



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

No. 520.

23 March 1989

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

No. 21 of 1989: Inventions Development Amendment Act, 1989.

KANTOOR VAN DIE STAATSPRESIDENT

No. 520.

23 Maart 1989

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

No. 21 van 1989: Wysigingswet op die Ontwikkeling van Uitvindings, 1989.

Act No. 21, 1989

INVENTIONS DEVELOPMENT AMENDMENT ACT, 1989

GENERAL EXPLANATORY NOTE:

- I** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Inventions Development Act, 1962, so as to further define certain expressions; and to provide for the establishment of a private company by the South African Inventions Development Corporation; for the transfer of certain assets, liabilities and rights of the corporation to the company to be so established; and for the reduction of the number of directors of the council and the conversion of existing loans by the State to the corporation into share capital; and to provide for matters connected therewith.

*(English text signed by the acting State President.)
(Assented to 14 March 1989.)*

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

Amendment of section 1 of Act 31 of 1962

1. Section 1 of the Inventions Development Act, 1962 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for the words preceding the definition of “board of directors” of the following words:
“In this Act [the expression “the principal Act” means the Scientific Research Council Act, 1945 (Act No. 33 of 1945), and], unless the context otherwise indicates [any expression to which in that Act a meaning has been assigned, bears the meaning so assigned thereto, and]—”;
- (b) by the substitution for the definition of “invention” of the following definition:
“‘invention’ means [any discovery, invention or improvement contemplated by section eleven or twelve of the principal Act which the corporation is required by the research council in terms of section twelve bis of that Act to develop or exploit under the provisions of this Act and includes] any discovery or invention or any improvement in respect of any process, apparatus or machine arising from research and which may be referred to the corporation from any other source for development or exploitation under the provisions of this Act;”;
- (c) by the insertion after the definition of “invention” of the following definition:
“‘Minister’ means the Minister to whom the administration of this Act has been assigned under section 17;”; and
- (d) by the substitution for the definition of “research council” of the following definition:

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WYSIGINGSWET OP DIE ONTWIKKELING VAN UITVINDINGS,
1989

Wet No. 21, 1989

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordnings aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordnings aan.
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WET

Tot wysiging van die Wet op die Ontwikkeling van Uitvindings, 1962, ten einde sekere uitdrukings nader te omskryf; en voorsiening te maak vir die stigting van 'n private maatskappy deur die Suid-Afrikaanse Ontwikkelingskorporasie vir Uitvindings; vir die oordrag van sekere bates, laste en regte van die korporasie aan die te stigte maatskappy; en vir die vermindering van die getal direkteure van die raad en die omskepping van bestaande lenings deur die Staat aan die korporasie in aandelekapitaal; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die waarnemende Staatspresident geteken.)
(Goedgekeur op 14 Maart 1989.)

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

Wysiging van artikel 1 van Wet 31 van 1962

1. Artikel 1 van die Wet op die Ontwikkeling van Uitvindings, 1962 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur die woorde wat die omskrywing van "hierdie Wet" voorafgaan deur die volgende woorde te vervang:
"In hierdie Wet [beteken die uitdrukking "die Hoofwet" die Wet op die Wetenskaplike Navorsingsraad, 1945 (Wet No. 33 van 1945), en], tensy uit die samehang anders blyk, [het elke uitdrukking waaraan in daardie Wet 'n betekenis toegeskryf is, die betekenis aldus daaraan toegeskryf, en] beteken—";
 - (b) deur na die omskrywing van "korporasie" die volgende omskrywing in te voeg:
"Minister" die Minister aan wie die uitvoering van hierdie Wet kragtens artikel 17 opgedra is;"
 - (c) deur die omskrywing van "navorsingsraad" deur die volgende omskrywing te vervang:
"'navorsingsraad' die [raad] WNNR soos omskryf in artikel een van die [Hoofwet] Wet op die Wetenskaplike Navorsingsraad, 1988 (Wet No. 46 van 1988);"; en
 - (d) deur die omskrywing van "uitvinding" deur die volgende omskrywing te vervang:
"'uitvinding' [enige ontdekking, uitvinding of vebetering deur artikel elf of twaalf van die Hoofwet beoog wat die korporasie deur die navorsingsraad ingevalle artikel twaalf bis van daardie Wet aangesê is om te ontwikkel of te benut kragtens die bepalings van hierdie Wet en ook]

Act No. 21, 1989**INVENTIONS DEVELOPMENT AMENDMENT ACT, 1989**

“research council” means the **[council]** CSIR as defined in section *one* of the **[principal Act]** Scientific Research Council Act, 1988 (Act No. 46 of 1988).”.

