



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

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No. 10895

STATE PRESIDENT'S OFFICE

No. 1895.

4 September 1987

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

No. 42 of 1987: Energy Act, 1987.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1895.

4 September 1987

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

No. 42 van 1987: Wet op Energie, 1987.

ACT

To provide for the establishment of the National Energy Council and for the powers and duties thereof; and for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 25 August 1987.)*

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

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “council” means the National Energy Council established by section 2; (v) 5
 - (ii) “Director-General” means the Director-General: Mineral and Energy Affairs; (ii)
 - (iii) “executive officer” means the executive officer of the council appointed under section 13; (vii)
 - (iv) “Minister” means the Minister of Economic Affairs 10 and Technology; (iv)
 - (v) “record” includes any computer print-out; (i)
 - (vi) “regulation” means a regulation made in terms of section 18; (vi)
 - (vii) “this Act” includes any regulation. (iii) 15

Establishment of National Energy Council.

2. (1) There is hereby established a council called the National Energy Council.
- (2) The council is a juristic person.

Objects of council.

3. The objects of the council shall be—
 - (a) to ensure that the energy resources of the Republic, 20 and also those resources that may become available to the Republic from time to time, are exploited, developed and utilized in the best interest of the country, including research with regard to such exploitation, development and utilization; 25
 - (b) to promote the sound development of energy undertakings in the Republic; and
 - (c) to advise the Minister on methods by which the objects referred to in paragraphs (a) and (b) can best be achieved. 30

Composition of council.

4. (1) The council shall consist of—
 - (a) the Director-General;
 - (b) as many other members as the Minister may deem necessary, regard being had to the interest of the consumers of energy, the suppliers of raw material from 35 which energy is or can be generated and the energy industry in general.

WET

Om voorsiening te maak vir die instelling van die Nasionale Energieraad en vir die bevoegdhede en pligte daarvan; en vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 25 Augustus 1987.)*

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

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken— Woordomskrywing.
 - 5 (i) "aantekening" ook 'n rekenaardrukstuk; (v)
 - (ii) "Direkteur-generaal" die Direkteur-generaal: Minerale- en Energiesake; (ii)
 - (iii) "hierdie Wet" ook 'n regulasie; (vii)
 - 10 (iv) "Minister" die Minister van Ekonomiese Sake en Tegnologie; (iv)
 - (v) "raad" die Nasionale Energieraad by artikel 2 ingestel; (i)
 - (vi) "regulasie" 'n regulasie kragtens artikel 18 uitgevaardig; (vi)
 - 15 (vii) "uitvoerende beampte" die uitvoerende beampte van die raad kragtens artikel 13 aangestel. (iii)
2. (1) Daar word hierby 'n raad ingestel wat die Nasionale Energieraad heet. Instelling van Nasionale Energieraad.
 (2) Die raad is 'n regs persoon.
- 20 3. Die oogmerke van die raad is— Oogmerke van raad.
 - (a) om te verseker dat die energiehulpbronne van die Republiek asook daardie hulpbronne wat van tyd tot tyd tot beskikking van die Republiek mag kom, in die beste belang van die land ontgin, ontwikkel en benut word, met inbegrip van navorsing met betrekking tot sodanige ontginning, ontwikkeling en benutting;
 - 25 (b) om die gesonde ontwikkeling van energie-onderneemings in die Republiek te bevorder; en
 - (c) om die Minister te adviseer oor metodes waarvolgens die oogmerke bedoel in paragrafe (a) en (b) die beste bereik kan word.
 - 30
4. (1) Die raad bestaan uit— Samestelling van raad.
 - (a) die Direkteur-generaal;
 - 35 (b) soveel ander lede as wat die Minister nodig ag met inagneming van die belange van die verbruikers van energie, die verskaffers van grondstowwe waaruit energie ontwikkel word of kan word en die energiebedryf in die algemeen.

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(2) The Minister shall, with due consideration to the applicable provisions of subsection (1), appoint an alternate member for every member of the council.

(3) The Minister shall appoint any member of the council as the chairman and another member as the 5 deputy chairman of the council.

