



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1476.

18 Julie 1984

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

No. 82 van 1984: Wet op die Wetenskaplike Navorsingsraad, 1984.

No. 1476.

18 July 1984

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

No. 82 of 1984: Scientific Research Council Act, 1984.

Wet No. 82, 1984

WET OP DIE WETENSKAPLIKE NAVORSINGSRAAD, 1984

WET

Tot samevatting van die wette wat voorsiening maak vir die bevordering van wetenskaplike en nywerheidsnavorsing en die voortbestaan van die Wetenskaplike en Nywerheidsnavorsingsraad; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1984.)*

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

Woordomskrywing.

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

- (i) "herroepe Wet" die Wet op die Wetenskaplike Navorsingsraad, 1962 (Wet No. 32 van 1962); (v)
- (ii) "hierdie Wet" ook 'n regulasie; (vii)
- (iii) "Minister" die Minister aan wie die uitvoering van hierdie Wet ingevolge artikel 21 opgedra is; (ii)
- (iv) "president" die persoon wat ingevolge artikel 8 as 10 president van die raad aangestel is; (iii)
- (v) "raad" die raad vermeld in artikel 2; (i)
- (vi) "regulasie" 'n regulasie ingevolge hierdie Wet van krag; (iv)
- (vii) "Republiek" ook die gebied Suidwes-Afrika. (vi) 15

Voortbestaan van Wetenskaplike en Nywerheidsnavorsingsraad.

2. Die Wetenskaplike en Nywerheidsnavorsingsraad ingestel by artikel 2 van die Wet op die Wetenskaplike Navorsingsraad, 1945 (Wet No. 33 van 1945), bly ondanks die herroeping van die Wet op die Wetenskaplike Navorsingsraad, 1962 (Wet No. 32 van 1962), deur hierdie Wet, voortbestaan as 'n regspossoon. 20

Werksaamhede van raad.

3. Die raad het beheer oor al die aangeleenthede betreffende wetenskaplike en nywerheidsnavorsing in die Republiek wat die Minister aan hom mag opdra, of wat die raad uit eie beweging mag bevorder op gebiede wat die Minister in die besonder of in breë trekke bepaal, en moet die Minister van advies dien aangaande alle vraagstukke insake wetenskaplike en tegnologiese metodes betreffende die gebruikmaking van die natuurlike hulpbronne van die Republiek en die ontwikkeling van sy nywerhede en insake die behoorlike koördinasie en aanwending van wetenskaplike navorsing vir daardie doel. 30

Oogmerke van raad, en sy bevoegdheid in verband daarmee.

4. (1) Sonder om afbreuk te doen aan die algemeenheid van die werksaamhede van die raad kragtens artikel 3, is die oogmerke van die raad—

- (a) om die gebruikmaking van die natuurlike hulpbronne van die Republiek en die produksievermoë van sy bevolking te bevorder; 35
- (b) om te soek na nuwe kennis deur navorsing, ondersoek en toetse op die wyse wat hy raadsaam ag, hoofsaaklik met die doel om tegniese prosesse, metodes en dienste

ACT

To consolidate the laws providing for the promotion of scientific and industrial research and for the continued existence of the Council for Scientific and Industrial Research; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 28 June 1984.)*

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

1. In this Act, unless the context otherwise indicates—

Definitions.

- (i) "council" means the council referred to in section 2;
- (v)
- (ii) "Minister" means the Minister to whom the administration of this Act has been assigned in terms of section 21; (iii)
- (iii) "president" means the person appointed in terms of section 8 as president of the council; (iv)
- (iv) "regulation" means a regulation in force in terms of this Act; (vi)
- (v) "repealed Act" means the Scientific Research Council Act, 1962 (Act No. 32 of 1962); (i)
- (vi) "Republic" includes the territory of South West Africa; (vii)
- (vii) "this Act" includes a regulation. (ii)

2. The Council for Scientific and Industrial Research established by section 2 of the Scientific Research Council Act, 1945 (Act No. 33 of 1945), shall, notwithstanding the repeal of the Scientific Research Council Act, 1962 (Act No. 32 of 1962), by this Act, continue to exist as a juristic person.

Continued existence of Council for Scientific and Industrial Research.

3. The council shall have charge of all such matters affecting scientific and industrial research in the Republic as may be assigned to it by the Minister, or as the council may of its own accord promote in spheres determined by the Minister either specially or in broad outline, and shall advise the Minister on all questions of scientific and technological methods affecting the utilization of the natural resources of the Republic, and the development of its industries, and of the proper co-ordination and utilization of scientific research to those ends.

Functions of council.

4. (1) Without derogating from the generality of the functions of the council under section 3, the objects of the council shall be—

Objects of council, and its powers in connection therewith.

- (a) to promote the utilization of the natural resources of the Republic and the productive capacity of its population;
- (b) to seek new knowledge through research, investigations and tests in such manner as it may deem advisable, mainly with the object of improving technical pro-

en nywerheidsprodukte te verbeter, en om prosesse en metodes te ontwikkel wat die uitbreiding van bestaande of die totstandbrenging van nuwe nywerhede of die beter aanwending van grondstowwe en afvalprodukte kan bevorder;

