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DEPARTMENT OF THE PRIME MINISTER

No. 733.

12 April 1978.

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

No. 45 of 1978: National Institute for Metallurgy Amendment Act, 1978.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 733.

12 April 1978.

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

No. 45 van 1978: Wysigingswet op die Nasionale Instituut vir Metallurgie, 1978.

Wet No. 45, 1978

WYSIGINGSWET OP DIE NASIONALE INSTITUUT
VIR METALLURGIE, 1978.**ALGEMENE VERDUIDELIKENDE NOTA:****[]**Woorde in vet druk tussen vierkantige hake dui skappings uit
bestaande verordenings aan.Woorde met 'n volstreep daaronder, dui invoegings in bestaande
verordenings aan.**WET**

Tot wysiging van die Wet op die Nasionale Instituut vir
Metallurgie, 1965, ten einde die samestelling van die
beheerraad van die Nasionale Instituut vir Metallurgie te
verander; voorsiening te maak vir die aanstelling van 'n
president as hoof van die instituut en die bepalings
betreffende die aanstelling van 'n direkteur-generaal en
van adjunk-direkteurs-generaal van die instituut te
herroep; voorsiening te maak vir regulasies vir die
toepassing van artikel 34 van die Skatkis- en Ouditwet,
1975, op die instituut; en om vir bykomstige aangeleent-
hede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 5 April 1978.)

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

Wysiging van
artikel 1 van
Wet 90 van 1965,
soos gewysig deur
artikel 1 van
Wet 48 van 1972
en artikel 1 van
Wet 23 van 1975.

1. Artikel 1 van die Wet op die Nasionale Instituut vir
Metallurgie, 1965 (hieronder die Hoofwet genoem), word hierby 5
gewysig deur die volgende omskrywing na die omskrywing van
„Minister” in te voeg:
„„president” die persoon wat ingevolge artikel 4A (1) as hoof
van die instituut aangestel is;”.

Wysiging van
artikel 4 van
Wet 90 van 1965.

2. Artikel 4 van die Hoofwet word hierby gewysig— 10
(a) deur subartikels (1) en (2) deur die volgende subartikels
te vervang:
„(1) Die sake van die instituut word, behoudens die
bepalings van hierdie Wet, bestuur en beheer deur 'n
beheerraad wat bestaan uit— 15
(a) die president, wat by vergaderings van die raad
voorsit; en
(b) minstens sewe en hoogstens nege lede deur die
Minister aangestel, van wie—
[(a)] (i) twee beamptes in die Departement van Myn- 20
wese is;
[(b)] (ii) een aangestel word vanweë sy kennis van
[atoomkrag en] aangeleenthede wat met die
[Raad op Atoomkrag] chemiese bedryf in
verband staan; 25
[(c)] (iii) een aangestel word vanweë sy kennis [en
ervaring] van [wetenskaplike navorsing
oor die algemeen] ekonomiese en finansiële
aangeleenthede;
[(d)] (iv) [een] twee aangestel word vanweë [sy] 30
hulle kennis van aangeleenthede wat met die
mynbedryf in verband staan;

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GENERAL EXPLANATORY NOTE:

Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the National Institute for Metallurgy Act, 1965, in order to change the constitution of the board of control of the National Institute for Metallurgy; to provide for the appointment of a president as head of the institute and to repeal the provisions relating to the appointment of a director-general and of deputy directors-general of the institute; to provide for regulations for the application of section 34 of the Exchequer and Audit Act, 1975, to the institute; and to provide for matters incidental thereto.

(English text signed by the State President.)

(Assented to 5 April 1978.)

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

1. Section 1 of the National Institute for Metallurgy Act, 1965 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "Minister" of the following definition:

"'president' means the person appointed under section 4A (1) as head of the institute;"

Amendment of section 1 of Act 90 of 1965, as amended by section 1 of Act 48 of 1972 and section 1 of Act 23 of 1975.