(4) The deputy chairman may, if the chairman is absent or is for whatever reason unable to act as chairman, perform the functions of the chairman.

Persons disqualified from being members of council.

5. No person shall be appointed as a member or alternate 10 member of the council—

- (a) unless he is a South African citizen permanently resident in the Republic;
- (b) if he is an unrehabilitated insolvent; or
- (c) if he has been convicted of an offence and in respect 15 thereof sentenced to imprisonment without the option of a fine.

Vacating of office by members of council.

6. (1) A member or alternate member of the council shall vacate his office—

- (a) if he becomes subject to a disqualification referred to in 20 section 5;
- (b) if he becomes of unsound mind;
- (c) if, in the case of a member, he has been absent for more than two consecutive meetings of the council without leave of the chairman or, in the case of an 25 alternate member, if he has been so absent during the absence, or vacancy in the office, of the member for whom he has been appointed as alternate member; or
- (d) if he ceases to hold the qualification by virtue of which he has been appointed as a member or alternate mem- 30 ber to the council.

(2) The Minister may at any time terminate the membership of any member or alternate member of the council if in the opinion of the Minister sufficient reasons exist therefor.

Term of office of members of council and filling of vacancies.

7. (1) A member or an alternate member of the council holds 35 office subject to section 6 (2) for such period, not exceeding three years, as the Minister may determine at the time of his appointment.

(2) If a member or an alternate member of the council for any reason ceases to hold office, the Minister may, with due re- 40 gard to the applicable provisions of section 4 (1), appoint a person to act in the place of such member or alternate member for the unexpired period of his term of office.

(3) Any person whose term of office as a member or an alternate member of the council has expired, shall be eligible for re- 45 appointment.

Meetings of council.

8. (1) The first meeting of the council shall be held at a time and place determined by the chairman, and thereafter the council shall meet at such times and places as the council may from 50 time to time determine.

(2) The chairman may at any time convene an extraordinary meeting of the council to be held at a time and place determined by him.

(3) The majority of the members will form a quorum for a meeting of the council. 55

(4) If both the chairman and the deputy chairman are absent from any meeting of the council, the members present at such meeting shall from among themselves elect a person to preside at such meeting.

(5) The decision of a majority of the members present at a 60 meeting of the council shall constitute a decision of the council, and in the event of an equality of votes on any matter the person presiding at such meeting shall have a casting vote in addition to his deliberative vote.

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(2) Die Minister kan, met inagneming van die toepaslike bepalings van subartikel (1), vir elke lid van die raad 'n plaasvervangende lid aanstel.

(3) Die Minister stel 'n lid van die raad as voorsitter en 'n ander lid as ondervoorsitter van die raad aan.

(4) Die ondervoorsitter kan, indien die voorsitter afwesig is of om die een of ander rede nie as voorsitter kan optree nie, die werksaamhede van die voorsitter verrig.

5. Niemand word as 'n lid of 'n plaasvervangende lid van die raad aangestel nie—

Persone wat onbevoeg is om lede van raad te wees.

(a) tensy hy 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is;

(b) indien hy 'n ongerehabiliteerde insolvent is; of

(c) indien hy skuldig bevind is aan 'n misdryf en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n boete gevonnis is.

6. (1) 'n Lid of 'n plaasvervangende lid van die raad ontruim sy amp—

Ontruiming van amp deur lede van raad.

(a) indien hy onderhewig raak aan 'n onbevoegdheid in artikel 5 genoem;

(b) indien hy geestelik versteurd raak;

(c) indien, in die geval van 'n lid, hy sonder verlof van die voorsitter van meer as twee agtereenvolgende vergaderings van die raad afwesig is of, in die geval van 'n plaasvervangende lid, indien hy aldus afwesig is tydens die afwesigheid, of vakature in die amp, van die lid vir wie hy as plaasvervangende lid aangestel is; of

(d) indien hy ophou om die kwalifikasie te besit uit hoofde waarvan hy as 'n lid of 'n plaasvervangende lid van die raad aangestel is.

