



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

**PRICE + 1c GST 20c PRYS + 1c AVB
ABROAD 30c BUITELANDS
POST FREE · POSVRY**

Vol. 167]

CAPE TOWN, 30 MAY 1979

KAAPSTAD, 30 MEI 1979

[No. 6472

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1167.

30 May 1979.

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

No. 59 of 1979: Scientific Research Council Amendment Act, 1979.

No. 1167.

30 Mei 1979.

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

No. 59 van 1979: Wysigingswet op die Wetenskaplike Navorsingsraad, 1979.

Act No. 59, 1979

SCIENTIFIC RESEARCH COUNCIL AMENDMENT ACT, 1979.

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 Scientific Research Council Act, 1962, so as to extend the objects of the council; to extend the powers of the State President relating to the appointment of the president of the council; to make the president of the council the accounting officer; and to provide for the recovery of losses and damages caused to the council in certain circumstances; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 25 May 1979.)*

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

Amendment of section 4 of Act 32 of 1962, as amended by section 2 of Act 71 of 1964 and section 1 of Act 38 of 1976.

1. Section 4 of the Scientific Research Council Act, 1962 (hereinafter referred to as the principal Act), is hereby amended 5 by the insertion after paragraph (d) of subsection (1) of the following paragraph:

“(dA) to approve, subject to such conditions as the council may determine, of facilities for the testing and calibration of precision instruments, gauges and apparatus 10 and for the determination of their degree of accuracy, and to provide for the issue of certificates in regard thereto and to monitor such facilities for the purpose of ensuring the accuracy and reliability of their work;”.

Amendment of section 6 of Act 32 of 1962, as amended by section 2 of Act 38 of 1976.

2. Section 6 of the principal Act is hereby amended by the 15 substitution for subsection (1) of the following subsection:

“(1) The president shall be appointed whether retrospectively or otherwise for such period as the State President may determine, and shall preside at meetings of the council, be the chief executive officer of the council, exercise super- 20 vision over the other officers and employees of the council, and manage and control the work authorized by the council.”.

Insertion of sections 15A and 15B in Act 32 of 1962.

3. The following sections are hereby inserted in the principal Act after section 15:

“Accounting officer. 15A. The president shall be the accounting officer 25 charged with the responsibility of accounting for all moneys received, and for all payments made, by the council: Provided that the president may for the purposes of section 15B designate an officer of the council as accounting officer in respect of any 30 laboratory or other facility of the council.

Recovery of losses and damages.

15B. (1) If a person who is or was in the employ of the council caused the council any loss or damage because he— 35
(a) failed to collect moneys due to the council for the collection of which he is or was responsible;
(b) is or was responsible for an irregular payment of moneys of the council or for a payment of such

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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 Wetenskaplike Navorsingsraad, 1962, ten einde die oogmerke van die raad uit te brei; die bevoegdheid van die Staatspresident met betrekking tot die aanstelling van die president van die raad uit te brei; die president van die raad die rekenpligtige beamppte te maak; en voorsiening te maak vir die verhaal van verliese en skade in sekere omstandighede aan die raad veroorsaak; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 25 Mei 1979.)

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

1. Artikel 4 van die Wet op die Wetenskaplike Navorsingsraad, 1962 (hieronder die Hoofwet genoem), word hierby gewysig deur na paragraaf (d) van subartikel (1) die volgende paragraaf in te voeg:

„(dA) om, behoudens die voorwaardes wat die raad bepaal, fasiliteite goed te keur vir die toets en kalibrering van presisie-instrumente en meet- en ander apparate en vir die bepaling van hul juistheidsgraad, en om voorsiening te maak vir die uitreiking van sertifikate in verband daarmee, en om sodanige fasiliteite te monitor met die doel om die akkuraatheid en betroubaarheid van hulle werk te verseker;”.

Wysiging van artikel 4 van Wet 32 van 1962, soos gewysig deur artikel 2 van Wet 71 van 1964 en artikel 1 van Wet 38 van 1976.
2. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die president word aangestel hetsy terugwerkend al dan nie vir die tydperk wat die Staatspresident bepaal en tree as voorsitter op by vergaderings van die raad, is die uitvoerende hoofbeamppte van die raad, hou toesig oor die ander amptenare en werknemers van die raad, en bestuur en beheer die werk wat deur die raad gemagtig is.”.

Wysiging van artikel 6 van Wet 32 van 1962, soos gewysig deur artikel 2 van Wet 38 van 1976.
3. Die volgende artikels word hierby in die Hoofwet na artikel 15 ingevoeg:

„Rekenpligtige beamppte. **15A.** Die president is die rekenpligtige beamppte be- las met die verantwoording van al die geld ontvang, en van al die betalings gedoen, deur die raad; Met dien verstande dat die president vir die doeleindes van artikel 15B 'n amptenaar van die raad as rekenpligtige beamppte ten opsigte van 'n laboratorium of ander fasiliteit van die raad kan aanwys.