10 2. Section 4 of the principal Act is hereby amended—

(a)	by the substitution for subsections (1) and (2) of the following subsections:	Amendment of section 4 of Act 90 of 1965.
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15 “(1) The affairs of the institute shall, subject to the provisions of this Act, be managed and controlled by a board of control which shall consist of—

(a) the president, who shall preside at meetings of the board; and

(b) not less than seven and not more than nine members to be appointed by the Minister, of whom—

[(a)] (i) two shall be officers in the Department of Mines;

25 **[(b)] (ii)** one shall be appointed by reason of his knowledge of **[atomic energy and]** matters relating to the **[Atomic Energy Board]** chemical industry;

30 **[(c)] (iii)** one shall be appointed by reason of his knowledge **[and experience]** of **[scientific research in general]** economic and financial matters;

[(d)] (iv) [one] two shall be appointed by reason of **[his] their** knowledge of matters relating to the mining industry;

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[(e)] (v) een aangestel word vanweë sy kennis van **[universiteitsaangeleenthede]** aangeleenthede wat met die natuurwetenskap of die ingenieurswese in verband staan.

- (2) Die lede van die raad ingevolge subartikel (1) (b) 5 aangestel, beklee hul amp vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van die aanstelling bepaal, maar kan weer aangestel word: Met dien verstande dat, indien daar na sy oordeel gegronde redes daarvoor bestaan, die Minister te eniger tyd die ampstermyn van 'n lid kan beëindig.'; en
- (b) deur subartikel (4) deur die volgende subartikel te vervang:
- „(4) **[’n Deur die Minister as voorsitter aangewese lid van die raad of, in sy afwesigheid, so ’n aldus as adjunk-voorsitter aangewese lid, sit voor op ’n vergadering van die raad]** Die Minister wys uit die midde van lede in subartikel (1) (b) bedoel ’n lid aan om by vergaderings van die raad tydens die afwesigheid van die president voor te sit: Met dien verstande dat indien 20 sowel die **[voorsitter]** president as die **[adjunk-voorsitter]** lid aldus deur die Minister aangewys van ’n vergadering van die raad afwesig is, ’n voorsitter deur die aanwesige lede uit hul midde verkies, op die vergadering voorsit.’.

Invoeging van
artikel 4A in
Wet 90 van 1965.

3. Die volgende artikel word hierby in die Hoofwet na artikel 4 ingevoeg:

„President
van
instituut.

4A. (1) Die Minister kan as hoof van die instituut ’n president aanstel, vir die ampstermyn wat die Minister bepaal en op die diensvoorwaardes en teen 30 die vergoeding wat die Minister in oorleg met die Minister van Finansies bepaal.

(2) Die president is die hoof- uitvoerende beampste van die instituut met bevoegdheid om die werk wat deur die raad gemagtig word, te beheer en te reël en 35 om toesig uit te oefen oor persone wat in diens van die instituut is.

(3) Wanneer die president uit sy amp afwesig is of nie in staat is om sy werksaamhede te verrig nie of wanneer die amp van president vakant raak, kan die Minister op die voorwaardes en onderworpe aan die betaling van die besoldiging en toelaes wat hy in oorleg met die Minister van Finansies bepaal, iemand aanstel om as president op te tree tydens sodanige afwesigheid of onvermoë, of totdat ’n president 45 ingevolge subartikel (1) aangestel word.’.

Wysiging van
artikel 7 van
Wet 90 van 1965,
soos gewysig deur
artikel 2 van
Wet 48 van 1972.

4. (1) Artikel 7 van die Hoofwet word hierby gewysig deur subartikel (1) te skrap.

(2) Die persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet die aanstelling van direkteur-generaal gehou het 50 ingevolge die bepalinge deur subartikel (1) geskrap, word met ingang van bedoelde inwerkingtreding geag ingevolge artikel 4A van die Hoofwet as president van die Nasionale Instituut vir Metallurgie aangestel te gewees het en, totdat diensvoorwaardes en ’n vergoeding ingevolge daardie artikel bepaal is, op die 55 voorwaardes en teen die vergoeding wat bepaal is ten opsigte van sy aanstelling as direkteur-generaal ingevolge die bepalinge wat aldus geskrap is.

