



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1450.

29 Junie 1990

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

No. 75 van 1990: Wet op Navorsingsontwikkeling, 1990.

No. 1450.

29 June 1990

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

No. 75 of 1990: Research Development Act, 1990.

WET

Om 'n regspersoon te stig om navorsingsontwikkeling te behartig; om sy oogmerke, werksaamhede en werkwyse te bepaal; om die wyse waarop dit bestuur en beheer moet word, voor te skryf; om sy werknemersaangeleenthede en geldsake te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Junie 1990.)*

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

Woordomskrywing

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—
 - (i) “hierdie Wet” ook ’n regulasie; (xii) 5
 - (ii) “Minister” die Minister van Nasionale Opvoeding; (vi)
 - (iii) “nasionale navorsingsfasiliteite” fasiliteite vir benutting deur verskillende gebruikers wat die Stigting bedryf met die oog op die navorsingsontwikkeling wat die Minister by regulasie bepaal; (vii)
 - (iv) “navorsing” die behoud, vermeerdering en verbetering van kennis deur 10
middel van wetenskaplike ondersoeke en metodes op die wetenskapgebiede wat die Minister by regulasie bepaal, en het “navorser” ’n ooreenstemmende betekenis; (x)
 - (v) “navorsingsontwikkeling” die bevordering, vergemakliking en ondersteuning van onderrig of navorsing met die oog op wetenskaplike of tegnologiese vaardigheid van werkkragte in belang van die Republiek op die gebiede wat die Minister by regulasie bepaal; (xi) 15
 - (vi) “president” die persoon wat ingevolge artikel 11 as hoof- uitvoerende beampte van die Stigting aangestel is; (viii)
 - (vii) “Raad” die Raad wat in artikel 7 vermeld word; (ii) 20
 - (viii) “regulasie” ’n regulasie wat ingevolge hierdie Wet van krag is; (ix)
 - (ix) “Stigting” die Stigting vir Navorsingsontwikkeling wat by artikel 2 ingestel is; (v)
 - (x) “uitvoerende bestuur” die uitvoerende bestuur wat ingevolge artikel 9 ingestel is; (iv) 25
 - (xi) “voorsitter” die persoon wat ingevolge artikel 7 (1) (a) as voorsitter van die Raad aangestel is; (i)
 - (xii) “WNNR” die WNNR wat in artikel 2 (1) van die Wet op die Wetenskaplike Navorsingsraad, 1988 (Wet No. 46 van 1988), vermeld word. (iii)

Instelling van Stigting

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2. Daar word met ingang van ’n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, ’n regspersoon met die naam Stigting vir Navorsingsontwikkeling ingestel.

ACT

To establish a juristic person to deal with research development; to determine its objects, functions and method of work; to prescribe the manner in which it is to be managed and governed; to regulate its employee matters and financial affairs; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 21 June 1990.)*

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—
- 5 (i) “chairman” means the person appointed as chairman of the Council in terms of section 7 (1) (a); (xi)
 - (ii) “Council” means the Council mentioned in section 7; (vii)
 - (iii) “CSIR” means the CSIR mentioned in section 2 (1) of the Scientific Research Council Act, 1988 (Act No. 46 of 1988); (xii)
 - 10 (iv) “executive” means the executive established in terms of section 9; (x)
 - (v) “Foundation” means the Foundation for Research Development established by section 2; (ix)
 - (vi) “Minister” means the Minister of National Education; (ii)
 - (vii) “national research facilities” means facilities for utilization by various users
15 operated by the Foundation with a view to such research development as the Minister may determine by regulation; (iii)
 - (viii) “president” means the person appointed in terms of section 11 as the chief executive officer of the Foundation; (vi)
 - (ix) “regulation” means a regulation in force in terms of this Act; (viii)
 - 20 (x) “research” means the preservation, augmentation and improvement of knowledge by means of scientific investigations and methods in such fields of science as the Minister may determine by regulation, and “researcher” has a corresponding meaning; (iv)
 - (xi) “research development” means the promotion, facilitation and support of
25 instruction or research with a view to scientific or technological manpower skill in the interests of the Republic in such fields as the Minister may by regulation determine; (v)
 - (xii) “this Act” includes a regulation. (i)

Establishment of Foundation

- 30 2. There is hereby established as from a date fixed by the State President by proclamation in the *Gazette* a juristic person to be known as the Foundation for Research Development.