Amendment of section 4 of Act 31 of 1962, as amended by section 1 of Act 10 of 1984

2. Section 4 of the principal Act is hereby amended by the insertion after 5 subparagraph (iii) of paragraph (a) of subsection (1) of the following subparagraph:
 “(iv) to enter into an agreement with the Industrial Development Corporation of South Africa Limited for the establishment of a company with a view to technology development and marketing, and to that end to transfer certain assets, liabilities and obligations of the corporation to such company to be 10 established as from a date determined by the Minister.”.

Amendment of section 6 of Act 31 of 1962

3. Section 6 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:
 “(a) The board of directors shall consist of a chairman, who shall be an officer 15 or member of the research council designated by it, and **[not less than four and not more than eight]** two additional members, one of whom shall be designated by the research council as deputy chairman to act as chairman during the absence of the chairman.”.

Amendment of section 8 of Act 31 of 1962

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4. Section 8 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
 “(1) No person who is a member of **[the Senate or the House of Assembly or a provincial council]** Parliament may be appointed or remain a member or alternate member of the board of directors.”.

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Amendment of section 10 of Act 31 of 1962

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

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 “(a) Subject to the provisions of this section, the share capital of the 30 corporation shall be **[two hundred thousand rand]** R27 220 193, which shall be divided into **[two hundred thousand]** 27 220 193 ordinary shares of one rand each, consisting of—
 (i) shares already allotted to the research council in terms of paragraph (b);
 (ii) shares in respect of an amount of R770 000 referred to in section 6 of the Finance Act, 1979 (Act No. 101 of 1979);
 (iii) shares in respect of an amount of R4 030 000 referred to in section 4 of the Finance Act, 1984 (Act No. 113 of 1984); and
 (iv) subject to subsection (4), shares in respect of an amount of 40 R22 220 193 given in loan by the State to the corporation during the period 13 February 1984 to 1 April 1988.”;
- (b) by the addition to subsection (1) of the following paragraph:
 “(c) No interest is payable, with effect from 1 August 1988, by the corporation to the State in respect of the amount mentioned in 45 subparagraph (iv) of paragraph (a).”; and

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WYSIGINGSWET OP DIE ONTWIKKELING VAN UITVINDINGS,
1989

Wet No. 21, 1989

enige ontdekking of uitvinding of enige verbetering ten opsigte van enige proses, apparaat of masjien wat uit navorsing ontstaan en wat uit enige ander bron na die korporasie verwys word vir ontwikkeling of benutting kragtens die bepalings van hierdie Wet.”.

5 Wysiging van artikel 4 van Wet 31 van 1962, soos gewysig deur artikel 1 van Wet 10 van 1984

2. Artikel 4 van die Hoofwet word hierby gewysig deur na subparagraaf (iii) van paragraaf (a) van subartikel (1) die volgende subparagraaf in te voeg:

10 “(iv) ‘n ooreenkoms met die Nywerheid-ontwikkelingskorporasie van Suid-Afrika Beperk aan te gaan vir die oprigting van ‘n maatskappy met die oog op tegnologie-ontwikkeling en -bemarking, en om vir dié doel sekere bates, laste en verpligte van die korporasie aan sodanige te stigte maatskappy oor te dra vanaf ‘n datum deur die Minister bepaal.”.

Wysiging van artikel 6 van Wet 31 van 1962

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

20 “(a) Die raad van direkteure bestaan uit ‘n voorsitter, wat ‘n deur die navorsingsraad aangewysde amptenaar of lid van die navorsingsraad moet wees, en [minstens vier en hoogstens agt] twee addisionele lede, van wie een deur die navorsingsraad aangewys moet word as ondervoorsitter om as voorsitter op te tree tydens die afwesigheid van die voorsitter.”.

Wysiging van artikel 8 van Wet 31 van 1962

4. Artikel 8 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

25 “(1) Niemand wat ‘n lid van die [Senaat of die Volksraad of ‘n provinsiale raad] Parlement is, kan as ‘n lid of plaasvervangende lid van die raad van direkteure aangestel word of aanbly nie.”.

Wysiging van artikel 10 van Wet 31 van 1962

5. Artikel 10 van die Hoofwet word hierby gewysig—

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

“(a) Behoudens die bepalings van hierdie artikel, is die aandelekapitaal van die korporasie [tweehonderdduisend rand] R27 220 193, wat verdeel is in [tweehonderdduisend] 27 220 193 aandele van een rand elk, bestaande uit—

(i) aandele wat reeds ingevolge paragraaf (b) aan die navorsingsraad toegeken is;

(ii) aandele ten opsigte van ‘n bedrag van R770 000 in artikel 6 van die Finansiewet, 1979 (Wet No. 101 van 1979), bedoel;

40 (iii) aandele ten opsigte van ‘n bedrag van R4 030 000 in artikel 4 van die Finansiewet, 1984 (Wet No. 113 van 1984), bedoel; en

