



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 1120.

30 Mei 1984

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

No. 64 van 1984: Wysigingswet op die Wetenskaplike Navorsingsraad, 1984.

OFFICE OF THE PRIME MINISTER

No. 1120,

30 May 1984

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

No. 64 of 1984: Scientific Research Council Amendment Act, 1984.

Wet No. 64, 1984

WYSIGINGSWET OP DIE WETENSKAPLIKE NAVORSINGSRAAD,
1984

ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woerde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
-
- Woerde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.

WET

Tot wysiging van die Wet op die Wetenskaplike Navorsingsraad, 1962, ten einde die Wetenskaplike en Nywerheidnavorsingsraad te magtig om toekennings aan technikons te doen en om met technikons saam te werk indien die Minister die raad in die algemeen of in 'n besondere geval daartoe gemagtig het; voorsiening te maak vir die oordrag van sekere werkzaamhede en bevoegdhede van die raad; te bepaal dat die diensvooraardes van die personeel van die raad behoudens sekere uitsonderings ook ten opsigte van die president van die raad van toepassing is; die raad te magtig om amptenare en werknemers van die raad af te staan aan die diens van enige Staatsdepartement, die regering van enige ander land of gebied of van enige persoon, binne of buite die Republiek; sekere bepalings van gemelde Wet te herroep wat voorsiening maak vir die lidmaatskap van die president en die personeel van die raad van 'n sekere pensioenfonds en 'n voorschoufonds, maar wat oorbodig geword het as gevolg van die bepalings wat vervat is in die wette wat daardie fondse beheers; die vestiging in die raad van die regte op sekere ontdekkings, uitvindings en verbeterings verder te reël; die raad te magtig om gedurende 'n boekjaar aanvullende state van sy geraamde uitgawes vir daardie jaar aan die Minister vir sy goedkeuring voor te lê; en sekere bepalings betrekende 'n wetgewende vergadering wat afgeskaf is, te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Mei 1984.)

DAAR WORD BEPAAL deur die Staatspresident 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 in paragrawe (a), (b) en (c) (i) van subartikel (2) voor die uitdrukking "tegniese kolleges" die woord "technikons" in te voeg.

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

"Oordrag van werkzaamhede en bevoegdhede van raad.
4B. (1) Behoudens die bepalings van subartikel 10 (2), kan die Minister, nadat hy met die raad oorleg gepleeg het, enige werkzaamheid of bevoegdheid van die raad skriftelik oordra aan enige liggaam van persone wat deur of kragtens enige Wet van die Parlement of 'n ordonnansie van 'n provinsie ingestel is, of aan 'n Staatsdepartement, om deur daardie lig-

Wysiging van artikel 4 van Wet 32 van 1962, soos gewysig deur artikel 2 van Wet 71 van 1964, artikel 1 van Wet 59 van 1979 en artikel 1 van Wet 31 van 1983.

Invoeging van artikel 4B in Wet 32 van 1962.

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GENERAL EXPLANATORY NOTE:

- I** 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 authorize the Council for Scientific and Industrial Research to make grants to technikons and to co-operate with technikons if the Minister has authorized the council, either generally or specially, to do so; to provide for the transfer of certain functions and powers of the council; to provide that the conditions of service of the staff of the council shall with certain exceptions apply also in respect of the president of the council; to authorize the council to second officers and employees of the council to the service of any department of State, the government of any other country or territory or of any person, in or outside the Republic; to repeal certain provisions of the said Act which provide for the membership of the president and the staff of the council of a certain pension fund and a provident fund, but which have become redundant because of the provisions contained in the laws governing those funds; to further regulate the vesting in the council of the rights in certain discoveries, inventions and improvements; to authorize the council to submit during a financial year supplementary statements of its estimated expenditure for that year to the Minister for his approval; and to repeal certain provisions relating to a legislative assembly which has been abolished; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 23 May 1984.)

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

1. Section 4 of the Scientific Research Council Act, 1962 (hereinafter referred to as the principal Act), is hereby amended by the insertion in paragraphs (a), (b) and (c) (i) of subsection (2) before the expression "technical colleges" of the word "technikons".

Amendment of section 4 of Act 32 of 1962, as amended by section 2 of Act 71 of 1964, section 1 of Act 59 of 1979 and section 1 of Act 31 of 1983.

2. The following section is hereby inserted in the principal Act after section 4B:

Insertion of section 4B in Act 32 of 1962.

10 "Transfer of functions and powers of council." 4B. (1) Subject to the provisions of subsection (2) the Minister may, after he has consulted with the council, in writing transfer any function or power of the council to any body of persons established by or under any Act of Parliament or an ordinance of a province or to any department of State, to be per-

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1984**

gaam of departement tot uitsluiting van die raad ver-
rig of uitgeoefen te word.