(2) Die Minister kan te eniger tyd die lidmaatskap van 'n lid of 'n plaasvervangende lid van die raad beëindig indien daar na die oordeel van die Minister gegronde redes daarvoor bestaan.

7. (1) 'n Lid of 'n plaasvervangende lid van die raad beklee sy amp behoudens artikel 6 (2) vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van sy aanstelling bepaal.

Ampstermyn van lede van raad en vul van vakatures.

(2) Indien 'n lid of 'n plaasvervangende lid van die raad om die een of ander rede ophou om sy amp te beklee, kan die Minister, met inagneming van die toepaslike bepalings van artikel 4 (1), iemand aanstel om in daardie lid of plaasvervangende lid se plek vir die onverstreke tydperk van sy ampstermyn op te tree.

(3) Iemand wie se ampstermyn as 'n lid of 'n plaasvervangende lid van die raad verstryk het, kan weer aangestel word.

8. (1) Die eerste vergadering van die raad word gehou op 'n tyd en plek deur die voorsitter bepaal, en daarna vergader die raad op die tye en plekke wat die raad van tyd tot tyd bepaal.

Vergaderings van raad.

(2) Die voorsitter kan te eniger tyd 'n buitengewone vergadering van die raad belê, wat gehou moet word op die tyd en plek wat hy bepaal.

(3) Die meerderheid van die lede maak 'n kworum vir 'n vergadering van die raad uit.

(4) Indien sowel die voorsitter as die ondervoorsitter van 'n vergadering van die raad afwesig is, kies die aanwesige lede iemand uit hul geledere om op daardie vergadering voor te sit.

(5) Die beslissing van 'n meerderheid van die lede van die raad wat op 'n vergadering aanwesig is, maak 'n besluit van die raad uit, en by 'n staking van stemme oor 'n aangeleentheid, het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem ook 'n beslissende stem.

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(6) No decision taken by or act performed under authority of the council, shall be invalid by reason only of a casual vacancy on the council or of the fact that any person not entitled to sit as a member of the council sat as such a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the majority of the members of the council who were present at the time and entitled to sit as members. 5

(7) For the purposes of this section "member" shall include an alternate member present at a particular meeting of the council 10 during the absence, or vacancy in the office, of the member in whose place he has been appointed as alternate member.

Executive committee of council.

9. (1) The council may nominate an executive committee of the council, which may during the periods between meetings of the council perform such functions of the council as the council 15 may determine from time to time, but the executive committee shall not be competent, save to the extent that the council may direct otherwise, to set aside or vary a decision of the council.

(2) The executive committee shall consist of the chairman and no fewer than three members of the council. 20

(3) The chairman of the council shall be the chairman of the executive committee.

(4) The provisions of section 8 (5) shall *mutatis mutandis* apply to any meeting of the executive committee.

(5) The council may set aside or vary any decision of the 25 executive committee, except a decision in consequence of which a payment has been made or any other right has been granted to any person.

Committees for specific purposes.

10. (1) The council may nominate one or more committees, which may, subject to the instructions of the council, perform 30 such functions of the council as the council may determine.

(2) Such a committee shall consist of one or more members of the council or so many other persons or so many members and other persons as the council deems necessary, and the council may at any time dissolve or reconstitute the committee. 35

(3) If a committee referred to in subsection (1) consists of more than one member, the council shall designate a member of the committee as a chairman thereof.

(4) The council shall not be absolved from any functions performed in terms of the provisions of this section by any committee of the council. 40

Remuneration of members of council and of executive and other committees.

11. A member or alternate member of the council or a member of the executive or any other committee of the council who is not in the full-time employment of the State, shall be paid such remuneration and allowances out of the funds of the council as the Minister may determine with the concurrence of the Minister of Finance. 45

General functions of council.