- (c) om wetenskaplike navorsing te onderneem of te steun in verband met die aangeleenthede wat die Minister na die raad vir ondersoek verwys;
 - (d) om fasiliteite tot stand te bring en te beheer vir die toets en kalibrering van presisie-instrumente en meet- en ander apparate, die bepaling van hul juistheidsgraad en die uitreiking van sertifikate in verband daarmee;
 - (e) 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 akkuraatheid en betroubaarheid van hul werk te verseker;
 - (f) om fasiliteite tot stand te bring en te beheer om navorsing te doen in verband met standaardisasie in die nywerheid en die handel;
 - (g) om vir die Republiek primêre wetenskaplike standdaarde van fisiese hoeveelhede in stand te hou, en om voorsiening te maak vir hul vergelyking van tyd tot tyd met internasionale standdaarde;
 - (h) om die opleiding van navorsingswerkers te bevorder en om navorsingsbeurse in te stel en toe te staan;
 - (i) om in die algemeen wetenskaplike navorsing aan te moedig en te bevorder en geldelik daartoe by te dra;
 - (j) om die instelling van verenigings van persone verbonde aan die nywerheid met die doel om wetenskaplike nywerheidsnavorsing te doen, te bevorder, te erken en te steun, en om met sodanige ingestelde of erkende verenigings saam te werk, en op die voorwaardes wat die Minister goedkeur, bydraes aan hulle toe te ken;
 - (k) om geriewe tot stand te bring en te beheer vir die insameling en verspreiding van inligting in verband met wetenskaplike en tegniese aangeleenthede;
 - (l) om dié inligting oor sy oogmerke en werksaamhede wat hy goed ag, te publiseer;
 - (m) om in wetenskaplike en nywerheidsnavorsingsaangeleenthede op te tree as skakel tussen die Republiek en ander lande; en
 - (n) om enige werksaamheid of bevoegdheid wat ingevolge hierdie Wet of enige ander wet aan die raad opgedra of verleen word, te verrig of uit te oefen.
- (2) Die raad kan—
- (a) wetenskaplike, tegniese en nywerheidsnavorsing doen met betrekking tot steenkool of enige brandstof en die aanwending daarvan, en kan opnames doen van alle aangeleenthede wat daarop betrekking het;
 - (b) steenkool vir enige doel bemonster, toets en analiseer en kan ontledingsertifikate uitreik.
- (3) Die raad kan ten einde enige van sy werksaamhede te verrig of enige van sy oogmerke te bereik, behoudens die bepalings van hierdie Wet of enige ander wet, met enige persoon of, behoudens die bepalings van artikel 5, enige regering of administrasie in daardie artikel vermeld, 'n ooreenkoms of reëling aangaan op die bedinge en voorwaardes waarop die raad en so 'n persoon, regering of administrasie ooreenkom.
- (4) Indien die Minister die raad in die algemeen of in 'n besondere geval daartoe gemagtig het, kan die raad ter bereiking van sy oogmerke—
- (a) aan universiteite, teknikons, tegniese kolleges, museums en wetenskaplike inrigtings toekennings doen ten bate van wetenskaplike en nywerheidsnavorsing deur hul personeel, of vir die totstandbrenging van fasiliteite vir sodanige navorsing;

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- cesses, methods and services and industrial products, and of developing processes and methods which may promote the expansion of existing or the establishment of new industries or the better utilization of raw materials and waste products;
- 5 (c) to undertake or aid scientific research in connection with such matters as the Minister may refer to it for investigation;
- 10 (d) to establish and control facilities for the testing and calibration of precision instruments, gauges and apparatus, the determination of their degree of accuracy and the issue of certificates in regard thereto;
- 15 (e) to approve, subject to such conditions as the council may determine, of facilities for the testing and calibration of precision instruments, gauges and apparatus 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;
- 20 (f) to establish and control facilities for research in connection with standardization in industry and commerce;
- (g) to maintain primary scientific standards of physical quantities for the Republic, and to provide for their comparison with international standards from time to time;
- 25 (h) to foster the training of research workers and to establish and award research bursaries;
- (i) to encourage and promote scientific research generally, and to contribute thereto financially;
- 30 (j) to foster, recognize and aid the establishment of associations of persons engaged in industry, for the purpose of carrying out scientific industrial research, and to co-operate with and, subject to conditions approved by the Minister, make grants to such established or recognized associations;
- 35 (k) to establish and control facilities for the collection and dissemination of information in connection with scientific and technical matters;
- (l) to publish such information concerning its objects and functions as it may deem fit;
- 40 (m) to act as liaison between the Republic and other countries in matters relating to scientific and industrial research; and
- (n) to perform or exercise any function or power assigned to or conferred upon the council in terms of this Act or any other law.
- 45

(2) The council may—

- 50 (a) undertake scientific, technical and industrial research in connection with coal or any fuel and the utilization thereof, and may undertake surveys on all matters relating thereto;
- (b) sample, test and analyse coal and may issue certificates of analysis.

(3) The council may in order to perform or to achieve any of its functions or objects, subject to the provisions of this Act or any other law, enter into an agreement or arrangement with any person or, subject to the provisions of section 5, any government or administration, on such terms and conditions as may be agreed upon by the council and such person, government or administration.

55 60

(4) If authorized thereto by the Minister either generally or specially, the council may for the achievement of its objects—

- 65 (a) make grants to universities, technikons, technical colleges, museums and scientific institutions in aid of scientific and industrial research by their staff, or for the establishment of facilities for such research;

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- (b) met Staatsdepartemente, universiteite, teknikons, tegniese kolleges, wetenskaplike inrigtings en ander persone saamwerk vir die bevordering van wetenskaplike en nywerheidsnavorsing;
 - (c) met onderwysowerhede en wetenskaplike of tegniese verenigings in die Republiek wat onderskeidelik werkgewers en werknemers verteenwoordig, saamwerk ter bevordering van—
 - (i) die onderwys van die wetenskap in skole, teknikons, tegniese kolleges en universiteite; 10
 - (ii) die opleiding van navorsers in wetenskap en van tegniese deskundiges; en
 - (iii) die opleiding van vakmanne en geskoolde ambagsmanne;
 - (d) studiebeurse en -lenings toeken of beskikbaar stel aan persone wat hulle as wetenskaplikes, tegniese deskundiges, vakmanne of geskoolde ambagsmanne wil bekwaam; 15
 - (e) met persone en verenigings wat wetenskaplike of nywerheidsnavorsing in ander lande onderneem, saamwerk. 20
- (5) Die raad kan—
- (a) ten einde sy oogmerke te bereik—
 - (i) met goedkeuring van die Minister onroerende goed aankoop of op 'n ander wyse verkry, of besit of vervreem, en laboratoriums of ander fasiliteite tot stand bring; 25
 - (ii) roerende goed aankoop of op 'n ander wyse verkry, of besit of vervreem, en sodanige goed asook enige onroerende goed of dienste huur of verhuur; 30
 - (iii) van tyd tot tyd op die bedinge en voorwaardes wat die Minister met die instemming van die Minister van Finansies goedkeur, geld by wyse van lening uit enige bron opneem: Met dien verstande dat indien 'n waarborg, vrywaring of sekuriteit verstrekk ingevolge artikel 35 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), van krag is ten opsigte van 'n lening wat aan die raad toegestaan is, die raad nie sonder die voorafgaande goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, onroerende goed deur die raad verkry met geld wat deur middel van die lening bekom is, met 'n verband of ander las beswaar nie; en 40
 - (b) benewens die ander dinge wat die raad ingevolge ander bepalinge van hierdie Wet of ingevolge 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 goed of regte van die raad te verhoog of winsgewend te maak. 50

Uitoefening van bevoegdheid van raad buite Republiek.