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Oogmerk van Stigting

3. Die oogmerk van die Stigting is navorsingsontwikkeling.

Werkzaamhede, bevoegdhede en pligte van Stigting

4. (1) Onderworpe aan die bepalinge van artikel 3 is die werkzaamhede van die Stigting— 5
- (a) om finansiële ondersteuning vir navorsingsontwikkeling aan persone te verleen;
 - (b) om te bepaal watter gebiede van navorsingsontwikkeling voorkeur moet geniet vir die doeleindes van ondersteuning daarvan;
 - (c) om beurse aan studente beskikbaar te stel vir plaaslike of oorsese studie; 10
 - (d) om 'n databasis van werkkragte, toerusting, navorsingsinstansies en inligting wat daarmee verband hou, op wetenskaplike en tegnologiese gebied te vestig en te benut;
 - (e) om inligting oor sy oogmerke en werkzaamhede bekend te maak;
 - (f) om skakeling tussen individue en instansies op nasionale en internasionale 15 gebied te vergemaklik en te bevorder;
 - (g) om in verbinding te kom en te bly met die International Council of Scientific Unions en ander soortgelyke liggame om daardeur die Republiek se deelname aan internasionale wetenskaplike aktiwiteite te bevorder; en
 - (h) om die nasionale navorsingsfasiliteite te bedryf wat die Minister by 20 regulasie bepaal.
- (2) Ter bereiking van sy oogmerk kan die Stigting—
- (a) aan universiteite, teknikons, kolleges, skole, museums en ander navorsingsinrigtings of persone verbonde daaraan toekennings doen vir navorsingsontwikkeling of vir die beskikbaarstelling van fasiliteite met die oog op 25 navorsingsontwikkeling;
 - (b) met instellings en persone in die Republiek of elders saamwerk met die oog op navorsingsontwikkeling;
 - (c) deur samewerking met wetenskaplike verenigings die werkzaamhede van sodanige verenigings, en onderlinge samewerking en koördinasie tussen 30 verwante sodanige verenigings, bevorder;
 - (d) studiebeurse en -lenings toeken;
 - (e) ooreenkomste met enige persoon, regering of administrasie sluit op die voorwaardes waaromtrent ooreengekom word;
 - (f) behoudens die bepalinge van subartikel (3) roerende en, met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, ook onroerende goed aankoop of op 'n ander wyse verkry, of besit, huur, vervreem, verhuur, verpand of met 'n ander las beswaar; 35
 - (g) met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, op die voorwaardes en teen die sekuriteit waarop ooreengekom word, geld by wyse van lenings uit enige bron opneem; en 40
 - (h) oor die algemeen alles doen wat nodig is om sy oogmerk te bereik.
- (3) Die Stigting mag nie self navorsingsfasiliteite, behalwe nasionale navorsingsfasiliteite, oprig, bekóm of bedryf nie.
- (4) Benewens sy ander werkzaamhede ingevolge hierdie Wet— 45
- (a) moet die Stigting—
 - (i) die ondersoeke en navorsing onderneem of laat onderneem wat op sy oogmerk betrekking het en wat die Minister aan hom opdra;
 - (ii) die Minister van raad dien oor navorsingsontwikkeling; en
 - (iii) die ander werkzaamhede verrig wat kragtens 'n ander wet aan hom 50 opgedra word; en
 - (b) kan die Stigting die bevoegdhede uitoefen wat kragtens 'n ander wet aan hom verleen word.

Uitoefening van bevoegdhede buite Republiek

5. (1) Die Stigting kan op die voorwaardes waaromtrent ooreengekom word, 55 navorsing deur enige persoon in enige gebied buite die Republiek steun.
- (2) Die bepalinge van hierdie Wet is, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing in verband met die uitoefening deur die Stigting van sy bevoegdhede ingevolge subartikel (1), asof die gebied waarin hy sy bevoegdhede aldus uitoefen, binne die Republiek is. 60

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Object of Foundation

3. The object of the Foundation is research development.

Functions, powers and duties of Foundation

4. (1) Subject to the provisions of section 3, the functions of the Foundation shall be—

- (a) to render financial support to persons for research development;
- (b) to determine which fields of research development should have preference for the purpose of support thereof;
- (c) to make bursaries available to students for local or overseas studies;
- (d) to establish and utilize a data base of manpower, equipment, research institutions and information connected therewith in the field of the sciences and technology;
- (e) to publish information on its objects and functions;
- (f) to facilitate and promote nationally and internationally liaison between individuals and institutions;
- (g) to make and remain in contact with the International Council of Scientific Unions and other similar bodies in order thereby to promote the Republic's participation in international scientific activities; and
- (h) to operate such national research facilities as the Minister may determine by regulation.

(2) In order to achieve its object the Foundation may—

- (a) make grants to universities, technikons, colleges, schools, museums and other research institutions or persons connected therewith for research development or for the provision of facilities with a view to research development;
- (b) co-operate with institutions and persons in the Republic or elsewhere with a view to research development;
- (c) through co-operation with scientific societies, promote their work, and co-operation and co-ordination among such societies that are related;
- (d) grant study bursaries and loans;
- (e) enter into agreements with any person, government or administration on such terms and conditions as may be agreed upon;
- (f) subject to the provisions of subsection (3), purchase or otherwise acquire or possess, hire, alienate, let, pledge or otherwise encumber movable and, with the approval of the Minister, granted with the concurrence of the Minister of Finance, also immovable property;
- (g) with the approval of the Minister, granted with the concurrence of the Minister of Finance, on such terms and against such security as may be agreed upon, raise money by way of loans from any source; and
- (h) generally, do everything which is necessary to achieve its object.

(3) The Foundation shall not itself establish, acquire or operate any research facilities other than national research facilities.

(4) In addition to its other functions in terms of this Act—

- (a) the Foundation shall—
 - (i) undertake or procure the undertaking of such investigations and research relating to its object as the Minister may assign to it;
 - (ii) advise the Minister on research development; and
 - (iii) perform such other functions as may be assigned to it under any other law; and
- (b) the Foundation may exercise such powers as may be conferred on it under any other law.

Exercise of powers outside Republic

5. (1) The Foundation may, on such terms and conditions as may be agreed upon, support research by any person in any territory outside the Republic.

(2) The provisions of this Act shall, in so far as they can be applied, apply *mutatis mutandis* in connection with the exercise by the Foundation of its powers in terms of subsection (1) as if the territory in which it so exercises its powers were within the Republic.