(3) Enigiemand wat onmiddellik voor die inwerkingtreding van hierdie Wet die aanstelling van adjunk-direkteur-generaal gehou 60 het ingevolge die bepalinge deur subartikel (1) geskrap, bly met ingang van bedoelde inwerkingtreding in die diens van die Nasionale Instituut vir Metallurgie asof hy ingevolge artikel 7 (2) van die Hoofwet aangestel was op die voorwaardes en teen die

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[(e)] (v) one shall be appointed by reason of his knowledge of **[university]** matters relating to science or engineering.

(2) The members of the board appointed under subsection (1) (b) shall hold office for such period, not exceeding three years, as the Minister may determine at the time of the appointment, but shall be eligible for reappointment: Provided that if in his opinion there are good reasons for doing so, the Minister may at any time terminate the period of office of any member.”; and
(b) by the substitution for subsection (4) of the following subsection:

“(4) **[A member of the board designated by the Minister as chairman or, in his absence, such a member so designated as deputy chairman, shall preside at any meeting of the board]** The Minister shall designate from among the members referred to in subsection (1) (b) a member to preside at meetings of the board during the absence of the president: Provided that if both the **[chairman]** president and the **[deputy chairman]** member so designated by the Minister are absent from any meeting of the board, a chairman elected by the members present from among themselves, shall preside at such meeting.”.

25 3. The following section is hereby inserted in the principal Act after section 4:

Insertion of
section 4A in
Act 90 of 1965.

“President
of institute.

30 4A. (1) The Minister may appoint as head of the institute a president, for such term of office as the Minister may determine and on such conditions of service and at such remuneration as the Minister may in consultation with the Minister of Finance determine.

35 (2) The president shall be the chief executive officer of the institute with power to manage and control the work authorized by the board and to exercise supervision over persons in the service of the institute.

40 (3) Whenever the president is absent from office or is unable to perform his functions or whenever the office of president becomes vacant, the Minister may, subject to such conditions and the payment of such remuneration and allowances as he may in consultation with the Minister of Finance determine, appoint a person to act as president during such absence or inability, or until a president is appointed under subsection (1).”.

4. (1) Section 7 of the principal Act is hereby amended by the deletion of subsection (1).

Amendment of
section 7 of
Act 90 of 1965,
as amended by
section 2 of
Act 48 of 1972.

50 (2) The person who immediately prior to the commencement of this Act held the appointment of director-general under the provisions deleted by subsection (1) shall, with effect from such commencement, be deemed to have been appointed under section 4A of the principal Act as president of the National Institute for Metallurgy and, until conditions of service and a remuneration have been determined under that section, on the conditions and at the remuneration determined in respect of his appointment as director-general under the provisions so deleted.

55 (3) Any person who immediately prior to the commencement of this Act held the appointment of deputy director-general under the provisions deleted by subsection (1) shall, with effect from such commencement, remain in the service of the National Institute for Metallurgy as if he were appointed under section 7 (2) of the

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vergoeding wat bepaal is ten opsigte van sy aanstelling as adjunk-direkteur-generaal ingevolge die bepalings wat aldus geskrap is.

Wysiging van
artikel 12 van
Wet 90 van 1965.

5. Artikel 12 van die Hoofwet word hierby gewysig deur die volgende paragraaf na paragraaf (d) van subartikel (1) in te voeg: 5
„(dA) die toepassing, *mutatis mutandis*, van enige bepaling van artikel 34 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), met betrekking tot die instituut;”.

Kort titel.

6. Hierdie Wet heet die Wysigingswet op die Nasionale Instituut vir Metallurgie, 1978, en tree in werking op 'n datum wat 10 die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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principal Act on the conditions and at the remuneration determined in respect of his appointment as deputy director-general under the provisions so deleted.

- 5 5. Section 12 of the principal Act is hereby amended by the insertion after paragraph (d) of subsection (1) of the following paragraph: Amendment of section 12 of Act 90 of 1965.

“(dA) the application, *mutatis mutandis*, of any provision of section 34 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), with reference to the institute;”.

- 10 6. This Act shall be called the National Institute for Metallurgy Amendment Act, 1978, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title.