5. (1) Die Raad kan op versoek van of met die voorafverkreë goedkeuring van die Minister wetenskaplike en nywerheidsnavorsing in enige gebied buite die Republiek doen namens enige persoon (met inbegrip van enige regering of administrasie) in sodanige gebied. 55

(2) Behoudens die bepalinge van subartikel (3) is die bepalinge van hierdie Wet, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing in verband met die uitoefening deur die raad van sy bevoegdheid ingevolge hierdie artikel asof die gebied waarin hy sy bevoegdheid aldus uitoefen binne die Republiek is. 60

(3) Ondanks andersluidende bepalinge van hierdie Wet, is die bedinge en voorwaardes waarop die raad ingevolge subartikel (1) navorsing kan doen, dié waarop daar deur die raad en die persoon (met inbegrip van enige regering of administrasie) namens wie navorsing gedoen gaan word, ooreengekom word en wat deur die Minister goedgekeur word. 65

(4) Die Minister kan met die instemming van die Minister van Finansies die raad vrywaar teen verliese wat die raad mag ly as gevolg van 'n handeling of versuim van die regering of administrasie van 'n gebied buite die Republiek.

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- (b) co-operate with State Departments, universities, technicians, technical colleges, scientific institutions and other persons for the promotion of scientific and industrial research;
- 5 (c) co-operate with educational authorities and scientific or technical societies in the Republic or organizations or bodies in the Republic representing employers and employees, respectively, for the promotion of—
- 10 (i) the teaching of science in schools, technical colleges, technicians and universities;
- (ii) the training of research workers in science and of technical experts; and
- (iii) the training of craftsmen and skilled artisans;
- 15 (d) grant or make available bursaries and educational loans to persons desiring to train as scientists, technical experts, craftsmen or skilled artisans;
- (e) co-operate with persons and associations undertaking scientific or industrial research in other countries.
- (5) The council may—
- 20 (a) in order to achieve 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;
- 25 (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;
- (iii) borrow money from time to time on the terms and conditions approved by the Minister, with the concurrence of the Minister of Finance, from any source: Provided that the council shall not, if a
- 30 guarantee, indemnity or security furnished in terms of section 35 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), is in force in respect of a loan granted to the council, without the
- 35 prior approval of the Minister, granted with the concurrence of the Minister of Finance, mortgage or otherwise encumber immovable property acquired by the council with money obtained by
- 40 means of that loan; and
- (b) in addition to the other things which the council is required or empowered to do in terms of other provisions of this Act or in terms of any other law, do all such
- 45 things as are conducive to the achievement of its objects or are calculated, directly or indirectly, to enhance the value of or render profitable the property or rights of the council.

5. (1) The council may at the request or with the prior approval of the Minister undertake scientific and industrial research in

50 any territory outside the Republic on behalf of any person (including any government or administration) in any such territory.

Exercise of powers of council outside Republic.

(2) Subject to the provisions of subsection (3) the provisions of this Act shall, in so far as they can be applied, apply *mutatis mutandis* in connection with the exercising by the council of its

55 powers in terms of this section as if the territory in which it so exercises its powers were within the Republic.

(3) Notwithstanding anything to the contrary in this Act contained, the terms and conditions on which the council may undertake research in terms of subsection (1), shall be such as

60 may be agreed upon by the council and the person (including any government or administration) on whose behalf research is to be undertaken, and approved by the Minister.

(4) The Minister may with the concurrence of the Minister of Finance indemnify the council against any losses which it may incur consequent on any act or omission of the government or

65 administration of any territory outside the Republic.

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Oordrag van
werkzaamhede
en bevoegd-
hede van raad.

6. (1) Behoudens die bepalings van subartikel (2) kan die Minister, nadat hy met die raad oorleg gepleeg het, enige werksaamheid 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 5
aan 'n Staatsdepartement, om deur daardie liggaam of departement tot uitsluiting van die raad verrig 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 teenoor die betrokke liggaam staan in 'n verhouding wat na die oordeel van die Minister wesentlik ooreenstem met dié van die Minister teenoor die raad. 10

(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 verband met die verrigting of uitoefening van 'n werksaamheid of bevoegdheid wat ingevolge subartikel (1) oorgedra word, gebruik word, aan die betrokke liggaam van persone of Staatsdepartement oorgedra word. 15

(4) Die Minister kan met die instemming van die Minister van Finansies en nadat hy met die raad oorleg gepleeg het, bepaal dat daardie gedeelte van die fondse van die raad wat gedurende die boekjaar waarin die oordrag in subartikel (1) beoog, plaasvind, deur die raad in verband met die betrokke werksaamheid of bevoegdheid aangewend sou word, aan die betrokke liggaam 25
van persone of Staatsdepartement oorbetal moet word, ten einde deur daardie liggaam of Staatsdepartement in verband met die verrigting of uitoefening van daardie werksaamheid of bevoegdheid aangewend te word.

Samestelling van
raad en ampster-
myn en besoldi-
ging van
sekere lede.

7. (1) Behoudens die bepalings van subartikel (2) bestaan die raad uit 'n president en 11 ander lede, wat deur die Staatspresident aangestel moet word en wat almal persone moet wees wat onderskeiding in die wetenskap of die nywerheidswese behaal het of besondere kennis of ondervinding met betrekking tot een of ander aspek van die raad se werk het. 30 35

(2) 'n Lid van die raad, met uitsondering van die president, bekleed sy amp vir 'n tydperk van drie jaar.

(3) 'n Lid van die raad wie se ampstermyn verstryk het, kan weer aangestel word.

(4) Behoudens die bepalings van artikels 8, 10 en 11 mag 'n lid van die raad nie enige besoldiging ten opsigte van sy dienste as so 'n lid ontvang nie, maar die raad moet uit sy fondse aan so 'n lid die toelaes betaal ten opsigte van reis- en verblyf-koste deur hom aangegaan in verband met die sake van die raad wat die Minister ná oorlegpleging met die Minister van Finansies be- 45
paal: Met dien verstande dat behalwe op aanbeveling van die Kommissie vir Administrasie sodanige toelaes wat betaal word aan so 'n lid wat in die heeltidse diens van die Staat is, nie hoër mag wees nie as dié wat ten opsigte van sy werk in diens van die Staat aan hom betaalbaar is. 50

(5) Die Minister moet een van die lede van die raad aanwys om as voorsitter van die raad op te tree wanneer die president afwesig is of nie in staat is om sy pligte uit te voer nie, en wanneer die president en die aldus aangewese persoon altwee van 'n vergadering van die raad afwesig is, kan die lede wat daarop 55
aanwesig is, een uit hul midde kies om op daardie vergadering voor te sit.