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Oordrag van werksaamhede en bevoegdhede van statutêre liggame aan Stigting

6. (1) Die Staatspresident kan, na oorleg deur die Minister met die Raad en 'n raad of liggaam wat by of kragtens 'n Wet van die Parlement ingestel is, 'n werksaamheid of bevoegdheid wat aan dié raad of liggaam opgedra of verleen is, aan die Stigting oordra om deur die Stigting verrig of uitgeoefen te word. 5

(2) Die Staatspresident kan, na oorleg deur die Minister met die Raad en 'n raad of liggaam wat by of kragtens 'n Wet van die Parlement ingestel is, 'n werksaamheid of bevoegdheid wat aan die Stigting opgedra of verleen is, aan dié raad of liggaam oordra om deur hom verrig of uitgeoefen te word.

Instelling, samestelling en werksaamhede van Raad

10

7. (1) Die Stigting tree op deur middel van 'n raad wat bestaan uit—

(a) 'n voorsitter wat deur die Minister aangestel word;

(b) minstens 9 maar hoogstens 11 ander lede wat deur die Minister aangestel word; en

(c) die president, wat ampshalwe lid van die Raad is. 15

(2) 'n Lid van die Raad, met uitsondering van die president, beklee sy amp vir 'n tydperk van hoogstens drie jaar, maar kan weer aangestel word.

(3) Die voorsitter en die lede van die Raad word aangestel op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging en toelaes, wat die Minister met die instemming van die Minister van Finansies bepaal. 20

(4) Die lede van die Raad, met inbegrip van die voorsitter, moet almal persone wees wat onderskeiding in navorsing behaal het of oor besondere kennis of ondervinding beskik met betrekking tot navorsingsbestuur of die een of ander aspek van die Stigting se werksaamhede.

(5) Die voorsitter of, in sy afwesigheid, 'n lid van die Raad deur die aanwesige lede aangewys, sit voor op 'n vergadering van die Raad. 25

(6) Die Minister kan, indien daar na sy oordeel gegronde redes daarvoor bestaan, die lidmaatskap van 'n lid beoog in subartikel (1) (a) of (b) te eniger tyd beëindig.

Vergaderings van Raad

8. (1) Die vergaderings van die Raad word gehou op die tye en plekke wat die Raad bepaal. 30

(2) Die voorsitter kan te eniger tyd 'n spesiale vergadering van die Raad belê, wat gehou word op die tyd en plek wat die voorsitter gelas.

(3) Die kworum vir 'n vergadering van die Raad is 'n meerderheid van sy lede.

(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 voorsit, 'n beslissende stem benewens sy beraadslagende stem as lid van die Raad. 35

Uitvoerende bestuur

9. (1) Die Raad stel 'n uitvoerende bestuur in wat bestaan uit die president en soveel ander lede wat werknemers van die Stigting is, as wat die Raad nodig ag, en wat verantwoordelik is vir die bestuur van die sake van die Stigting ooreenkomstig die oogmerk, beleid en voorskrifte van die Raad. 40

(2) Lede van die uitvoerende bestuur, uitgesonderd die president, beklee hul amp as sodanig vir die tydperk wat die Raad bepaal. 45

Komitees van Raad

10. (1) Die Raad kan een of meer komitees benoem, wat onderworpe aan die voorskrifte van die Raad die werksaamhede van die Raad verrig wat die Raad bepaal.

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Transfer of functions and powers of statutory bodies to Foundation

6. (1) The State President may, after consultation by the Minister with the Council and a council, board or body established by or under any Act of Parliament, transfer any function or power entrusted to or conferred upon any such council, board or
15 body to the Foundation to be performed or exercised by the Foundation.

(2) The State President may, after consultation by the Minister with the Council and a council, board or body established by or under any Act of Parliament, transfer any function or power entrusted to or conferred upon the Foundation to such council, board or body to be performed or exercised by it.

10 Establishment, constitution and functions of Council

7. (1) The Foundation shall act through a council consisting of—

(a) a chairman appointed by the Minister;

(b) not fewer than 9 but not more than 11 other members appointed by the Minister; and

15 (c) the president, who shall, by virtue of his office, be a member of the Council.

(2) A member of the Council, excluding the president, shall hold office for a period not exceeding three years, but shall be eligible for reappointment.

(3) The chairman and the members of the Council shall be appointed on such conditions, including conditions relating to the payment of remuneration and
20 allowances, as the Minister may determine with the concurrence of the Minister of Finance.

(4) The members of the Council, including the chairman, shall all be persons who have achieved distinction in research or who have special knowledge or experience in relation to research management or some or other aspect of the Foundation's
25 functions.

(5) The chairman or, in his absence, a member of the Council elected by the members present, shall preside at a meeting of the Council.

(6) The Minister may at any time terminate the membership of a member contemplated in subsection (1) (a) or (b), if in his opinion sufficient reasons exist
30 therefor.

Meetings of Council

8. (1) The meetings of the Council shall be held at such times and places as the Council may determine.

(2) The chairman may at any time convene a special meeting of the Council, which
35 shall be held at such time and place as he may direct.

(3) The quorum for a meeting of the Council shall be a majority of its members.

(4) A decision of the Council shall be taken by 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
40 casting vote in addition to his deliberative vote as a member of the Council.

Executive

9. (1) The Council shall establish an executive which shall consist of the president and as many other members who are employees of the Foundation as the Council may deem necessary, and which shall be responsible for the management of the
45 affairs of the Foundation in accordance with the object, policy and instructions of the Council.

(2) Members of the executive, other than the president, shall hold office as such for such period as the Council may determine.

Committees of Council

50 10. (1) The Council may nominate one or more committees, which may, subject to the instructions of the Council, perform those functions of the Council that the Council may determine.

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(2) So 'n komitee bestaan uit die aantal lede van die Raad en werknemers van die Stigting (indien daar is) wat die Raad nodig ag, en die Raad kan te eniger tyd so 'n komitee ontbind 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 betaal aan lede van 'n komitee in subartikel (1) bedoel wat nie werknemers van die Stigting is nie, die besoldiging en toelaes wat die Minister met die instemming van die Minister van Finansies bepaal het.