12. In addition to such functions as may be assigned to the council by this Act or by the Minister, the council shall advise the Minister in regard to any matter which the Minister may refer to it, and the council may— 50

- (a) hire, purchase or otherwise acquire such movable or immovable property as the council may deem necessary for the performance of its functions and may rent, sell or otherwise dispose of property so acquired: Provided 55 that immovable property shall not be purchased or otherwise acquired, or sold, burdened or otherwise disposed of without the prior approval of the Minister;
- (b) in order to perform its functions, enter into an agreement with any person, including the State, a university, 60 a research institution or any other government institution, for the performance of any specific act or function or the rendering of specific services;
- (c) insure itself against any loss, damage, risk or liability which it may suffer or incur; 65

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(6) Geen besluit van of handeling verrig op gesag van die raad, is ongeldig nie bloot vanweë 'n toevallige vakature in die raad of omdat iemand wat nie geregtig was om as 'n lid van die raad sitting te neem nie, as so 'n lid sitting geneem het op die 5 tydstip waarop die besluit geneem of handeling gemagtig is, indien die besluit geneem of handeling gemagtig is deur die meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.

(7) By die toepassing van hierdie artikel beteken "lid" ook 'n 10 plaasvervangende lid wat by die betrokke vergadering van die raad aanwesig is tydens die afwesigheid, of vakature in die amp, van die lid in wie se plek hy as plaasvervangende lid aangestel is.

9. (1) Die raad kan 'n uitvoerende komitee van die raad benoem, wat gedurende die tydperke tussen vergaderings van die 15 raad dié werksaamhede van die raad kan verrig wat die raad van tyd tot tyd bepaal, maar die uitvoerende komitee is nie bevoeg nie, behalwe vir sover die raad anders gelas, om 'n besluit van die raad tersyde te stel of te wysig.

Uitvoerende komitee van raad.

(2) Die uitvoerende komitee bestaan uit die voorsitter en minstens drie lede van die raad.

(3) Die voorsitter van die raad is die voorsitter van die uitvoerende komitee.

(4) Die bepalings van artikel 8 (5) is *mutatis mutandis* ten opsigte van 'n vergadering van die uitvoerende komitee van toepassing.

(5) Die raad kan 'n besluit van die uitvoerende komitee, uitgesonderd 'n besluit na aanleiding waarvan aan iemand 'n betaling gedoen of 'n ander reg verleen is, tersyde stel of wysig.

10. (1) Die raad kan een of meer komitees benoem, wat, on- 30 derworpe aan die voorskrifte van die raad, dié werksaamhede van die raad kan verrig wat die raad bepaal.

Komitees vir bepaalde doeleindes.

(2) So 'n komitee bestaan uit een of meer lede van die raad of soveel ander persone of soveel lede en ander persone as wat die raad nodig ag, en die raad kan te eniger tyd die komitee ontbind 35 of hersaamstel.

(3) Indien 'n komitee bedoel in subartikel (1) uit meer as een lid bestaan, wys die raad 'n lid van die komitee as voorsitter daarvan aan.

(4) Die raad word nie onthef van 'n werksaamheid wat uit 40 hoofde van die bepalings van hierdie artikel deur 'n komitee van die raad verrig word nie.

11. Aan 'n lid of 'n plaasvervangende lid van die raad of 'n lid van die uitvoerende of 'n ander komitee van die raad wat nie in die heeltidse diens van die Staat is nie, word uit die fondse van 45 die raad die besoldiging en toelaes betaal wat die Minister, met die instemming van die Minister van Finansies, bepaal.

Besoldiging van lede van raad en van uitvoerende en ander komitees.

12. Benewens die werksaamhede wat by hierdie Wet of deur die Minister aan die raad opgedra word, moet die raad die Minister adviseer oor enige aangeleentheid wat die Minister na 50 hom verwys, en kan die raad—

Algemene werksaamhede van raad.

(a) die roerende of onroerende goed wat die raad vir die verrigting van sy werksaamhede nodig ag, huur, koop of andersins verkry en goed wat aldus verkry is, verhuur, verkoop of andersins daarvoor beskik: Met dien 55 verstande dat onroerende goed nie sonder die voorafgaande goedkeuring van die Minister gekoop of andersins verkry, of verkoop, beswaar of andersins oor beskik word nie;

(b) ten einde sy werksaamhede te verrig, 'n ooreenkoms aangaan met 'n persoon, met inbegrip van die Staat, 'n universiteit, 'n navorsingsinstelling of 'n ander owerheidsinstelling, vir die verrigting van 'n besondere handeling of werksaamheid of die lewering van besondere 60 dienste;

(c) homself verseker teen enige verlies, skade, risiko of aanspreeklikheid wat hy mag ly of oploop; 65

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Personnel
of council.