President van
raad.

8. (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 60
hoofbeampte van die raad, hou toesig oor die ander amptenare en werknemers van die raad, en bestuur en beheer die werk met behoorlike inagneming van die beleid en voorskrifte van die raad.

(2) (a) Die president ontvang uit die fondse van die raad die 65
besoldiging wat die Staatspresident bepaal.

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6. (1) Subject to the provisions of subsection (2) the Minister may, after consulting 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 performed or exercised by that body or department of State to the exclusion of the council.

Transfer of
functions and
powers of 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 consulting 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.

7. (1) Subject to the provisions of subsection (2) the council shall consist of a president and 11 other members, to be appointed by the State President, all of whom shall be persons who have achieved distinction in science or industry or who have special knowledge or experience in relation to some aspect of the council's work.

Constitution of
council and period
of office and
remuneration of
certain members.

(2) A member of the council, with the exception of the president, shall hold office for a period of three years.

(3) A member of the council whose period of office has expired, shall be eligible for reappointment.

(4) Subject to the provisions of sections 8, 10 and 11 a member of the council shall not receive any remuneration in respect of his services as such a member, but the council shall out of its funds pay to any such member such allowances in respect of travelling and subsistence expenses incurred by him in connection with the business of the council, as the Minister may after consultation with the Minister of Finance determine: Provided that except on the recommendation of the Commission for Administration such allowances paid to such a member who is in the full-time service of the State shall not exceed those which are payable to him in respect of his work in the service of the State.

(5) The Minister shall designate one of the members of the council to act as chairman of the council when the president is absent or is unable to perform his duties, and when both the president and the person so designated are absent from a meeting of the council, the members present thereat may elect one of their number to preside at such meeting.

8. (1) The president shall be appointed, whether retrospectively or not, 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 supervision over the other officers and employees of the council, and manage and control the work with due observance of the policy and directions of the council.

President of
council.

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

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(b) Behoudens die bepalings van paragraaf (a) en van subartikel (1), is die diensvoorwaardes ingevolge artikel 12 (1) (b) bepaal ook ten opsigte van die president van toepassing, behalwe in soverre die Staatspresident anders bepaal.

(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 na oorlegpleging met die Minister van Finansies bepaal, iemand anders aanstel om as president waar te neem tydens sodanige afwesigheid of onvermoë of totdat 'n president ingevolge artikel 8 aangestel is, en terwyl hy aldus waarneem, het daardie ander persoon al die bevoegdhede en verrig hy al die werksaamhede van die president.

Vergaderings
van raad.

9. (1) Die vergaderings van die raad word gehou op die tye en plekke wat die raad vasstel.

(2) Die president kan te eniger tyd 'n spesiale vergadering van die raad belê en so 'n vergadering word gehou op die tyd en plek wat die president gelas.

(3) Die kworum vir 'n vergadering van die raad is vyf lede daarvan.

(4) 'n Besluit van die raad moet geskied by 'n besluit van die meerderheid van die lede wat op 'n vergadering van die raad aanwesig is, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering as voorsitter optree, 'n beslissende stem benewens sy beraadslagende stem as lid van die raad.

Uitvoerende
komitee.

10. (1) Die raad het 'n uitvoerende komitee wat bestaan uit die president en twee ander lede van die raad wat jaarliks deur die raad gekies word.

(2) Onder die toesig van die raad kan die uitvoerende komitee al die bevoegdhede van die raad uitoefen en moet hy al die pligte van die raad verrig.

(3) Die raad moet uit sy fondse aan die lede van die uitvoerende komitee, met uitsondering van die president en lede wat in die heeltydse diens van die Staat is, die besoldiging ten opsigte van hul dienste betaal wat die Minister na oorlegpleging met die Minister van Finansies bepaal.

Hulpkomitees.

11. (1) Die raad kan hulpkomitees instel om hom by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede behulpsaam te wees, en kan die persone wat hy goedvind, met inbegrip van amptenare van die raad, as lede van enige sodanige komitee aanstel.

(2) Die raad kan na goëddunke 'n bevoegdheid wat hy besit, opdra aan 'n komitee aldus ingestel, maar word nie ontdoen van 'n bevoegdheid wat hy aan so 'n komitee opgedra het nie, en kan 'n besluit van so 'n komitee wysig of intrek.

(3) Die raad moet uit sy fondse aan die lede van 'n hulpkomitee, met uitsondering van die president en lede wat in die voltydse diens van die Staat of amptenare van die raad is, die besoldiging en toelaes ten opsigte van hul dienste betaal wat die Minister met die instemming van die Minister van Finansies bepaal.

Amptenare en
werknemers van
raad, bepaling
van diensvoor-
waardes en be-
taling van
toelaes, ens.,
aan president
en amptenare
en werknemers.

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

(b) 'n Aanstelling ingevolge paragraaf (a) is behoudens die bepalings van paragrafe (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 met die instemming van die Minister van Finansies goedgekeur moet word.

(c) Die raad moet uit sy fondse aan amptenare en werknemers

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(b) Subject to the provisions of paragraph (a) and of subsection (1), the conditions of service determined in terms of subsection 12 (1) (b) shall apply also in respect of the president, except in so far as the State President determines otherwise.

(3) Whenever for any reason the president is absent or unable to carry out his duties, or whenever there is a vacancy in the office of the 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 to act as president during such absence or inability, or until a president has been appointed in terms of section 8, and that other person shall, while so acting, have all the powers and perform all the functions of the president.

9. (1) The meetings of the council shall be held at such times and places as the council may fix. Meetings of council.

(2) The president may at any time call a special meeting of the council, which shall be held at such time and place as he may direct.

(3) The quorum for a meeting of the council shall be five of the members thereof.

(4) A decision of the council shall be by a resolution of the majority of the members present at any meeting of the council, and, in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote as a member of the council.

10. (1) The council shall have an executive committee consisting of the president and two other members of the council elected annually by the council. Executive committee.

(2) Under the supervision of the council the executive committee may exercise all the powers and shall perform all the functions of the council.

(3) The council shall out of its funds pay to the members of the executive committee, with the exception of the president and any members who are in the full-time service of the State, such remuneration in respect of their services as the Minister may after consultation with the Minister of Finance determine.

11. (1) The council may establish subsidiary committees to assist it in the exercise of its powers and the performance of its functions, and may appoint such persons, including officers of the council, as it may deem fit to be members of any such committee. Subsidiary committees.