(5) Die Raad word nie onthef nie van die verrigting van 'n werksaamheid wat ingevolge hierdie artikel aan 'n komitee van die Raad opgedra is.

Hoof- uitvoerende beampte en president

11. (1) Die Raad stel 'n hoof- uitvoerende beampte vir die Stigting aan, en hy is ook die president van die Stigting.

(2) Die president is die voorsitter van die uitvoerende bestuur, is in samewerking met die ander lede daarvan verantwoordelik vir die bestuur van die sake van die Stigting en doen oor daardie sake aan die Raad verslag soos deur die Raad van hom verlang word.

(3) Die hoof- uitvoerende beampte word aangestel vir die tydperk, maar hoogstens vyf jaar, en op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging en toelaes, wat die Raad behoudens die bepalinge van artikel 13 (1) (b) bepaal, en kan by verstryking van sy ampstermyn heraangestel word.

(4) Wanneer die hoof- uitvoerende beampte om die een of ander rede afwesig is of nie in staat is om sy pligte uit te voer nie, of wanneer die amp van hoof- uitvoerende beampte vakant is, kan die Raad, op die voorwaardes en onderworpe aan die besoldiging en toelaes wat hy bepaal soos in subartikel (3) bedoel, 'n werknemer van die Stigting aanstel om as hoof- uitvoerende beampte waar te neem tydens sodanige afwesigheid of onvermoë, of totdat 'n hoof- uitvoerende beampte ingevolge subartikel (1) aangestel is, en terwyl hy aldus waarneem, het daardie werknemer al die bevoegdhede en verrig hy al die pligte van die hoof- uitvoerende beampte.

Rekenpligtige beampte

12. (1) Benewens die ander werksaamhede en pligte by hierdie Wet aan die president opgedra, is hy die rekenpligtige beampte belas met die verantwoording van al die geld ontvang, die aanwending daarvan en die eiendom van die Stigting.

(2) (a) Die rekenpligtige beampte kan—

(i) 'n bevoegdheid by of kragtens hierdie Wet aan die rekenpligtige beampte verleen, aan 'n werknemer van die Stigting delegeer; of

(ii) so 'n werknemer magtig om 'n plig by of kragtens hierdie Wet aan die rekenpligtige beampte opgedra, te verrig.

(b) 'n Delegering kragtens subartikel (2) belet nie die uitoefening van die betrokke bevoegdheid of die verrigting van die betrokke plig deur die rekenpligtige beampte self nie.

Personeel en diensvoorwaardes

13. (1) (a) Die Raad kan, behoudens die bepalinge van paragraaf (b) en op die voorwaardes wat hy bepaal, die werknemers aanstel wat hy nodig ag om die Stigting in staat te stel om sy werksaamhede te verrig.

(b) Die Stigting betaal uit sy fondse aan sy werknemers die besoldiging, toelaes, subsidies en ander voordele wat die Raad bepaal in ooreenstemming met 'n stelsel wat die Minister vir dié doel met die instemming van die Minister van Finansies goedgekeur het.

(c) Die Raad kan op die voorwaardes wat hy goetvind 'n werknemer, 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 iemand binne of buite die Republiek, mits dié werknemer se regte, voorregte en voordele uit hoofde van sy diensvoorwaardes as werknemer van die Stigting nie deur sodanige afstand nadelig geraak word nie: Met dien verstande dat

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- (2) Such a committee shall consist of such number of members of the Council and employees of the Foundation (if any) as the Council may deem necessary, and the Council may at any time dissolve or reconstitute such a committee.
- (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 chairman thereof.
- (4) The Council shall pay the members of a committee referred to in subsection (1) who are not employees of the Foundation such remuneration and allowances as the Minister may with the concurrence of the Minister of Finance have determined.
- (5) The Council shall not be absolved from the performance of any function entrusted to any committee of the Council in terms of this section.

Chief executive officer and president

11. (1) The Council shall appoint a chief executive officer for the Foundation, who shall also be president of the Foundation.
- (2) The president shall be the chairman of the executive, shall, in collaboration with the other members thereof, be responsible for the management of the affairs of the Foundation and shall report on those affairs to the Council as may be required of him by the Council.
- (3) The chief executive officer shall be appointed for such period, but not exceeding five years, and subject to such conditions, including conditions relating to the payment of remuneration and allowances, as the Council may, subject to the provisions of section 13 (1) (b), determine, and may, at the expiration of his period of office, be reappointed.
- (4) Whenever for any reason the chief executive officer is absent or unable to carry out his duties, or whenever there is a vacancy in the office of chief executive officer, the Council may, subject to such conditions and the payment of such remuneration and allowances as it may determine as contemplated in subsection (3), appoint an employee of the Foundation to act as chief executive officer during such absence or inability, or until a chief executive officer has been appointed in terms of subsection (1), and that employee shall, while so acting, have all the powers and perform all the duties of the chief executive officer.

Accounting officer

12. (1) In addition to the other functions and duties entrusted to the president by this Act, he shall be the accounting officer charged with the responsibility of accounting for all money received, the utilization thereof and the property of the Foundation.
- (2) (a) The accounting officer may—
- (i) delegate to an employee of the Foundation a power conferred upon the accounting officer by or under this Act; or
 - (ii) authorize such employee to perform a duty assigned by or under this Act to the accounting officer.
- (b) Any delegation under subsection (2) shall not prohibit the exercise of the power in question or the performance of the duty in question by the accounting officer himself.

