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VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 602. 30 Maart 1988

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

No. 24 van 1988: Wysigingswet op Minerale tegnologie, 1988.

No. 602. 30 March 1988

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

No. 24 of 1988: Mineral Technology Amendment Act, 1988.

Wet No. 24, 1988

WYSIGINGSWET OP MINERAALTEGNOLOGIE, 1988

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Mineraaltegnologie, 1981, ten einde ander voorsiening te maak vir die besoldiging van die beamptes en werknemers van die raad; die minimum getal lede wat in die raad moet dien, van sewe tot ses te verminder; en te bepaal dat die president van die raad die rekenpligtige beampte daarvan is; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Maart 1988.)

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

Wysiging van artikel 1 van Wet 84 van 1981

1. Artikel 1 van die Wet op Mineraaltegnologie, 1981 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur voor die omskrywing van "Direkteur-Generaal" die volgende omskrywing in te voeg:

"'besoldiging' salaris, toelae, subsidie of 'n ander soortgelyke voordeel;";
en

(b) deur die omskrywing van "Minister" deur die volgende omskrywing te 10 vervang:

"'Minister' die Minister van **[Mineraal- en Energiesake]** Ekonomiese Sake en Tegnologie;".

Wysiging van artikel 5 van Wet 84 van 1981

2. Artikel 5 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te 15 vervang:

"(b) Die diensvoorwaardes, met inbegrip van die betaling van besoldiging **[en toelaes]**, van die president word deur die Minister bepaal.";

(b) deur subartikel (3) deur die volgende subartikel te vervang: 20

"(3) Wanneer daar nie 'n president is nie of die president afwesig is of om 'n ander rede nie in staat is om sy werksaamhede te verrig nie, kan die Minister op die diensvoorwaardes (met inbegrip van die betaling van besoldiging **[en toelaes]**) wat hy bepaal 'n waarnemende president aanstel om die werksaamhede van die president tydens sodanige afwesigheid of 25 onvermoë, of totdat 'n president ingevolge subartikel (1) aangestel is, te verrig, en terwyl hy aldus waarneem, het die waarnemende president al die bevoegdhede en verrig hy al die pligte van die president."; en

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

"(4) Diensvoorwaardes deur die Minister kragtens hierdie artikel bepaal 30 en wat betrekking het op die betaling van besoldiging **[of toelaes]** word aldus met die instemming van die Minister van Finansies bepaal.".

MINERAL TECHNOLOGY AMENDMENT ACT, 1988

Act No. 24, 1988

GENERAL EXPLANATORY NOTE:

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

_____ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Mineral Technology Act, 1981, so as to make other provision for the remuneration of the officers and employees of the council; to reduce from seven to six the minimum number of members who shall serve on the council; and to provide that the president of the council shall be the accounting officer thereof; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 21 March 1988.)*

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

Amendment of section 1 of Act 84 of 1981

1. Section 1 of the Mineral Technology Act, 1981 (hereinafter called the principal Act), is hereby amended—

(a) by the substitution for the definition of “Minister” of the following definition:

“‘Minister’ means the Minister of **[Mineral and Energy Affairs]** Economic Affairs and Technology;” and

10 (b) by the insertion after the definition of “regulation” of the following definition:

“‘remuneration’ means salary, allowance, subsidy or any other similar benefit;”.

Amendment of section 5 of Act 84 of 1981

15 2. Section 5 of the principal Act is hereby amended—

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

“(b) The conditions of service, including the payment of remuneration **[and allowances]**, of the president shall be determined by the Minister.”;

20 (b) by the substitution for subsection (3) of the following subsection:

“(3) Whenever there is no president or the president is absent or for any other reason unable to perform his functions, the Minister may on such conditions of service (including payment of remuneration **[and allowances]**) as he may determine appoint an acting president to perform the functions of the president during such absence or inability, or until a president has been appointed in terms of subsection (1), and, while so acting, the acting president shall have all the powers and perform all duties of the president.”; and

25 (c) by the substitution for subsection (4) of the following subsection:

30 “(4) Conditions of service determined by the Minister under this section which relate to the payment of remuneration **[or allowances]** shall be so determined with the concurrence of the Minister of Finance.”.