- (d) from time to time make recommendations to the Minister concerning any matter to which this Act relates; and
- (e) in general perform such functions as are necessary or expedient to accomplish its objects.

13. (1) The work incidental to the functions of the council shall, subject to the directives of the Minister, be performed by an executive officer appointed by the Minister after consultation with the council. 5

(2) The executive officer shall in the performance of his functions be assisted by— 10

- (a) persons appointed by the Minister on such conditions and at such remuneration as he may determine with the concurrence of the Minister of Finance;
- (b) officers or employees placed at the disposal of the council in terms of section 14 (3) (a) of the Public Service Act, 1984 (Act No. 111 of 1984); 15
- (c) officers or employees seconded to the council in terms of section 12 of the Scientific Research Council Act, 1984 (Act No. 82 of 1984). 25

(3) The council shall reimburse the State and the Council for Scientific and Industrial Research for any payment made by the State and the Council for Scientific and Industrial Research in terms of a condition of service applicable in respect of an officer or employee referred to in subsection (2) (b) and (c), as the case may be. 25

(4) For the purposes of this Act, an officer or employee referred to in subsection (2) (b) and (c) shall be deemed to be a person in the employment of the council.

(5) The council may pay to the executive officer and other persons in the employment of the council such allowances, bonuses, subsidies and other similar employment benefits as would have been payable to them if they had been officers or employees in the Public Service: Provided that the Minister may in certain instances, on the recommendation of the council and with the concurrence of the Minister of Finance, authorize the payment of— 35

- (a) such allowances, bonuses, subsidies or other similar employment benefits according to scales which differ from those applicable to officers and employees in the Public Service; 40
- (b) any other employment benefits.

(6) Any person in the employment of the council may with his consent and on the conditions determined by the council, be seconded, either for a specific service or for a period determined by the council, to the service of the State or the service of another state or any council, institution or body established by or under any law, or to another body or person: Provided that if a person in the employment of the council is so seconded, the terms and conditions on which he is employed by the council shall not be affected by the secondment. 50

(7) The council shall for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to be an associated institution.

Funds of
council.

14. (1) The funds of the council shall consist of—

- (a) money appropriated by Parliament in order to enable the council to perform its functions in terms of this Act; 55
- (b) money utilized by the Minister out of the Central Energy Fund under section 1 (2) (a) of the Central Energy Fund Act, 1977 (Act No. 38 of 1977), in order to enable the council to perform its functions under this Act; 60 and
- (c) money which accrues to the council from any other source.

(2) The council shall utilize its funds for the defrayal of expenses incurred by the council in the performance of its functions under this Act, but money or other goods donated or be- 65

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- (d) van tyd tot tyd aanbevelings by die Minister doen betreffende 'n aangeleentheid waarop hierdie Wet betrekking het; en
- (e) in die algemeen die handelinge verrig wat nodig of dienstig is vir die verwesenliking van sy oogmerke.

13. (1) Die werk verbonde aan die verrigting van die werksaamhede van die raad word, onderworpe aan die voorskrifte van die Minister, verrig deur 'n uitvoerende beampte wat deur die Minister na oorleg met die raad aangestel word.

Personeel van raad.

10 (2) Die uitvoerende beampte word by die verrigting van sy werksaamhede bygestaan deur—

- (a) persone deur die Minister aangestel op die voorwaardes en teen die besoldiging wat hy, met die instemming van die Minister van Finansies, bepaal;
- 15 (b) beamptes of werknemers wat kragtens artikel 14 (3) (a) van die Staatsdienswet, 1984 (Wet No. 111 van 1984), tot die beskikking van die raad gestel is;
- (c) amptenare of werknemers wat kragtens artikel 12 van die Wet op die Wetenskaplike Navorsingsraad, 1984 (Wet No. 82 van 1984), aan die raad afgestaan word.