(2) The council may in its discretion assign any of its powers to a committee so established, but shall not be divested of any power assigned to such a committee, and may amend or withdraw any decision of such a committee.

(3) The council shall pay out of its funds to the members of a subsidiary committee, with the exception of the president and members who are in the full-time service of the State or officers of the council, such remuneration and allowances in respect of their services as the Minister may, with the concurrence of the Minister of Finance, determine.

12. (1) (a) The council may appoint such officers and employees as it may deem necessary to assist it to achieve its objects. Officers and employees of council, determination of conditions of service and payment of allowances, etc., to president and officers and employees.

(b) An appointment in terms of paragraph (a) shall, subject to the provisions of paragraphs (c) and (d), be subject to the conditions of service determined by the council from time to time: 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 with the concurrence of the Minister of Finance.

(c) The council shall out of its funds pay to the officers and

mers van die raad die besoldiging betaal wat die Minister met die instemming van 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 beampes en werknemers in die staatsdiens was: Met dien verstande dat die Minister op die aanbeveling van die raad en met die instemming van 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 beampes en werknemers in die staatsdiens van toepassing is;

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

- (e) 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, binne of buite die Republiek, mits so 'n amptenaar of werknemer se regte, voorregte en voordele uit hoofde van sy diensvoorwaardes 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 sodanige ander land of gebied of van 'n persoon buite die Republiek afgestaan word tensy die amptenaar of werknemer daartoe toestem nie.

(2) Die raad kan uit sy fondse die bedrag, op die voorwaardes wat hy goed ag, aan die president of 'n ander lid van sy persoonel 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 (Wet No. 41 van 1963), of van die voorsorgfonds vermeld in artikel 3 (1) (b) van daardie Wet.

Ontdekkings, uitvindings en verbeterings deur amptenare van raad en andere, en toekenning van bonusse aan sodanige persone.

13. (1) Behoudens die bepalings van subartikel (4) en van artikel 14 berus die regte op alle ontdekkings 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 die raad, of deur persone wat navorsingsbeurse van die raad ontvang, by die raad, wat sodanige ontdekkings, 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 20.

(2) Indien die regte op 'n ontdekking of uitvinding ingevolge subartikel (1) by die raad berus, kan die raad aan die betrokke ontdekker of uitvinder die bonus toeken, of voorsiening maak vir geldelike deelname deur so iemand in die winste verkry uit dié ontdekking of uitvinding in die mate, wat die Minister ná oorlegpleging met die Minister van Finansies bepaal.

(3) Die raad kan aansoek doen om 'n patent ten opsigte van enige ontdekking, uitvinding of verbetering bedoel in subartikel (1), en by die toepassing van die Wet op Patente, 1978 (Wet No. 57 van 1978), word die raad beskou as die sessionaris van die betrokke ontdekker of uitvinder.

(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 die navorsing ten opsigte waarvan hy 'n beurs van die raad ontvang, en geen verband met sodanige navorsing hou nie.

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employees of the council such remuneration as the Minister may with the concurrence of the Minister of Finance approve from time to time.

- 5 (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 with the concurrence of the Minister of Finance in particular cases approve the payment of—
- 10 (i) such allowances, bonuses, subsidies or other similar benefits according to rates differing from those applicable to officers and employees in the public service;
- 15 (ii) other allowances, bonuses, subsidies or other similar benefits other than those payable to officers and employees in the public service.
- 20 (e) The council may, on such conditions as it may deem fit, second an officer or employee of the council either for a particular service or for a period of time, to the service of a state department, the government of any other country or territory or of a person in or outside the Republic, provided such an officer's or such an 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.
- 25 (2) 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 (Act No. 41 of 1963), or the provident fund mentioned in section 3 (1) (b) of that Act.
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40 13. (1) Subject to the provisions of subsection (4) and of section 14 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 persons 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 20, determine.

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Discoveries, inventions and improvements by officers of the council and others, and award of bonuses to such persons.

50 (2) If the rights in any discovery or invention are in terms of subsection (1) vested in the council, the council may award to the discoverer or inventor in question such bonus, or make provision for financial participation by him in the profits derived from such discovery or invention to such extent, as the Minister may after consultation with the Minister of Finance determine.

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(3) The council may apply for a patent in respect of any discovery, invention or improvement contemplated in subsection (1), and shall for the purposes of the Patents Act, 1978 (Act No. 57 of 1978), be regarded as the assignee of the discoverer or inventor in question.

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(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 the research in respect of which he receives a bursary from the council, and is not connected with such research.

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Besondere ondersoek op versoek van iemand met die oog op ontdekkings, uitvindings of verbeterings.

14. (1) Die raad kan op versoek van iemand, en op die plek en onderworpe aan die voorwaardes en onderworpe aan die betaling van die koste waarop ooreengekom word, besondere ondersoek instel of laat instel deur middel van sy amptenare of werknemers of deur middel van persone wat navorsingsbeurse van die raad ontvang, of deur middel van persone aan wie die raad spesiale toekennings gedoen het, met die doel om 'n ontdekking of uitvinding van of 'n verbetering ten opsigte van 'n proses, apparaat of masjien te doen. 5

(2) Die regte op 'n ontdekking, uitvinding of verbetering aldus gedoen, berus of by die raad of by die persoon wat die ondersoek aangevra het of by die persoon wat die ontdekking, uitvinding of verbetering gedoen het, mits hy iemand is aan wie 'n spesiale toekenning deur die raad gedoen is, volgens die bepalinge van 'n skriftelike ooreenkoms wat vóór die ondersoek deur die betrokke partye aangegaan is. 15

(3) Indien die regte op enige ontdekking, uitvinding of verbetering by die raad berus ingevolge 'n ooreenkoms in subartikel (2) bedoel, moet die raad dié ontdekking, uitvinding of verbetering beskikbaar stel vir gebruik in die openbare belang, en kan die raad aansoek doen om 'n patent ten opsigte daarvan, asof dit 'n ontdekking, uitvinding of verbetering was wat in artikel 13 (1) bedoel word. 20

(4) Indien uit hoofde van 'n ooreenkoms bedoel in subartikel (2), die regte op 'n ontdekking, uitvinding of verbetering by iemand anders as die raad berus, moet dié ontdekking, uitvinding of verbetering gebruik word of beskikbaar gestel word vir gebruik in die openbare belang op die voorwaardes wat by die ooreenkoms bepaal word.

Oordrag van sekere regte deur raad aan Suid-Afrikaanse Ontwikkelingskorporasie vir Uitvindings.