Staff and conditions of service

13. (1) (a) The Council may, subject to the provisions of paragraph (b) and on such conditions as it may determine, appoint the employees whom it deems necessary to enable the Foundation to perform its functions.
- (b) The Foundation shall out of its funds pay to its employees such remuneration, allowances, subsidies and other benefits as the Council may determine in accordance with a system approved for that purpose by the Minister with the concurrence of the Minister of Finance.
- (c) The Council may, on such conditions as it may deem fit, second an employee, either for a particular service or for a period of time, to the service of a department of State, the government of any other country or territory, or a person in or outside the Republic, provided such an employee's rights, privileges and benefits by virtue of his conditions of service as an employee of the Foundation are not adversely affected by such

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'n werknemer nie aan die diens van die regering van so 'n ander land of gebied, of van iemand buite die Republiek, afgestaan word nie tensy die werknemer daartoe instem.

- (2) (a) Elke persoon wat, volgens die oordeel van die Minister en die Minister van Handel en Nywerheid, in die diens van die WNNR was onmiddellik voor die inwerkingtreding van hierdie Wet en wat toe betrokke was by werksaamhede wat nou by die Stigting berus, word met behoud van die diensvoorwaardes (met inbegrip van besoldiging en ander diensvoordele) wat toe ten opsigte van hom gegeld het, vanaf genoemde inwerkingtreding oorgeplaas na die diens van die Stigting as 'n werknemer van die Stigting. 5
- (b) So 'n persoon word geag ingevolge subartikel (1) (a) aangestel te wees, sy diensvoorwaardes word geag ingevolge subartikel (1) (b) bepaal te wees, diens deur hom verrig as 'n werknemer van die WNNR word geag diens te wees wat deur hom verrig is as 'n werknemer van die Stigting, en verlof-, pensioen- of ander voordele wat hy verwerf het op grond van sy diens by die WNNR, word geag deur hom in diens van die Stigting verwerf te wees. 15
- (c) Die besoldiging van 'n persoon wat uit hoofde van hierdie artikel 'n werknemer van die Stigting geword het, word nie sonder sy toestemming verminder bloot as gevolg van die bepalings van hierdie artikel nie.
- (3) Die Raad kan op die voorwaardes en met die sekerheid wat hy goedvind— 20
- (a) geld aan 'n werknemer leen, of kollaterale sekerheid, met inbegrip van waarborge, aan 'n geregistreerde finansiële instelling verskaf ten opsigte van 'n lening wat deur daardie finansiële instelling aan 'n werknemer toegestaan is ten einde dié werknemer in staat te stel om onroerende goed vir die doeleindes van bewoning te verkry, te verbeter of te vergroot; 25
- (b) woonhuise, woonstelle of woonstelgeboue vir bewoning deur werknemers bou, laat bou, koop of huur, en daardie woonhuise of woonstelle aan werknemers verkoop of verhuur, of daardie woonhuise, woonstelle of woonstelgeboue andersins vervreem of verhuur of andersins daarmee handel;
- (c) sport- of vermaaklikheidsverenigings, sosiale klubs, sosiale dienste en gesondheidsdienste, restourante, tehuise, beursskemas vir studietoelae of ander dergelike ondernemings of skemas wat na sy oordeel vir sy werknemers voordelig kan wees, instel, stig, oprig of bedryf; 30
- (d) geld aan 'n werknemer leen ten einde hom in staat te stel om lid te word van 'n pensioenfonds deur die Raad goedgekeur of om 'n diensonderbreking as gevolg van goedgekeurde verlof, sonder volle betaling, as pensioenge-wende diens gereken te kry. 35

Finansiering

14. (1) Die fondse van die Stigting bestaan uit—
- (a) geld deur die Parlement bewillig ter finansiering van die werksaamhede van die Stigting; 40
- (b) geld wat deur gebruikers van die nasionale navorsingsfasiliteite aan die Stigting betaal word;
- (c) skenkings of bydraes wat die Stigting uit enige bron ontvang;
- (d) gelde of tantièmes bedoel in artikel 16 wat aan die Stigting betaal word; 45
- (e) rente op beleggings deur die Stigting; en
- (f) inkomste kragtens hierdie Wet uit enige ander bron verkry.
- (2) (a) Die Stigting wend sy fondse aan ter bestryding van uitgawes in verband met die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede.
- (b) Die Stigting moet geld beoog in subartikel (1) (a) aanwend ooreenkomstig die staat van sy geraamde inkomste en uitgawes bedoel in subartikel (3), soos deur die Minister goedgekeur: Met dien verstande dat, behoudens die bepalings van paragraaf (a), die Stigting 'n 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 dié aangeleentheid kan aanwend: Met dien verstande voorts dat die Stigting enige saldo van dié geld wat aan die einde van die betrokke boekjaar van die Stigting oorbly, met die instemming van die Minister vir enige uitgawes in verband met die uitoefening van sy bevoegdhede of die verrigting van sy werksaamhede kan aanwend. 50 55 60
- (c) Die Stigting moet skenkings of bydraes beoog in subartikel (1) (c) aanwend ooreenkomstig die voorwaardes (indien daar is) wat die betrokke skenker of bydraer opgelê het.

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secondment: Provided that an employee shall not be seconded to the service of the government of such other country or territory, or such person outside the Republic, unless the employee consents thereto.