20 (3) Die raad moet die Staat en die Wetenskaplike en Nywerheidsnavorsingsraad vergoed vir enige betaling wat die Staat en die Wetenskaplike en Nywerheidsnavorsingsraad doen ooreenkomstig 'n diensvoorwaarde wat van toepassing is ten opsigte van 'n beampte, amptenaar of werknemer bedoel in subartikel

(2) (b) en (c), na gelang van die geval.

(4) By die toepassing van hierdie Wet word 'n beampte, amptenaar of werknemer in subartikel (2) (b) en (c) bedoel, geag 'n persoon in die diens van die raad te wees.

30 (5) Die raad kan aan die uitvoerende beampte en ander persone in die diens van die raad die toelaes, bonusse, subsidies en ander soortgelyke diensvoordele betaal wat aan hulle betaalbaar sou gewees het indien hulle beamptes of werknemers in die Staatsdiens was: Met dien verstande dat die Minister in bepaalde

35 gevalle, op aanbeveling van die raad en met die instemming van die Minister van Finansies, die betaling kan goedkeur van—

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

40 (b) enige ander diensvoordele.

(6) 'n Persoon in diens van die raad kan met sy instemming en op die voorwaardes wat die raad bepaal, hetsy vir 'n besondere diens of vir 'n tydperk deur die raad bepaal, aan die diens van

45 die Staat of aan die diens van 'n ander staat of 'n raad, inrigting of liggaam wat by of kragtens een of ander wet ingestel is, of aan 'n ander liggaam of persoon, afgestaan word: Met dien verstande dat indien 'n persoon in diens van die raad aldus afgestaan word, die bedinge en voorwaardes waarop hy by die raad

50 in diens is, nie deur die afstaan geraak word nie.

(7) Die raad word, by die toepassing van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), geag 'n geassosieerde inrigting te wees.

14. (1) Die fondse van die raad bestaan uit—

Fondse van raad.

- 55 (a) geld wat die Parlement bewillig ten einde die raad in staat te stel om sy werksaamhede kragtens hierdie Wet te verrig;
- (b) geld wat kragtens artikel 1 (2) (a) van die Wet op die Sentrale Energiefonds, 1977 (Wet No. 38 van 1977), deur die Minister uit die Sentrale Energiefonds aangewend word ten einde die raad in staat te stel om sy werksaamhede kragtens hierdie Wet te verrig; en
- 60 (c) geld wat die raad uit 'n ander bron toeval.

(2) Die raad wend sy fondse aan ter bestryding van die uitgawes wat die raad by die verrigting van sy werksaamhede kragtens hierdie Wet aangaan, maar moet geld of ander goed wat aan die raad geskenk of bemaak word, ooreenkomstig die voor-

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queathed to the council shall be utilized in accordance with the conditions (if any) of the donation or bequeathal in question.

(3) The council shall open an account with an institution registered as a bank in terms of the Banking Act, 1965 (Act No. 23 of 1965), and shall deposit in that account all money received in terms of subsection (1). 5

(4) The council may invest all money received in terms of subsection (1) which is not required for immediate use, with the Public Investment Commissioners or such other institutions as the Minister may determine with the concurrence of the Minister of Finance. 10

Accounting
responsibility.

15. (1) The executive officer shall be the accounting officer of the council charged with accounting for all money received and payments made by the council.

(2) The financial year of the council shall end on 31 March in each year. 15

(3) The accounting officer shall—

(a) keep full and proper records of all money received or expended by and of all assets, liabilities and financial transactions of the council; 20

(b) as soon as is practicable, but not later than three months after the end of the financial year referred to in subsection (2), prepare annual financial statements reflecting, with suitable particulars, money received and expenses incurred by the council during, and its assets and liabilities at the end of, that financial year. 25

(4) The records and annual financial statements referred to in subsection (3) shall be audited by the Auditor-General.

Agreement with
other governments.