15. (1) Indien die regte op 'n ontdekking, uitvinding of verbetering ingevolge artikel 13 of 14 by die raad berus, kan die raad, ondanks die bepalinge van genoemde artikels, die korporasie ingestel by artikel 2 van die Wet op die Ontwikkeling van Uitvindings, 1962 (Wet No. 31 van 1962), versoek om dié ontdekking, uitvinding of verbetering te ontwikkel of te benut ingevolge die bepalinge van daardie Wet. 30

(2) Indien die raad genoemde korporasie aldus versoek om 'n ontdekking, uitvinding of verbetering te ontwikkel of te benut, word die raad van al sy regte ten opsigte van dié ontdekking, uitvinding of verbetering ontdoen en— 40

(a) word genoemde korporasie by die toepassing van die Wet op Patente, 1978 (Wet No. 57 van 1978), beskou as die sessionaris van die betrokke ontdekker of uitvinder; en

(b) indien aan die raad 'n patent ten opsigte van die ontdekking, uitvinding of verbetering verleen is, word die raad geag dié patent aan daardie korporasie te geskied het. 45

Ouditering en jaarverslag.

16. (1) Die Ouditeur-generaal moet die rekenings en balansstaat van die raad ouditeer. 50

(2) (a) Die raad moet aan die Minister die inligting verstrek wat hy van tyd tot tyd mag vra in verband met die bedrywighede en finansiële omstandighede van die raad, en moet daarbenewens aan die Minister 'n jaarverslag voorlê, met inbegrip van 'n balansstaat en 'n staat van inkomste en uitgawes deur die Ouditeur-generaal gesertifiseer, 'n beraming van uitgawes ten opsigte van die volgende boekjaar, en die ander besonderhede wat die Minister verlang. 55

(b) Die Minister moet genoemde verslag in die Volksraad ter Tafel lê binne 14 dae ná ontvangs daarvan, indien die Parlement in gewone sessie is, of, indien die Parlement nie in gewone sessie is nie, binne 14 dae ná die aanvang van sy eersvolgende gewone sessie. 60

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14. (1) The council may at the request of any person and at such place and subject to such conditions and the payment of such charges as may be agreed upon, carry out or cause to be carried out through its officers or employees or through persons receiving research bursaries from the council or through persons to whom special grants were made by the council, special investigations with the object of making any discovery or invention of or any improvement in respect of any process, apparatus or machine.
- 10 (2) The rights in any discovery, invention or improvement so made shall vest in either the council or the person who requested the investigation or in the person who made the discovery, invention or improvement, if he is a person to whom a special grant was made by the council, according to the provisions of a written agreement entered into by the parties in question prior to the investigation.
- 15 (3) If the rights in any discovery, invention or improvement vest in the council in pursuance of an agreement contemplated in subsection (2), the council shall make such discovery, invention or improvement available for use in the public interest, and the council may apply for a patent in respect thereof, as if it were a discovery, invention or improvement contemplated in section 13 (1).
- 20 (4) If the rights in any discovery, invention or improvement vest in any person other than the council in pursuance of an agreement contemplated in subsection (2), the said discovery, invention or improvement shall be used or be made available for use in the public interest subject to such conditions as may be provided by the agreement.
- 25 15. (1) If the rights in any discovery, invention or improvement vest in the council in terms of section 13 or 14, the council may, notwithstanding the provisions of the said sections, request the corporation established by section 2 of the Inventions Development Act, 1962 (Act No. 31 of 1962), to develop or exploit such discovery, invention or improvement in terms of the provisions of that Act.
- 30 (2) If the council so requests the said corporation to develop or exploit any discovery, invention or improvement, the council shall be divested of all its rights in respect of that discovery, invention or improvement and—
- 35 (a) the said corporation shall for the purposes of the Patents Act, 1978 (Act No. 57 of 1978), be regarded as the assignee of the discoverer or inventor in question; and
- 40 (b) if the council has been granted a patent in respect of the discovery, invention or improvement, the council shall be deemed to have ceded such patent to that corporation.
- 45 16. (1) The Auditor-General shall audit the accounts and balance sheet of the council.
- 50 (2) (a) The council shall furnish to the Minister such information as he may call for from time to time in connection with the activities and financial position of the council, and shall in addition submit to the Minister an annual report, including a balance sheet and a statement of income and expenditure certified by the Auditor-General, an estimate of expenditure in respect of the following financial year, and such other particulars as the Minister may require.
- 55 (b) The Minister shall lay the said report on the Table of the House of Assembly within 14 days after the receipt thereof, if Parliament is in ordinary session, or, if Parliament is not in ordinary session, within 14 days after the commencement of its next ensuing ordinary session.
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Special investigations at the request of any person with a view to making discoveries, inventions or improvements.

Transfer of certain rights by council to South African Inventions Development Corporation.

Auditing and annual report.

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Finansiering
van raad.

17. (1) Die fondse van die raad bestaan uit—
- (a) geld wat die Parlement bewillig ten einde die raad in staat te stel om sy werksaamhede uit te voer;
 - (b) geld wat by die inwerkingtreding van hierdie Wet aan die raad behoort; 5
 - (c) geld wat ingevolge artikel 9 (1) van die Wet op Steenkool, 1983 (Wet No. 32 van 1983), aan die raad betaal word;
 - (d) inkomste verkry uit hoofde van die bepalinge van subartikels (4) en (5); 10
 - (e) geld ingevolge artikel 4 (5) (a) (iii) deur die raad geleen;
 - (f) gelde of tantième bedoel in artikel 13 (1) wat aan die raad betaal word;
 - (g) geld wat hy kragtens artikel 12 (3) van die Wet op die Ontwikkeling van Uitvindings, 1962 (Wet No. 31 van 1962), ontvang; en 15
 - (h) skenkings of bydraes wat die raad van enigiemand ontvang of wat 'n provinsiale raad ten bate van die raad bewillig. 20
- (2) (a) Behoudens die bepalinge van subartikel (5) en van artikel 9 (1) van die Wet op Steenkool, 1983, moet die raad sy fondse aanwend om uitgawes in verband met die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede te bestry, en vir die aankoop van aandele wat aan hom toegeken word ingevolge artikel 10 van die Wet op die Ontwikkeling van Uitvindings, 1962. 25
- (b) Die raad moet geld beoog in paragraaf (a) van subartikel (1) aanwend ooreenkomstig die betrokke staat van sy geraamde inkomste en uitgawes, vermeld in subartikel (3), soos deur die Minister goedgekeur: Met dien verstande dat, behoudens die bepalinge van paragraaf (a), die raad enige bedrag of gedeelte van 'n bedrag wat vir 'n besondere doel in verband met 'n bepaalde aangeleentheid aldus aangewend moet word, vir enige ander doel in verband met daardie aangeleentheid kan aanwend: Met dien verstande voorts dat die raad enige saldo van sodanige geld wat aan die end van die betrokke boekjaar van die raad oorbly, vir enige uitgawes in verband met die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede kan aanwend. 30 35 40
- (c) Die raad moet skenkings of bydraes beoog in paragraaf (h) van subartikel (1) aanwend ooreenkomstig die voorwaardes (indien daar is) wat die betrokke skenker of bydraer opgelê het. 45
- (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; 50
 - (ii) kan gedurende enige boekjaar op enige tydstip aanvullende state van sy geraamde uitgawe vir daardie boekjaar, aan die Minister voorlê vir sy goedkeuring, verleen met die instemming van die Minister van Finansies. 55
- (b) Die raad gaan geen uitgawes aan wat die totale bedrag wat kragtens paragraaf (a) goedgekeur is, oorskry nie.
- (4) Die raad kan, behoudens die bepalinge van enige regulasie ten opsigte van dienste wat hy kragtens hierdie Wet gelewer het, die gelde vorder of die ander geldelike reëlings tref wat hy goedvind. 60
- (5) Die raad kan enige onbestede gedeelte van sy geld belê by die Staatskuldkommissaris of op die ander wyse wat die Minister met die instemming van die Minister van Finansies bepaal. 65
- (6) Die raad kan die reserwefondse instel wat hy nodig of wenslik ag, en daarin die bedrae stort wat die Minister goedkeur.