- 5 (2) (a) Every person who, in the opinion of the Minister and the Minister of Trade and Industry, was in the service of the CSIR immediately before the commencement of this Act and who was then engaged in functions now vested in the Foundation shall, as from such commencement, be transferred to the service of the Foundation as an employee of the Foundation with retention of the conditions of service (including remuneration and other service benefits) which then applied to him.
- 10 (b) Such person shall be deemed to have been appointed in terms of subsection (1) (a), his conditions of service shall be deemed to have been determined under subsection (1) (b), service rendered by him as an employee of the CSIR shall be deemed to have been rendered by him as an employee of the Foundation, and any leave, pension or other benefits acquired by him by reason of his service with the CSIR shall be deemed to have been acquired by him in the service of the Foundation.
- 15 (c) The remuneration of a person who by virtue of this section became an employee of the Foundation shall not without his approval be reduced solely as a result of the provisions of this section.
- 20 (3) The Council may on such conditions and against such security as it may deem fit—
- (a) lend money to an employee, or provide collateral security, including guarantees, to a registered financial institution in respect of a loan granted to an employee by that financial institution, to enable such employee to acquire, improve or enlarge immovable property for residential purposes;
- 25 (b) build, cause to be built, purchase or rent houses, flats or flat buildings for occupation by employees, and sell or let those houses or flats to employees, or otherwise dispose of, let or otherwise deal with those houses, flats or flat buildings;
- 30 (c) establish, institute, erect or maintain sports or recreational societies, social clubs, social and health services, restaurants, hostels, bursary schemes for purposes of study or other similar undertakings or schemes which in its opinion may be beneficial to its employees;
- 35 (d) lend money to an employee to enable him to become a member of a pension fund approved by the Council or to have a break in service on account of approved leave without full pay reckoned as pensionable service.

Financing

- 40 14. (1) The funds of the Foundation shall consist of—
- (a) money appropriated by Parliament to finance the functions of the Foundation;
- (b) money paid to the Foundation by users of the national research facilities;
- (c) donations or contributions received by the Foundation from any source;
- 45 (d) fees or royalties referred to in section 16 which are paid to the Foundation;
- (e) interest on investments by the Foundation; and
- (f) income derived under this Act from any other source.
- (2) (a) The Foundation shall utilize its funds for defraying expenses in connection with the performance of its functions and the exercise of its powers.
- 50 (b) The Foundation shall utilize any money contemplated in subsection (1) (a) in accordance with the statement of its estimated income and expenditure referred to in subsection (3), as approved by the Minister: Provided that, subject to the provisions of paragraph (a), the Foundation 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 such matter: Provided further that the Foundation may with the approval of the Minister utilize any balance of such money remaining at the end of the financial year of the Foundation in question for any expenses in connection with the exercise of its powers or the performance of its functions.
- 55 (c) The Foundation shall utilize any donations or contributions contemplated in subsection (1) (c) in accordance with the conditions (if any) imposed by the donor or contributor in question.
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(3) (a) Die Stigting—

- (i) moet in elke boekjaar, en wel op die tydstip deur die Minister bepaal, 'n staat van die Stigting se geraamde inkomste en uitgawes gedurende die daaropvolgende boekjaar; en
- (ii) kan gedurende enige boekjaar op enige tydstip aanvullende state van die Stigting se geraamde uitgawe vir daardie boekjaar, aan die Minister voorlê vir sy goedkeuring, verleen met die instemming van die Minister van Finansies.

(b) Die Stigting gaan geen uitgawes aan wat die totale bedrag oorskry wat kragtens paragraaf (a) goedgekeur is nie. 10

(4) Die Stigting kan, ten opsigte van werk of dienste wat hy kragtens hierdie Wet voltooi of gelewer het, of vir die benutting van die nasionale navorsingsfasiliteite of regte wat voortspruit uit ontdekkings, uitvindings of verbeterings, die gelde vorder of die ander geldelike reëlins tref wat hy goedvind.

(5) Die Stigting kan enige onbestede gedeelte van sy fondse by die Korporasie vir Openbare Deposito's belê of, onderworpe aan die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, op 'n ander wyse daarvoor beskik. 15

(6) Die Stigting kan die reserwefondse instel en die bedrae daarin stort wat die Minister, met die instemming van die Minister van Finansies, goedkeur. 20

Ouditering, jaarverslag en finansiële verslag

15. (1) Die Ouditeur-generaal moet die rekenings en balansstaat van die Stigting ouditeer.

(2) Die Stigting moet aan die Minister—

(a) die inligting verstrek wat hy in verband met die bedrywighede en geldelike omstandighede van die Stigting aanvra; en 25

(b) 'n jaarverslag voorlê wat 'n balansstaat, 'n staat van inkomste en uitgawes deur die Ouditeur-generaal gesertifiseer, en die ander besonderhede wat die Minister verlang, moet bevat.

(3) Die Minister moet die jaarverslag in subartikel (2) (b) vermeld, in die Parlement ter Tafel lê binne 14 dae na ontvangs daarvan, 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

Uitvindings deur personeel

16. (1) Behoudens die bepalings van artikel 13 (1) (a) berus die regte op 'n uitvinding deur 'n werknemer as gevolg van navorsing deur hom onderneem in die loop van sy werk as werknemer van die Stigting, by die Stigting, wat so 'n uitvinding beskikbaar moet stel vir gebruik in die openbare belang op die voorwaardes en onderworpe aan die betaling van die gelde of tantièmes wat die Stigting bepaal.