Verhaal van verliese en skade. **15B.** (1) Indien iemand wat in diens van die raad is of was die raad enige verlies of skade berokken het deurdat hy—

(a) versuim het om geld verskuldig aan die raad vir die invordering waarvan hy verantwoordelik is of was, in te vorder;

(b) vir 'n onreëlmatige uitbetaling van geld van die raad of vir 'n uitbetaling van sodanige geld

Invoeging van artikels 15A en 15B in Wet 32 van 1962.

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- moneys not supported by a proper voucher;
- (c) is or was responsible for fruitless expenditure of moneys of the council due 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, moneys of the council, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other property of the council;
- (e) due to an omission to carry out his duties, is or was responsible for a claim against the council, the accounting officer concerned shall determine the amount of such loss or damage, and may order, by notice in writing, that person to pay to him, within thirty days from the date of such notice, the whole or any part of the amount so determined.
- (2) If a person who is in the employ of the council 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 one-fourth of his monthly salary.
- (3) If a person who was in the employ of the council 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 concerned 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 been ordered to pay an amount in terms of subsection (1) makes, within the period stipulated in the notice in question, an offer to pay the amount in instalments, the accounting officer concerned may allow payment in such instalments as he may consider reasonable.
- (5) A person who has in terms of subsection (1) been ordered to pay an amount may, within a period of thirty days from the date of such order, appeal in writing against such order to the council, stating the grounds for his appeal, and the council may, after such investigation as it may deem necessary, dismiss the appeal, or order that the appellant be exempted either wholly or partly, according as the council may consider 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 council under subsection (5), apply within a period of thirty 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 concerned on the merits of the case that the order was rightly made or that that amount is correct, make an order setting aside such first-mentioned order or reducing that amount, as the case may be."

Short title and
commencement.

4. This Act shall be called the Scientific Research Council Amendment Act, 1979, and shall be deemed to have come into operation on 1 January 1979.

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wat nie deur 'n behoorlike bewysstuk gestaaf word nie, verantwoordelik is of was;

(c) weens versuim om sy pligte uit te voer, vir 'n vrugtelose uitgawe van geld van die raad verantwoordelik is of was;

(d) vir 'n tekort in, of die vernietiging of beskadiging van, die raad se geld, seëls, sigwaardestukke en vorms wat 'n potensiële waarde het, sekuriteite, uitrusting, voorrade of enige ander goed van die raad verantwoordelik is of was;

(e) weens versuim om sy pligte uit te voer, vir 'n eis teen die raad verantwoordelik is of was,

moet die betrokke rekenpligtige beamppte die bedrag van sodanige verlies of skade vasstel, en kan hy daardie persoon by skriftelike kennisgewing gelas om die geheel of 'n gedeelte van die bedrag wat aldus vasgestel is, binne dertig dae vanaf die datum van die kennisgewing aan hom te betaal.

(2) Indien iemand wat in diens van die raad is en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, word die bedrag, behoudens die bepalinge van subartikels (4), (5) en (6), van sy maandelikse salaris afgetrek: Met dien verstande dat so 'n aftrekking nie in een maand meer as 'n vierde van sy maandelikse salaris beloop nie.

(3) Indien iemand wat in diens van die raad was en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, moet die betrokke rekenpligtige beamppte, behoudens die bepalinge van subartikels (4), (5) en (6), die bedrag deur middel van geregtelike prosedure op die betrokke persoon verhaal.

(4) Indien iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, binne die in die betrokke kennisgewing bepaalde tydperk aanbied om die bedrag in paaie te betaal, kan die betrokke rekenpligtige beamppte hom toelaat om te betaal in die paaie wat, na hy meen, redelik is.

(5) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan binne 'n tydperk van dertig dae vanaf die datum van die lasgewing skriftelik by die raad teen so 'n lasgewing appèl aanteken, met opgaaf van die gronde vir sy appèl, en die raad kan, na die ondersoek wat hy nodig ag, die appèl verwerp of gelas dat die appellant geheel en al of ten dele, na gelang van wat die raad billik en redelik ag, van die betaling van daardie bedrag kwytgeskeld word.

(6) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan, in plaas van kragtens subartikel (5) by die raad appèl aan te teken, by 'n bevoegde hof aansoek doen, binne 'n tydperk van dertig dae vanaf die datum van die lasgewing, of binne die verdere tydperk wat die hof toelaat, om 'n bevel waarby die lasgewing tersyde gestel of daardie bedrag verminder word, en die hof kan op so 'n aansoek, indien hy nie deur die betrokke rekenpligtige beamppte aan die hand van die omstandighede van die geval oortuig word nie dat die lasgewing tereg opgelê is of dat daardie bedrag juis is, 'n bevel uitreik waarby die lasgewing tersyde gestel word of daardie bedrag verminder word, na gelang van die geval."

4. Hierdie Wet heet die Wysigingswet op die Wetenskaplike Navorsingsraad, 1979, en word geag op 1 Januarie 1979 in werking te getree het.

Kort titel en
inwerkingtreding.