Rekenpligtige
beampte.

18. Die president is die rekenpligtige beampte belas met die verantwoording van al die geld ontvang, en van al die betalings

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17. (1) The funds of the council shall consist of— Financing of council.
- (a) money appropriated by Parliament to enable the council to perform its functions;
 - (b) money belonging to the council at the commencement of this Act;
 - (c) money paid to the council in terms of section 9 (1) of the Coal Act, 1983 (Act No. 32 of 1983);
 - (d) revenue obtained by virtue of the provisions of subsections (4) and (5);
 - (e) money borrowed by the council in terms of section 4 (5) (a) (iii);
 - (f) fees or royalties referred to in section 13 (1) which are paid to the council;
 - (g) money received by it under section 12 (3) of the Inventions Development Act, 1962 (Act No. 31 of 1962); and
 - (h) donations or contributions which the council may receive from any person or which a provincial council may appropriate in aid of the council.
- (2) (a) Subject to the provisions of subsection (5) and of section 9 (1) of the Coal Act, 1983, the council shall utilize its funds for defraying expenses in connection with the exercise of its powers or the performance of its functions, and for the purchase of shares allotted to it in terms of section 10 of the Inventions Development Act, 1962.
- (b) The council shall utilize any money contemplated in paragraph (a) of subsection (1) in accordance with the statement of its estimated income and expenditure in question, referred to in subsection (3), as approved by the Minister: Provided that, subject to the provisions of paragraph (a), the council may utilize any amount or portion of any amount required to be so utilized for a particular purpose in connection with a specified matter for any other purpose in connection with that matter: Provided further that the council may utilize any balance of such money remaining at the end of the council's financial year in question, for any expenses in connection with the exercise of its powers or the performance of its functions.
- (c) The council shall utilize any donations or contributions contemplated in paragraph (h) of subsection (1) in accordance with conditions (if any) imposed by the donor or contributor in question.
- (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 in any financial year submit supplementary statements of its estimated expenditure for that financial year,
- to the Minister for his approval, 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).
- (4) Subject to the provisions of any regulation the council may, in respect of any services rendered by it under this Act, charge such fees or make such other financial arrangements as it may deem fit.
- (5) The council may invest any unexpended portion of its money with the Public Debt Commissioners or in such other manner as may be determined by the Minister with the concurrence of the Minister of Finance.
- (6) The council may establish such reserve funds as it may deem necessary or expedient, and deposit therein such amounts as the Minister may approve.

18. The president shall be the accounting officer charged with the responsibility of accounting for all money received, and for Accounting officer.

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gedoen, deur die raad: Met dien verstande dat die president vir die doeleindes van artikel 19 'n amptenaar van die raad as rekenpligtige beampte ten opsigte van 'n laboratorium of ander fasiliteit van die raad kan aanwys.

Verhaal van
verliese en
skade.

19. (1) Indien iemand wat in diens van die raad is of was die 5
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 10
vir 'n uitbetaling van sodanige geld wat nie deur 'n beoordeelbare 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 20
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 beampte die bedrag van sodanige verlies of skade vasstel, en kan hy daardie persoon by 25
skriftelike kennisgewing gelas om die geheel of 'n gedeelte van die bedrag wat aldus vasgestel is, binne 30 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 30
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. 35

(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 beampte, behoudens die bepalinge van subartikels (4), (5) en (6), die bedrag 40
deur middel van geregtelike prosesse 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 paaiemente te betaal, 45
kan die betrokke rekenpligtige beampte hom toelaat om te betaal in die paaiemente wat, na hy meen, redelik is.

(5) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan binne 'n tydperk van 30 dae vanaf die datum van daardie lasgewing skriftelik by die raad teen so 'n lasgewing 50
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. 55

(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 30 dae vanaf die datum van die lasgewing, of binne die verdere tydperk wat die hof toelaat, om 'n bevel waarby die 60
lasgewing tersyde gestel of daardie bedrag verminder word, en die hof kan op so 'n aansoek, indien hy nie deur die betrokke rekenpligtige beampte aan die hand van die omstandighede van die geval oortuig word nie dat die lasgewing tereg gegee is of dat daardie bedrag juis is, 'n bevel uitreik waarby die lasgewing 65
tersyde gestel word of daardie bedrag verminder word, na gelang van die geval.

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all payments made, by the council: Provided that the president may for the purposes of section 19 designate an officer of the council as accounting officer in respect of any laboratory or other facility of the council.

- 5 19. If a person who is or was in the employ of the council caused the council any loss or damage because he— Recovery of losses and damage.
- (a) failed to collect money due to the council for the collection of which he is or was responsible;
 - 10 (b) is or was responsible for an irregular payment of money of the council or for a payment of such money not supported by a proper voucher;
 - (c) is or was responsible for fruitless expenditure of money of the council due to an omission to carry out his duties;
 - 15 (d) is or was responsible for a deficiency in, or for the destruction of, or any damage to, money of the council, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other property of the council;
 - 20 (e) is or was responsible for a claim against the council, due to an omission to carry out his duties,
- the accounting officer concerned shall determine the amount of such loss or damage, and may order that person, by notice in writing, to pay to him, within 30 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 employment 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 a fourth of his monthly salary.