16. The Government of the Republic may enter into an agreement with the government of any other country or territory with a view to the advancement or regulation of, or co-operation in connection with, the production, manufacture, marketing or distribution of raw material from which energy is or can be generated or the generation, marketing or distribution of energy or research in connection therewith, and in compliance with such agreement the council may perform in the Republic or in such country or territory on behalf of that government the functions stated in the agreement in question or determined thereunder. 30 35

Consultation with
Minister.

17. The council shall consult with the Minister in the exercise of such powers of the council as the Minister may determine from time to time. 40

Regulations.

18. The Minister may, after consultation with the council, make regulations regarding—

(a) the manner in which meetings of the executive or any other committee of the council shall be convened, the procedure at, the functions of and the quorums for such meetings and the manner in which the minutes of such meetings shall be kept; 45

(b) the fees payable to the council for services rendered by the council; 50

(c) the performance of the functions of the council in the execution of the terms of an agreement referred to in section 16; and

(d) in general, any matter which the Minister may deem necessary or expedient to prescribe or to regulate in order to achieve the objects of this Act, and the generality of this provision shall not be limited by the preceding paragraphs. 55

Delegation of func-
tions.

19. (1) The Minister may delegate any power conferred upon him by this Act, excluding the powers contemplated by section 18, to the Director-General or any other officer in the Department of Mineral and Energy Affairs. 60

(2) The council may—

(a) delegate to the chairman, executive officer or other em-

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waardes (as daar is) van die betrokke skenking of bemaking aanwend.

(3) Die raad moet 'n rekening open by 'n instelling wat ingevolge die Bankwet, 1965 (Wet No. 23 van 1965), as 'n bank geregistreer is, en moet in daardie rekening alle geld stort wat ingevolge subartikel (1) ontvang is.

(4) Die raad kan geld wat ingevolge subartikel (1) ontvang is en nie vir onmiddellike gebruik nodig is nie, belê by die Openbare Beleggingskommissaris of die ander instellings wat die Minister, met die instemming van die Minister van Finansies, bepaal.

15. (1) Die uitvoerende beampte is die rekenpligtige beampte van die raad, en is belas met die verantwoordings vir alle geld ontvang en betalings gedoen deur die raad. Rekenpligtigheid.

(2) Die boekjaar van die raad eindig op 31 Maart in elke jaar.

(3) Die rekenpligtige beampte moet—

- (a) volledige en juiste aantekeninge hou van alle geld ontvang of bestee deur, en van die bates, laste en finansiële transaksies van, die raad;
- (b) so gou doenlik, maar hoogstens drie maande na die einde van die boekjaar in subartikel (2) bedoel, finansiële jaarstate opmaak wat, met gepaste besonderhede, geld deur die raad ontvang en uitgawes deur die raad aangegaan gedurende, en sy bates en laste aan die einde van, bedoelde boekjaar, aantoon.

(4) Die aantekeninge en finansiële jaarstate in subartikel (3) bedoel, word deur die Ouditeur-generaal geouditeer.

16. Die Regering van die Republiek kan met die regering van 'n ander land of gebied 'n ooreenkoms aangaan met die oog op die bevordering of reëling van, of samewerking met betrekking tot, die produksie, verwerking, bemaking of verspreiding van grondstowwe waaruit energie ontwikkel word of kan word of die ontwikkeling, bemaking of verspreiding van energie of navorsing wat daarmee in verband staan, en ter nakoming van so 'n ooreenkoms kan die raad in die Republiek of in so 'n land of gebied ten behoeve van daardie regering die werksaamhede verrig wat in die betrokke ooreenkoms uiteengesit of daarkragtens bepaal word. Ooreenkoms met ander regerings.

17. Die raad moet met die Minister oorleg pleeg by die uitvoering van dié bevoegdhede van die raad wat die Minister van tyd tot tyd bepaal. Oorlegpleging met Minister.

