 of the Standards Act, 1962, become an officer or employee of the Council of the South African Bureau of Standards contemplated in that section, shall be deemed to have been appointed in terms of paragraph (a) as an officer or employee of the council, as the case may be.

(c) The council shall out of its funds pay to the officers and employees of the council such remuneration as the Minister in consultation with the Minister of Finance may from time to time approve.

(d) The council may from time to time pay out of its funds to the president and officers and employees of the council such allowances, bonuses, subsidies and other similar benefits as would have been payable to them had they been officers and employees in the public service: Provided that the Minister may on the recommendation of the council and in consultation with the Minister of Finance in particular cases approve the payment of—

(i) such allowances, bonuses, subsidies or other similar benefits according to rates differing from those applicable to officers and employees in the public service;

(ii) allowances, bonuses, subsidies or other similar benefits other than those payable to officers and employees in the public service.

(e) An appointment made or deemed to have been made under paragraph (a) shall, subject to the provisions of paragraphs (c) and (d), be subject to such conditions of service as the council may from time to time determine: Provided that any such conditions of service which will result in direct expenditure from the funds of the council, shall be approved by the Minister in consultation with the Minister of Finance.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) The president and the other members of the staff of the council who are in the full-time service of the council and occupy posts approved by the Minister, shall, subject to the provisions of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), and the regulations made thereunder, be members of and contribute to the provident fund established under section 12 of the Higher Education

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van 1917), op dieselfde wyse en op dieselfde voorwaardes asof hulle lede was van die onderwys- of administratiewe personeel van 'n universiteit soos by artikel 1 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), omskryf, en die raad word vir die doeleindes van genoemde voorsorgfonds geag 'n universiteit te wees soos aldus omskryf."; en

(c) deur die volgende subartikel by te voeg:

„(5) Die raad kan uit sy fondse die bedrag, op die voorwaardes wat hy goed ag, aan die president of 'n ander lid van sy personeel voorskiet ten einde hom in staat te stel om 'n lid te word van die pensioenfonds ingestel kragtens die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963, of van die voorsorgfonds vermeld in artikel 3 (1) (b) van daardie Wet.”.

(2) Subartikel (1) (c) word geag op 1 Augustus 1963 in werking te getree het.

Kort titel.

4. Hierdie Wet heet die Wysigingswet op die Wetenskaplike Navorsingsraad, 1976.

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Additional Provision Act, 1917 (Act No. 20 of 1917), in the same manner and subject to the same conditions as if they were members of the teaching or administrative staff of a university as defined by section 1 of the Universities Act, 1955 (Act No. 61 of 1955), and the council shall for the purposes of the said fund be deemed to be a university as so defined.”; and

(c) by the addition of the following subsection:

“(5) The council may advance from its funds such amount on such conditions as it may deem fit, to the president or any other member of its staff in order to enable him to become a member of the pension fund established under the Associated Institutions Pension Fund Act, 1963, or of the provident fund mentioned in section 3 (1) (b) of that Act.”.

(2) Subsection (1) (c) shall be deemed to have come into operation on 1 August 1963.

4. This Act shall be called the Scientific Research Council Short title. Amendment Act, 1976.