(3) If a person who was in the employment 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 in terms of subsection (1) been ordered to pay an amount 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 30 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 deem 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 30 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.

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Regulasies.

20. (1) Die Staatspresident kan regulasies uitvaardig betreffende—

- (a) die omstandighede waaronder 'n lid van die raad sy amp ontruim;
- (b) die vul van toevallige vakatures in die raad en die aanstelling van persone om namens afwesige lede op te tree;
- (c) die aangeleenthede ten opsigte waarvan gelde aan die raad betaalbaar is, die bedrag van sulke gelde en die persone wat vir die betaling daarvan aanspreeklik is;
- (d) die omstandighede waaronder gelde wat aldus betaal is, terugbetaal moet word;
- (e) die voorwaardes waarop die ontdekkings en uitvindings en verbeterings ten opsigte van prosesse, apparaat en masjiene, in artikel 13 vermeld, vir gebruik beskikbaar gestel moet word;
- (f) die betaling van beurse en toekennings;
- (g) die prosedure by vergaderings van die raad en van die uitvoerende komitee en hulpkomitees van die raad,

en, in die algemeen, betreffende enige aangeleentheid ten opsigte waarvan hy dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.

(2) 'n Regulasie ingevolge paragraaf (e) van subartikel (1) uitvaardig, is nie van toepassing nie met betrekking tot enige ontdekking, uitvinding of verbetering ten opsigte waarvan die raad sy bevoegdheid ingevolge artikel 15 (1) uitgeoefen het.

Uitvoering van Wet.

21. Die Staatspresident kan by proklamasie in die *Staatskoerant* die uitvoering van hierdie Wet aan enige Minister opdra, en kan bepaal dat 'n bevoegdheid of plig by hierdie Wet aan dié Minister verleen of hom opgelê, uitgeoefen of verrig moet word deur daardie Minister na oorlegpleging met een of meer ander Ministers.

Toepassing van Wet in Suidwes-Afrika.

22. Hierdie Wet en enige wysiging daarvan is ook in die gebied Suidwes-Afrika van toepassing.

Herroeping van wette, en voorbehoude.

23. (1) Behoudens die bepalings van subartikel (2) word die wette in die Bylae vermeld hierby herroep in die mate in die derde kolom van die Bylae uiteengesit.

(2) Enigiets wat gedoen is ingevolge 'n bepaling van 'n wet wat by subartikel (1) herroep is, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet gedoen te wees.

Kort titel.

24. Hierdie Wet heet die Wet op die Wetenskaplike Navorsingsraad, 1984.

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20. (1) The State President may make regulations as to— Regulations.
- (a) the circumstances under which a member of the council shall vacate his office;
 - 5 (b) the filling of casual vacancies on the council and the appointment of persons to act for absent members;
 - (c) the matters in respect of which fees shall be payable to the council, the amount of such fees and the persons who shall be liable for the payment thereof;
 - 10 (d) the circumstances in which any fees so paid shall be refunded;
 - (e) the conditions under which the discoveries and inventions and the improvements in respect of processes, apparatus and machines referred to in section 13 shall be made available for use;
 - 15 (f) the payment of bursaries and grants;
 - (g) the procedure at meetings of the council and of the executive committee and subsidiary committees of the council,
 - 20 and, generally, as to any matter in respect of which he considers it necessary or expedient to make regulations in order to achieve the objects of this Act.
- (2) A regulation made in terms of paragraph (e) of subsection (1) shall not apply with reference to any discovery, invention or improvement in respect of which the council has exercised its 25 powers in terms of section 15 (1).
21. The State President may by proclamation in the *Gazette* assign the administration of this Act to any Minister, and may determine that any power or duty conferred or imposed by this Act on such Minister, shall be exercised or carried out by that 30 Minister after consultation with one or more other Ministers. Administration of Act.
22. This Act and any amendment thereof shall apply also in the territory of South West Africa. Application of Act to South West Africa.
23. (1) Subject to the provisions of subsection (2), the laws mentioned in the Schedule are hereby repealed to the extent set 35 out in the third column of that Schedule. Repeal of laws, and savings.
- (2) Anything done in terms of any law repealed by subsection (1) shall be deemed to have been done in terms of the corresponding provision of this Act.
24. This Act shall be called the Scientific Research Council Short title.
40 Act, 1984.

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Bylae

WETTE HERROEP

No. en jaar	Titel	In hoeverre herroep
Wet No. 32 van 1962...	Wet op die Wetenskaplike Navorsingsraad, 1962...	Die geheel
Wet No. 71 van 1964...	Wysigingswet op die Wetenskaplike Navorsingsraad, 1964.....	Die geheel
Wet No. 21 van 1969...	Wysigingswet op die Wetenskaplike Navorsingsraad, 1969.....	Die geheel
Wet No. 38 van 1976...	Wysigingswet op die Wetenskaplike Navorsingsraad, 1976.....	Die geheel
Wet No. 60 van 1977...	Wysigingswet op die Wetenskaplike Navorsingsraad, 1977.....	Die geheel
Wet No. 59 van 1979...	Wysigingswet op die Wetenskaplike Navorsingsraad, 1979.....	Die geheel
Wet No. 31 van 1983...	Wysigingswet op die Wetenskaplike Navorsingsraad, 1983.....	Die geheel
Wet No. 64 van 1984...	Wysigingswet op die Wetenskaplike Navorsingsraad, 1984.....	Die geheel

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Schedule

LAWS REPEALED

No and year	Title	Extent of repeal
Act No. 32 of 1962	Scientific Research Council Act, 1962	The whole
Act No. 71 of 1964	Scientific Research Council Amendment Act, 1964 ...	The whole
Act No. 21 of 1969	Scientific Research Council Amendment Act, 1969 ...	The whole
Act No. 38 of 1976	Scientific Research Council Amendment Act, 1976 ...	The whole
Act No. 60 of 1977	Scientific Research Council Amendment Act, 1977 ...	The whole
Act No. 59 of 1979	Scientific Research Council Amendment Act, 1979 ...	The whole
Act No. 31 of 1983	Scientific Research Council Amendment Act, 1983 ...	The whole
Act No. 64 of 1984	Scientific Research Council Amendment Act, 1984 ...	The whole