(2) Die oordrag in subartikel (1) vermeld, word
gedoen slegs met die instemming van die betrokke
ander Minister, of van die Administrateur van die
betrokke provinsie of van die ander gesag, wat teen-
oor die betrokke liggaam staan in 'n verhouding wat
na die oordeel van die Minister wesenlik ooreenstem
met dié van die Minister teenoor die raad.

(3) Die Minister kan met die instemming van die
raad bepaal dat enige goed (uitgesonderd grond en
geboue) van die raad wat deur die raad in ver-
band met die verrigting of uitoefening van 'n werk-
saamheid of bevoegdheid wat ingevolge subartikel
(1) oorgedra word, gebruik word, aan die betrokke
liggaam van persone of Staatsdepartement oorgedra
word.

(4) Die Minister kan met die instemming van die
Minister van Finansies en nadat hy met die raad oor-
leg gepleeg het, bepaal dat daardie gedeelte van die
fondse van die raad wat gedurende die boekjaar
waarin die oordrag in subartikel (1) beoog, plaas-
vind, deur die raad in verband met die betrokke
werksaamheid of bevoegdheid aangewend sou word,
aan die betrokke liggaam van persone of Staatsde-
partement oorbetaal moet word, ten einde deur
daardie liggaam of Staatsdepartement in verband
met die verrigting of uitoefening van daardie werk-
saamheid of bevoegdheid aangewend te word.”.

Wysiging van
artikel 6 van
Wet 32 van 1962,
soos gewysig deur
artikel 2 van
Wet 38 van 1976.

**3. Artikel 6 van die Hoofwet word hierby gewysig deur subar- 30
tikel (2) deur die volgende subartikel te vervang:**

“(2) (a) Die raad moet uit sy fondse aan die president die
besoldiging betaal wat die Staatspresident bepaal.
(b) Behoudens die bepalings van paragraaf (a) en van sub-
artikel (1), is die diensvooraardes ingevolge artikel 10 35
(1) (e) bepaal ook ten opsigte van die president van
toepassing, behalwe in soverre die Staatspresident anders bepaal.”.

Wysiging van
artikel 10 van
Wet 32 van 1962,
soos gewysig deur
artikel 1 van
Wet 21 van 1969
en artikel 3 van
Wet 38 van 1976.

4. Artikel 10 van die Hoofwet word hierby gewysig—

(a) deur die volgende paragraaf by subartikel (1) te voeg: 40
“(f) Die raad kan op die voorwaardes wat hy goedvind,
'n amptenaar of werknemer van die raad, hetsy vir
'n besondere diens of vir 'n tydperk, afstaan aan
die diens van 'n Staatsdepartement, die regering
van 'n ander land of gebied of van 'n persoon, bin-
ne of buite die Republiek, mits so 'n amptenaar of
werknemer se regte, voorregte en voordele uit
hoofde van sy diensvooraardes as amptenaar of
werknemer van die raad nie deur sodanige afstand
nadelig geraak word nie: Met dien verstande dat 'n
amptenaar of werknemer nie aan die diens van die
regering van daardie ander land of gebied of van 'n
persoon buite die Republiek afgestaan word tensy
die amptenaar of werknemer daar toe toestem-
nie.”; en 50
(b) deur subartikels (2), (3) en (4) te skrap.

Wysiging van
artikel 11 van
Wet 32 van 1962,
soos gewysig deur
artikel 3 van
Wet 71 van 1964.

5. Artikel 11 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te ver-
vang:
“(1) Behoudens die bepalings van subartikel (4) van 60
hierdie artikel en van artikel 12 berus die regte op alle
ontdekings en uitvindings en op alle verbeterings ten
opsigte van prosesse, apparaat en masjiene wat gedoen
word deur amptenare of werknemers van die raad in
die loop van hul werk as amptenare of werknemers van 65

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formed or exercised by that body or department of State to the exclusion of the council.

(2) The transfer referred to in subsection (1) shall be made only with the concurrence of the other Minister concerned, or of the Administrator of the province concerned, or of the other authority, which stands as against the body concerned in a relationship which in the opinion of the Minister materially corresponds to that of the Minister as against the council.

(3) The Minister may with the concurrence of the council determine that any property (excluding land and buildings) of the council used by the council in connection with the performance or exercise of the function or power transferred in terms of subsection (1), shall be transferred to the body of persons or department of State concerned.

(4) The Minister may with the concurrence of the Minister of Finance and after he has consulted with the council, determine that such part of the funds of the council as would have been utilized, during the financial year in which the transfer contemplated in subsection (1) takes place, by the council in connection with the function or power in question, shall be paid over to the body of persons or department of State concerned, in order to be utilized by that body or department of State in connection with the performance or exercise of that function or power.”.

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

(2) (a) The council shall out of its funds pay to the president such remuneration as the State President may determine.