Wet No. 24, 1988

WYSIGINGSWET OP MINERAALTEGNOLOGIE, 1988

Wysiging van artikel 6 van Wet 84 van 1981

3. Artikel 6 van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (b) van subartikel (1) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:
 “minstens **[sewe]** ses en hoogstens nege lede deur die Minister aangestel, van wie—”; 5
- (b) deur subparagraaf (i) van paragraaf (b) van subartikel (1) deur die volgende subparagraaf te vervang:
 “(i) **[twee beamptes]** een ’n beampte van die Departement van Minerale- en Energiesake is;”; en 10
- (c) deur subartikel (6) deur die volgende subartikel te vervang:
 (6) Die raad betaal aan ’n lid van die raad of sy plaasvervanger wat nie in die heeltidse diens van die Staat is nie, die besoldiging **[en toelaes]** en verskaf aan hom die vervoergeriewe ten opsigte van sy dienste as so ’n lid of plaasvervanger wat die Minister met die instemming van die Minister van Finansies bepaal **[Met dien verstande dat aan ’n lid of plaasvervanger wat in die heeltidse diens van die Staat is geen besoldiging deur die raad betaal word nie, en dat geen toelaes aan hom deur die raad betaal word nie wat groter is as die toelaes wat aan hom ten opsigte van sy werk in diens van die Staat betaalbaar is nie].**” 20

Wysiging van artikel 9 van Wet 84 van 1981

4. Artikel 9 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) Die raad **[stel]** kan op die voorwaardes wat hy bepaal die beamptes en werknemers **[aan]** aanstel wat hy nodig ag om hom behulpsaam te wees by die verrigting van sy werksaamhede.”; 25
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) Die raad betaal aan die beamptes en werknemers deur hom ingevolge subartikel (1) aangestel, die besoldiging wat **[die Minister met die instemming van die Minister van Finansies goedkeur]** die raad bepaal ooreenkomstig ’n stelsel wat van tyd tot tyd deur die Minister met instemming van die Minister van Finansies goedgekeur word.”; en 30
- (c) deur subartikels (3) en (4) te skrap.

Wysiging van artikel 10 van Wet 84 van 1981

5. Artikel 10 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) Die raad kan aan ’n lid van so ’n komitee wat nie ’n lid of beampte van die raad is nie en wat nie in die heeltidse diens van die Staat is nie, die besoldiging **[en toelaes]** betaal en aan hom die vervoergeriewe verskaf wat die Minister met die instemming van die Minister van Finansies bepaal.”; en 40
- (b) deur subartikel (3) te skrap.

Wysiging van artikel 13 van Wet 84 van 1981

6. Artikel 13 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (5) deur die volgende subartikel te vervang:
 “(5) Die raad kan enige onbestede gedeelte van sy geld belê by die **[Staatskuldkommissarisse]** Korporasie vir Openbare Deposito’s of op die ander wyse wat deur die Minister met die instemming van die Minister van Finansies bepaal word.”; en 45
- (b) deur subartikel (7) deur die volgende subartikel te vervang:
 “(7) (a) Die president is die rekenpligtige beampte van die raad, en is as sodanig belas met die verantwoording van geld deur die raad ontvang en betalings deur die raad gedoen. 50
 (b) Die rekenpligtige beampte moet behoorlik boekhou van al die geldelike transaksies van die raad en moet aantekeninge hou wat te alle tye die voorraad materiaal, toerusting en ander goed waarvan die raad die eienaar is of wat in bewaring van die raad is, aandui. 55

MINERAL TECHNOLOGY AMENDMENT ACT, 1988

Act No. 24, 1988

Amendment of section 6 of Act 84 of 1981

3. Section 6 of the principal Act is hereby amended—

(a) by the substitution in paragraph (b) of subsection (1) for the words preceding subparagraph (i) of the following words:

5 “not fewer than **[seven]** six and not more than nine members to be appointed by the Minister, of whom—”;

(b) by the substitution for subparagraph (i) of paragraph (b) of subsection (1) of the following subparagraph:

10 “(i) **[two shall be officers]** one shall be an officer of the Department of Mineral and Energy Affairs.”; and

(c) by the substitution for subsection (6) of the following subsection:

15 “(6) The council shall pay to a member of the council or his alternate who is not in the full-time service of the State, such remuneration **[and allowances]** and afford him such transport facilities in respect of his services as such a member or alternate as the Minister may determine with the concurrence of the Minister of Finance **[Provided that a member or alternate in the full-time service of the State shall not be paid any remuneration by the council, and shall not be paid any allowances by the council exceeding the allowances payable to him in respect of his work in the service of the State].**”.