(2) Indien die regte op 'n uitvinding ingevolge subartikel (1) by die Stigting berus, kan die Stigting aan die betrokke uitvinder die bonus toeken wat die Stigting goedvind, of voorsiening maak vir geldelike deelname deur so iemand in die winste verkry uit dié uitvinding in die mate wat die Minister, met die instemming van die Minister van Finansies, goedkeur. 40

(3) Die Stigting kan aansoek doen om 'n patent ten opsigte van 'n uitvinding bedoel in subartikel (1), en word by die toepassing van die Wet op Patente, 1978 (Wet No. 57 van 1978), beskou as die sessionaris van die betrokke uitvinder. 45

(4) Die regte ten opsigte van 'n uitvinding deur iemand gedoen in die loop van studies of navorsing ten opsigte waarvan hy 'n studie- of navorsingsbeurs of -toekenning van die Stigting ontvang het, word by wyse van ooreenkoms tussen die Stigting en dié persoon gereël. 50

Verliese en skade

17. (1) Indien iemand wat in die diens van die Stigting is of was, die Stigting verlies of skade berokken het deurdat hy—

(a) versuim het om geld verskuldig aan die Stigting vir die invordering waarvan hy verantwoordelik is of was, in te vorder; 55

(b) verantwoordelik is of was vir 'n onreëlmatige uitbetaling van geld van die Stigting of vir 'n uitbetaling van sodanige geld wat nie deur 'n behoorlike bewysstuk gestaaf word nie;

(c) weens versuim om sy pligte uit te voer, verantwoordelik is of was vir vrugtelose uitgawe van geld van die Stigting; 60

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(3) (a) The Foundation—

- (i) shall in each financial year, at a time determined by the Minister, submit a statement of the Foundation's estimated income and expenditure during the following financial year; and
- 5 (ii) may in any financial year at any time submit supplementary statements of the Foundation's estimated expenditure for that financial year, to the Minister for his approval, granted with the concurrence of the Minister of Finance.

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

(4) The Foundation may, in respect of any work completed or service rendered by it under this Act, or for the use of the national research facilities or rights consequent upon any discoveries, inventions or improvements, charge such fees or make such other financial arrangements as it may deem fit.

15 (5) The Foundation may invest any unexpended portion of its funds with the Corporation for Public Deposits or, subject to the approval of the Minister, granted with the concurrence of the Minister of Finance, dispose thereof in any other manner.

20 (6) The Foundation may establish such reserve funds, and deposit therein such amounts, as the Minister may, with the concurrence of the Minister of Finance, approve.

Audit, annual report and financial report

15. (1) The Auditor-General shall audit the accounts and balance sheet of the Foundation.

25 (2) The Foundation shall—

- (a) furnish to the Minister such information as he may call for in connection with the activities and financial position of the Foundation; and
- (b) submit to him an annual report containing a balance sheet, a statement of income and expenditure certified by the Auditor-General and such other
- 30 particulars as the Minister may require.

(3) The Minister shall lay the report referred to in subsection (2) (b) on the Table in Parliament within 14 days after the receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session.

35 Inventions by staff

16. (1) Subject to the provisions of section 13 (1) (a) the rights in an invention by an employee as a result of research undertaken by him in the course of his employment as an employee of the Foundation shall vest in the Foundation, which shall make such invention available for use in the public interest subject to such

40 conditions and the payment of such fees or royalties as the Foundation may determine.

(2) If the rights in an invention are in terms of subsection (1) vested in the Foundation, the Foundation may award to the inventor in question such bonus as it deems fit, or make provision for financial participation by him in the profits derived

45 from such invention to such extent as the Minister may, with the concurrence of the Minister of Finance, approve.

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

50 (4) The rights in respect of an invention by a person in the course of studies or research in respect of which he received a study or research bursary or grant from the Foundation, shall be determined by agreement between the Foundation and such person.

Losses and damage

55 17. (1) If a person who is or was in the employment of the Foundation caused the Foundation any loss or damage because he—

- (a) failed to collect money due to the Foundation for the collection of which he is or was responsible;
- 60 (b) is or was responsible for an irregular payment of money of the Foundation 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 Foundation owing to failure to carry out his duties;

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(d) verantwoordelik is of was vir 'n tekort in of die vernietiging of beskadiging van die Stigting se geld, seëls, sigwaardestukke en vorms wat 'n potensiële waarde het, sekuriteite, toerusting, voorrade of ander goed van die Stigting;

(e) weens versuim om sy pligte uit te voer, vir 'n eis teen die Stigting 5
verantwoordelik is of was,

moet die rekenpligtige beampte die bedrag van dié verlies of skade vasstel, en kan hy so iemand by skriftelike kennisgewing gelas om die hele of 'n gedeelte van die bedrag wat aldus vasgestel is, binne 30 dae vanaf die datum van die kennisgewing aan die Stigting te betaal. 10

(2) Indien iemand wat in die diens van die Stigting is en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om dié bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, kan dié bedrag, behoudens die bepalings van subartikels (4), (5) en (6), van sy maandelikse salaris afgetrek word: Met dien verstande dat so 'n aftrekking nie in een maand meer as 'n kwart van sy maandelikse salaris mag beloop nie. 15

(3) Indien iemand wat in die diens van die Stigting was en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om dié bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, kan die rekenpligtige beampte, behoudens die bepalings van subartikels (4), (5) en (6), dié bedrag deur middel van geregtelike 20
proses op so iemand verhaal.

(4) Indien iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, binne die tydperk bepaal in die betrokke kennisgewing aanbied om die bedrag in paalemente te betaal, kan die rekenpligtige beampte hom toelaat om te betaal in die paalemente wat na sy mening redelik is. 25

(5) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan binne 'n tydperk van 30 dae vanaf die datum van die lasgewing skriftelik by die Raad teen so 'n lasgewing appèl aanteken, met opgaaf van die gronde van 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 30
betaling van daardie bedrag kwytgeskeld word.