(iv) behoudens subartikel (4), aandele ten opsigte van ‘n bedrag van R22 220 193, watter bedrag gedurende die tydperk 13 Februarie 1984 tot 1 April 1988 deur die Staat aan die korporasie geleent is.”;

45 (b) deur die volgende paragraaf by subartikel (1) te voeg:

“(c) Geen rente is met ingang van 1 Augustus 1988 ten opsigte van die bedrag genoem in subparagraaf (iv) van paragraaf (a) deur die korporasie aan die Staat betaalbaar nie.”; en

Act No. 21, 1989**INVENTIONS DEVELOPMENT AMENDMENT ACT, 1989**

(c) by the addition of the following subsection:

“(4) For the purposes of this section the amount referred to in subsection (1) (a) (iv) is deemed to be money paid by the State in respect of shares in the corporation and allotted to the research council in terms of paragraph (b) of subsection (1).”.

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Amendment of section 13 of Act 31 of 1962

6. Section 13 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) As soon as may be after the completion of every audit, the corporation shall submit the report on its activities during the year covered by the auditor's report, to the Minister and the research council, and the Minister shall lay each report and any statements of account submitted therewith on the Table [of the Senate and of the House of Assembly] in Parliament within seven days after receipt thereof by him, if Parliament is in ordinary session, or if Parliament is not in ordinary session, within seven days after the commencement of its next ensuing ordinary session.”.

Insertion of section 17 in Act 31 of 1962

7. The following section is hereby inserted in the principal Act after section 16:

“Administration of Act

17. 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 performed by that Minister after consultation with one or more other Ministers.”.

Substitution of long title of Act 31 of 1962

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8. The following long title is hereby substituted for the long title of the principal Act:

“To provide for the promotion of the development and exploitation in the public interest of certain discoveries, inventions and improvements and for that purpose to establish a South African Inventions Development Corporation and to prescribe its powers and functions and the manner in which it shall be managed and controlled; and to provide for other incidental matters [and to amend the Scientific Research Council Act, 1945].”.

Short title and commencement

9. (1) This Act shall be called the Inventions Development Amendment Act, 1989, 35 and shall, subject to the provisions of subsection (2), come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(2) The amendments effected to sections 4 and 10 of the principal Act shall be deemed to have come into operation on 1 August 1988.

WYSIGINGSWET OP DIE ONTWIKKELING VAN UITVINDINGS,
1989

Wet No. 21, 1989

- 5 (c) deur die volgende subartikel by te voeg:
 “(4) By die toepassing van hierdie artikel word die bedrag in subartikel
 (1) (a) (iv) bedoel, geag geld te wees wat deur die Staat betaal is ten opsigte
 van aandele in die korporasie en ingevolge paragraaf (b) van subartikel (1)
 aan die navorsingsraad toegeken is.”.

Wysiging van artikel 13 van Wet 31 van 1962

6. Artikel 13 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- 10 “(2) So gou doenlik na voltooiing van elke oudit moet die korporasie die verslag van die ouditeur, tesame met 'n verslag oor die korporasie se werksaamhede gedurende die jaar wat deur die ouditeur se verslag gedek word, aan die Minister en die navorsingsraad voorlê, en die Minister lê elke verslag en enige rekeningstate wat daarmee saamgestuur is in die **[Senaat en in die Volksraad]** Parlement ter Tafel binne sewe dae nadat hy hulle ontvang, as die Parlement in gewone sitting is, of as die Parlement nie in gewone sitting is nie, binne sewe dae na die aanvang van sy eersvolgende gewone sitting.”.

Invoeging van artikel 17 in Wet 31 van 1962

7. Die volgende artikel word hierby in die Hoofwet na artikel 16 ingevoeg:

“Uitvoering van Wet

- 20 17. 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 oorleg met een of meer ander Ministers.”.

25 Vervanging van lang titel van Wet 31 van 1962

8. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

- 30 “Om voorsiening te maak vir die bevordering van die ontwikkeling en benutting in die openbare belang van sekere ontdekings, uitvindings en verbeterings en om vir daardie doel 'n Suid-Afrikaanse Ontwikkelingskorporasie vir Uitvindings in te stel en om sy bevoegdhede en die wyse waarop hy bestuur en beheer moet word, voor te skryf; en om vir ander bykomstige aangeleenthede voorsiening te maak **[en om die Wet op die Wetenskaplike Navorsingsraad, 1945, te wysig].”.**

Kort titel en inwerkingtreding

- 35 9. (1) Hierdie Wet heet die Wysigingswet op die Ontwikkeling van Uitvindings, 1989, en tree, behoudens die bepalings van subartikel (2), in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Die wysigings aan artikels 4 en 10 van die Hoofwet aangebring, word geag op 1 Augustus 1988 in werking te getree het.