18. Die Minister kan na oorleg met die raad regulasies uitvaardig betreffende— Regulasies.

- (a) die wyse waarop vergaderings van die uitvoerende of 'n ander komitee van die raad byeengeroep moet word, die prosedure by, die werksaamhede van en die kworums vir daardie vergaderings en die wyse waarop notule van daardie vergaderings gehou moet word;
- (b) die gelde wat aan die raad betaalbaar is vir dienste gelewer deur die raad;
- (c) die verrigting van die raad se werksaamhede ter uitvoering van die bepalings van 'n ooreenkoms in artikel 16 bedoel; en
- (d) in die algemeen, enige aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf of te reël ten einde die oogmerke van hierdie Wet te verwesenlik, en die algemeenheid van hierdie bepaling word nie deur die voorafgaande paragrawe beperk nie.

19. (1) Die Minister kan aan die Direkteur-generaal of 'n ander beampte in die Departement van Mineraal- en Energiesake 'n bevoegdheid by hierdie Wet aan die Minister verleen, uitgesonderd die bevoegdheid in artikel 18 bedoel, deleger.

(2) Die raad kan—

- (a) aan die voorsitter, die uitvoerende beampte of ander

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- ployee of the council any power conferred upon the council by or under this Act, on such conditions as the council may determine; or
- (b) authorize such chairman, executive officer or employee to perform any duty assigned to the council by or under this Act. 5
- (3) The executive officer may—
- (a) delegate to an employee of the council any power conferred upon the executive officer by or under this Act, excluding any power delegated to the executive officer 10 under subsection (2) (a); or
- (b) authorize such employee to perform any duty assigned to the executive officer by or under this Act.
- (4) Any delegation under subsection (1), (2) (a) or (3) (a) does not prohibit the exercise of the power in question by the 15 Minister, council or executive officer, as the case may be.

Annual report.

20. (1) The council shall as soon as practicable after the end of a financial year, but not later than six months after the end of that financial year, submit to the Minister a report regarding its activities together with copies of the annual financial statements, 20 duly audited, in respect of that financial year, and shall furnish the Minister with any additional information required by him in connection with the finances and functions of the council.

(2) Such report and annual statements shall be laid upon the Table in Parliament by the Minister within 14 days after receipt 25 thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after its next ensuing ordinary session.

Short title and commencement.

21. This Act shall be called the Energy Act, 1987, and shall come into operation on a date fixed by the State President by 30 proclamation in the *Gazette*.

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- werknemer van die raad 'n bevoegdheid by of kragtens hierdie Wet aan die raad verleen, delegeer op die voorwaardes wat die raad bepaal; of
- 5 (b) so 'n voorsitter, uitvoerende beampte of werknemer magtig om 'n plig by of kragtens hierdie Wet aan die raad opgedra, te verrig.
- (3) Die uitvoerende beampte kan—
- 10 (a) aan 'n werknemer van die raad 'n bevoegdheid by of kragtens hierdie Wet aan die uitvoerende beampte verleen, uitgesonderd 'n bevoegdheid aan die uitvoerende beampte kragtens subartikel (2) (a) gedelegeer, delegeer; of
- (b) so 'n werknemer magtig om 'n plig by of kragtens hierdie Wet aan die uitvoerende beampte opgedra, te verrig.
- 15 (4) 'n Delegering kragtens subartikel (1), (2) (a) of (3) (a) betref nie die uitoefening nie van die betrokke bevoegdheid deur die Minister, raad of uitvoerende beampte, na gelang van die geval.
- 20 **20.** (1) Die raad moet so gou doenlik na die einde van 'n boekjaar, maar nie later nie as ses maande na die einde van daardie boekjaar, 'n verslag aangaande sy werksaamhede tesame met afskrifte van die finansiële jaarstate behoorlik geouditeur, ten opsigte van daardie boekjaar aan die Minister voorlê en die Minister voorsien van enige bykomende inligting wat hy vereis in verband met die finansies en werksaamhede van die raad. Jaarverslag.
- 25 (2) Sodanige verslag en jaarstate word deur die Minister binne 14 dae na ontvangs in die Parlement ter Tafel gelê, indien die Parlement dan in gewone sessie is of, indien die Parlement nie dan in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie.
- 30 **21.** Hierdie Wet heet die Wet op Energie, 1987, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