(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 lasgewing 35
tersyde gestel of daardie bedrag verminder word, en die hof kan op so 'n aansoek, indien hy nie deur die rekenpligtige beampte aan die hand van die omstandighede van die geval oortuig word dat die lasgewing tereg gegee is of dat daardie bedrag juis is nie, 'n bevel uitreik waarby die lasgewing tersyde gestel word of daardie bedrag verminder word, na gelang van die geval. 40

Delegerings

18. (1) Die Raad kan—

(a) aan die voorsitter, die president of 'n ander werknemer van die Stigting 'n bevoegdheid by of kragtens hierdie Wet aan die Raad verleen, delegeer op die voorwaardes wat die Raad bepaal; of 45

(b) die voorsitter, die president of so 'n werknemer magtig om 'n plig by of kragtens hierdie Wet aan die Raad opgedra, te verrig.

(2) Die president kan—

(a) 'n bevoegdheid by of kragtens hierdie Wet aan die president verleen, aan 'n werknemer van die Stigting delegeer; of 50

(b) so 'n werknemer magtig om 'n plig by of kragtens hierdie Wet aan die president opgedra, te verrig.

(3) 'n Delegering kragtens subartikel (1) of (2) belet nie die uitoefening nie van die betrokke bevoegdheid deur die Raad of die president, na gelang van die geval.

Oorgang van sekere bates en laste op Stigting

19. (1) Alle bates, regte, laste en verpligtings wat die WNNR, volgens die oordeel van die Minister en die Minister van Handel en Nywerheid na oorleg met die WNNR, onmiddellik voor die inwerkingtreding van hierdie Wet besit of waaraan hy

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- (d) is or was responsible for a deficiency in, the destruction of or any damage to the Foundation's money, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other property of the Foundation;
- 5 (e) is or was responsible for a claim against the Foundation owing to failure to carry out his duties,
- the accounting officer shall determine the amount of such loss or damage, and may order that person, by notice in writing, to pay to the Foundation, within 30 days from the date of such notice, the whole or any part of the amount so determined.
- 10 (2) If a person who is in the employment of the Foundation 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 may, 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.
- 15 (3) If a person who was in the employment of the Foundation 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 may, subject to the provisions of subsections (4), (5) and (6), recover the amount from such person by legal process.
- 20 (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 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
- 25 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, as the Council may deem fair and reasonable, from the payment of such amount.
- 30 (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 order or reducing such amount, and the court may upon such an application, if it is not convinced by the
- 35 accounting officer on the merits of the case that the order was rightly made or that the amount is correct, make an order setting aside such order or reducing such amount, as the case may be.

Delegations

18. (1) The Council may—
- 40 (a) delegate to the chairman, the president or any other employee of the Foundation any power conferred upon the Council by or under this Act, on such conditions as the Council may determine; or
- (b) authorize the chairman, the president or such other employee to perform any duty assigned to the Council by or under this Act.
- 45 (2) The president may—
- (a) delegate to an employee of the Foundation any power conferred upon the president by or under this Act; or
- (b) authorize such an employee to perform any duty assigned to the president by or under this Act.
- 50 (3) Any delegation under subsection (1) or (2) shall not prohibit the exercise of the power in question by the Council or the president, as the case may be.

Passing of certain assets and liabilities to Foundation

19. (1) All assets, rights, liabilities and obligations which, in the opinion of the Minister and the Minister of Trade and Industry after consultation with the CSIR,
- 55 immediately prior to the commencement of this Act vest in the CSIR or to which it

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dan onderworpe is in verband met werksaamhede wat na genoemde inwerking-treding aan die Stigting oorgedra word, gaan oor op die Stigting.

(2) 'n Raad of liggaam bedoel in artikel 6 kan met die goedkeuring van die Staatspresident goed, met inbegrip van grond en geboue, wat gebruik word in verband met die verrigting of uitoefening van 'n werksaamheid of bevoegdheid wat ingevolge artikel 6 aan die Stigting oorgedra word, aan die Stigting oordra. 5

(3) Die betrokke registrateur van aktes moet die inskrywings of aantekeninge wat hy nodig ag, aanbring vir die oordrag van goed ingevolge subartikel (1) of (2), en geen kantoor- of ander gelde is ten opsigte van so 'n inskrywing of aantekening betaalbaar nie. 10

Regulasies

20. Die Minister 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; 15
 - (c) die prosedure op vergaderings van die Raad,
- en, in die algemeen, betreffende enige aangeleentheid ten opsigte waarvan die Minister dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.

Kort titel en inwerkingtreding 20

21. Hierdie Wet heet die Wet op Navorsingsontwikkeling, 1990, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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is then subject in connection with functions which after the said commencement are entrusted to the Foundation, shall pass to the Foundation.

(2) A council, board or body referred to in section 6 may with the approval of the State President transfer to the Foundation any property, including land and buildings, used in connection with the performance or the exercise of any function or power transferred to the Foundation in terms of section 6.

(3) The registrar of deeds concerned shall make the entries or endorsements that he may deem necessary for the transfer of any property in terms of subsection (1) or (2), and no office fee or other charge shall be payable in respect of any such entry or endorsement.

Regulations

20. The Minister may make regulations as to—

- (a) the circumstances under which a member of the Council shall vacate office;
 - (b) the filling of casual vacancies on the Council and the appointment of persons to act for absent members;
 - (c) the procedure at meetings of the Council,
- and, in general, regarding any matter in respect of which the Minister deems it necessary or expedient to make regulations in order to achieve the objects of this Act.

20 Short title and commencement

21. This Act shall be called the Research Development Act, 1990, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