20

Amendment of section 9 of Act 84 of 1981

4. Section 9 of the principal Act is hereby amended—

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

25 “(1) The council may appoint on such conditions as it may determine such officers and employees as it may deem necessary to assist it in the performance of its functions.”;

(b) by the substitution for subsection (2) of the following subsection:

30 “(2) The council shall pay to the officers and employees appointed by it in terms of subsection (1) such remuneration as **[the Minister may approve with the concurrence of the Minister of Finance]** the council may determine in accordance with a system approved from time to time by the Minister with the concurrence of the Minister of Finance.”; and

(c) by the deletion of subsections (3) and (4).

Amendment of section 10 of Act 84 of 1981

35 5. Section 10 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

40 “(2) The council may pay to any member of such committee who is not a member or an officer of the council and who is not in the full-time service of the State, such remuneration **[and allowances]** and afford to him such transport facilities as the Minister may determine with the concurrence of the Minister of Finance.”; and

(b) by the deletion of subsection (3).

Amendment of section 13 of Act 84 of 1981

6. Section 13 of the principal Act is hereby amended—

45 (a) by the substitution for subsection (5) of the following subsection:

“(5) The council may invest any unexpended portion of its money with the **[Public Debt Commissioners] Corporation for Public Deposits** or in such other manner as may be determined by the Minister with the concurrence of the Minister of Finance.”; and

50 (b) by the substitution for subsection (7) of the following subsection:

“**(7) (a)** The president shall be the accounting officer of the council and as such is charged with the responsibility of accounting for the money received and for payments made by the council.55 **(b)** The accounting officer shall keep proper records of all the financial transactions of the council and such records as shall at all times reflect the stock of materials, equipment and other property of which it is the owner or which is in its custody.”

Wet No. 24, 1988

WYSIGINGSWET OP MINERAALTEGNOLOGIE, 1988

- [(a)] (c) Die boekjaar van die raad eindig op 31 Maart van elke jaar **[en die raad moet van al sy geldelike transaksies behoorlik boekhou, en aantekenings hou wat te alle tye die voorraad materiaal, toerusting en ander goed waarvan hy die eienaar is of wat in sy bewaring is, aandui].**
- [(b)] (d) Die raad moet by 'n deur die Minister goedgekeurde bank een of meer rekenings open en daarin alle geld stort wat ontvang word. 5
- [(c)] (e) Die rekenings van die raad word deur die Ouditeur-generaal geouditeer.
- [(d)] (f) Die raad moet aan die Minister die inligting verstrek wat hy ten opsigte van die bedrywighede en geldelike stand van die raad aanvra, en moet 10 daardenewens aan die Minister 'n jaarlikse verslag oor sy werksaamhede verstrek, met inbegrip van 'n balansstaat en 'n staat van inkomste en uitgawes deur die Ouditeur-generaal as juis gesertifiseer.
- [(e)] (g) Die Minister lê vermelde verslag in die **[Volksraad]** Parlement ter Tafel binne 14 dae na ontvangs daarvan, indien die Parlement dan in gewone 15 sessie is, of, indien die Parlement nie in gewone sessie is nie, binne 14 dae na die aanvang van die eersvolgende gewone sessie.”.

Kort titel

7. Hierdie Wet heet die Wysigingswet op Mineraaltegnologie, 1988.

MINERAL TECHNOLOGY AMENDMENT ACT, 1988

Act No. 24, 1988

- 5 **[(a)] (c)** The financial year of the council shall terminate on 31 March in each year **[and the council shall keep proper records of all its financial transactions and such records as shall at all times reflect the stock of materials, equipment and other property in its custody].**
- [(b)] (d)** The council shall open one or more accounts with any bank approved by the Minister and shall deposit therein all money received.
- [(c)] (e)** The accounts of the council shall be audited by the Auditor-General.
- 10 **[(d)] (f)** The council shall furnish to the Minister such information as he may call for in respect of the activities and financial position of the council, and shall in addition submit to the Minister an annual report on its activities, including a balance sheet and a statement of income and expenditure certified by the Auditor-General to be correct.
- 15 **[(e)] (g)** The Minister shall lay the said report upon the Table **[of the House of Assembly]** in Parliament within 14 days after receipt thereof, if Parliament is then in ordinary session, or, if Parliament is not in ordinary session, within 14 days after the commencement of its next ensuing ordinary session.”.

Short title

7. This Act shall be called the Mineral Technology Amendment Act, 1988.