(b) Subject to the provisions of paragraph (a) and of subsection (1), the conditions of service determined in terms of subsection 10 (1) (e) shall apply also in respect of the president, except in so far as the State President determines otherwise.”.

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

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

(a) by the addition to subsection (1) of the following paragraph:

“(f) The council may on such conditions as it may deem fit second an officer or employee of the council, either for particular service or for a period of time, to the service of any department of State, the government of any other country or territory or of any person, in or outside the Republic, provided such officer's or employee's rights, privileges and benefits by virtue of his conditions of service as an officer or employee of the council are not adversely affected by such secondment: Provided that an officer or employee shall not be seconded to the service of the government of such other country or territory or of a person outside the Republic unless the officer or employee consents thereto.”; and

(b) by the deletion of subsections (2), (3) and (4).

Amendment of section 10 of Act 32 of 1962, as amended by section 1 of Act 21 of 1969 and section 3 of Act 38 of 1976.

5. Section 11 of the principal Act is hereby amended—

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

“(1) Subject to the provisions of subsection (4) of this section and of section 12 the rights in all discoveries and inventions and in all improvements in respect of processes, apparatus and machines made by officers or employees of the council in the course of their employment as officers or employees of the council, or by per-

Amendment of section 11 of Act 32 of 1962, as amended by section 3 of Act 71 of 1964.

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die raad, of deur persone wat navorsingsbeurse van die raad ontvang, by die raad, wat sodanige ontdekings, uitvindings en verbeterings beskikbaar moet stel vir gebruik in die openbare belang op die voorwaardes en onderworpe aan die betaling van dié gelde of tantième wat die raad bepaal ooreenkomstig regulasies uitgevaardig ingevolge artikel 16.”; en 5

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Die bepalings van hierdie artikel is nie van toepassing nie ten opsigte van 'n ontdekking, uitvinding of verbetering vermeld in subartikel (1) wat, volgens die oordeel van die Minister, deur die betrokke persoon gedoen is anders as [in die loop van sy werk as amptenaar of werknemer van die raad of] in die loop van die navorsing ten opsigte waarvan hy 'n beurs van die raad ontvang, en geen verband met sodanige [werk of] navorsing hou nie.”.

Wysiging van artikel 15 van Wet 32 van 1962, soos vervang deur artikel 4 van Wet 71 van 1964 en gewysig deur artikel 2 van Wet 21 van 1969 en artikel 2 van Wet 31 van 1983.

6. Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang: 20

“(3) (a) Die raad—

(i) moet in elke boekjaar, en wel op 'n tydstip deur die Minister bepaal, 'n staat van sy geraamde inkomste en uitgawes gedurende die daaropvolgende boekjaar;

(ii) kan gedurende enige boekjaar op enige tydstip aanvullende state van sy geraamde uitgawe vir daardie boekjaar,

aan die Minister voorlê vir sy goedkeuring [na oorlegpleging], verleen met die instemming van die Minister van Finansies.

(b) Die raad gaan geen uitgawes aan wat die totale bedrag wat kragtens paragraaf (a) goedgekeur is, oorskry nie.”.

7. Artikel 17 van die Hoofwet word hierby herroep. 35

Herroeping van artikel 17 van Wet 32 van 1962.

Kort titel.

8. Hierdie Wet heet die Wysigingswet op die Wetenskaplike Navorsingsraad, 1984.

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sons receiving research bursaries from the council, shall vest in the council, which shall make such discoveries, inventions and improvements available for use in the public interest subject to such conditions and the payment of such fees or royalties as the council may, in accordance with regulations made in terms of section 16, determine.”; and

(b) by the substitution for subsection (4) of the following subsection:

“(4) The provisions of this section shall not apply in respect of a discovery, invention or improvement referred to in subsection (1) which, in the opinion of the Minister, was made by the person in question otherwise than [in the course of his employment as an officer or employee of the council or] in the course of the research in respect of which he receives a bursary from the council, and is not connected with such [employment or] research.”.

6. Section 15 of the principal Act is hereby amended by the 20 substitution for subsection (3) of the following subsection:

(3) (a) The council—

- (i) shall in each financial year, at a time determined by the Minister, submit a statement of its estimated income and expenditure during the following financial year;
- (ii) may at any time during any financial year submit supplementary statements of its estimated expenditure for that year,

to the Minister for his approval [after consultation], granted with the concurrence of the Minister of Finance.

(b) The council shall not incur any expenditure which exceeds the total amount approved under paragraph (a). ”.

35 7. Section 17 of the principal Act is hereby repealed.

Amendment of
section 15 of
Act 32 of 1962,
as substituted by
section 4 of
Act 71 of 1964
and amended by
section 2 of
Act 21 of 1969
and section 2 of
Act 31 of 1983.

Repeal of
section 17 of
Act 32 of 1962.

8. This Act shall be called the Scientific Research Council Short title.
Amendment Act, 1984.

