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STAATSKOERANT

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1602.

11 Julie 1990

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

No. 99 van 1990: Wysigingswet op Geesteswetenskaplike Navorsing, 1990.

No. 1602.

11 July 1990

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

No. 99 of 1990: Human Sciences Research Amendment Act, 1990.

Wet No. 99, 1990

WYSIGINGSWET OP GEESTESWETENSKAPLIKE NAVORSING,
1990**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 Geesteswetenskaplike Navorsing, 1968, ten einde “geesteswetenskappe” te heromskryf; 'n omskrywing van “toekenning” in te voeg; sekere bevoegdhede aan die Raad vir Geesteswetenskaplike Navorsing te verleen; die samestelling van genoemde raad te verander; die funksies van hulpkomitees van genoemde raad uit te brei; die besoldiging en diensvoorwaardes van die president, beampptes en werknemers van genoemde raad verder te reël; die verskaffing van sekere waarborge deur genoemde raad te magtig; verdere voorsiening te maak met betrekking tot die vergoeding van sekere persone vir uitvindings waarop die regte by genoemde raad berus; en sekere verouderde verwysings reg te stel of te skrap; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1990.)

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

Wysiging van artikel 1 van Wet 23 van 1968, soos gewysig deur artikel 1 van Wet 65 van 1985

1. Artikel 1 van die Wet op Geesteswetenskaplike Navorsing, 1968 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van “geesteswetenskappe” deur die volgende omskrywing te vervang:

“geesteswetenskappe” [Aardrykskunde, Argeologie, Biblioteekkunde, Ekonomie, Geskiedenis, Kriminologie, Kuns, Mensegenetika, Musiek, Opvoedkunde, Publieke Administrasie, Staatsleer, Sielkunde, Sosiologie, Spraak-, Taal-, Literatuur- en Regswetenskap, Teologie, Volkekunde en Wysbegeerte, of 'n vertakking daarvan, vir sover dit betrekking het op] daardie wetenskappe wat te doen het met die bestudering van die voortbrengsels en wyse van geestelike werksaamheid van die mens, die menslike ontwikkeling, of onderlinge verhoudings, instellings of toestande in die samelewing [en ook enige ander wetenskap waarby sodanige voortbrengsels, wyse van geestelike werksaamheid, ontwikkeling, onderlinge verhoudings, instellings of toestande bestudeer word];”;

(b) deur die omskrywing van “Staat” te skrap; en

(c) deur voor die omskrywing van “vasgestelde datum” die volgende omskrywing in te voeg:

“toekenning” ook 'n navorsingstoekenning, 'n navorsingsbeurs, 'n navorsingskontrak of 'n merieteprys;”.

HUMAN SCIENCES RESEARCH AMENDMENT ACT, 1990

Act No. 99, 1990

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 Human Sciences Research Act, 1968, so as to redefine "human sciences"; to insert a definition of "grant"; to confer certain powers upon the Human Sciences Research Council; to change the constitution of the said council; to extend the functions of subsidiary committees of the said council; to further regulate the remuneration and conditions of service of the president, officers and employees of the said council; to authorize the provision of certain guarantees by the said council; to make further provision in relation to the remuneration of certain persons for inventions the rights in which vest in the said council; and to rectify or delete certain outdated references; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 28 June 1990.)*

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

Amendment of section 1 of Act 23 of 1968, as amended by section 1 of Act 65 of 1985

5 **1.** Section 1 of the Human Sciences Research Act, 1968 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of "fixed date" of the following definition:

10 "grant" includes a research grant, a research bursary, a research contract or a merit prize;"

(b) by the substitution for the definition of "human sciences" of the following definition:

15 "human sciences" means [Geography, Archaeology, Library Science, Economics, History, Criminology, Art, Human Genetics, Music, Education, Public Administration, Political Science, Psychology, Sociology, Sciences of Speech, Languages, Literature and Law, Theology, Anthropology and Philosophy, or any branch thereof, in so far as it relates to] those sciences concerned with the study of the creations and the manner of mental activity of man, human development, or mutual relationships, institutions or conditions in society [and includes any other science by which a study is made of such creations, manner of mental activity, development, mutual relationships, institutions or conditions];" and

20 (c) by the deletion of the definition of "State".

Wet No. 99, 1990

WYSIGINGSWET OP GEESTESWETENSKAPLIKE NAVORSING,
1990

Wysiging van artikel 3 van Wet 23 van 1968, soos gewysig deur artikel 2 van Wet 31 van 1975 en artikel 3 van Wet 65 van 1985

2. Artikel 3 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) subparagraaf (vii) van paragraaf (c) deur die volgende subparagraaf te vervang: 5
 “(vii) die resultate van navorsing in watter vorm ook al te publiseer of te laat publiseer of die publikasie daarvan finansieel te steun;”;
- (b) deur in subartikel (1) subparagraaf (xi) van paragraaf (c) deur die volgende subparagraaf te vervang:
 “(xi) onderwysstatistieke in te samel, te verwerk, te interpreteer en in watter vorm ook al te publiseer;”;
- (c) deur die volgende subartikel by te voeg: 10
 “(4) Die raad kan, ten einde sy oogmerke te bereik, met die goedkeuring van die Minister en met die instemming van die Minister van Finansies—
 (a) met die doel om enige uitvinding, tegnologiese kundigheid, diens of 15
 produk te ontwikkel, te benut, te bemark of te verkoop, ’n maatskappy soos omskryf in die Maatskappywet, 1973 (Wet No. 61 van 1973), oprig, of in medewerking met enige persoon so ’n maatskappy oprig, of ’n belang in of beheer oor so ’n maatskappy verkry; 20
 (b) optree as trustee van enige trust waarvan die doel die bevordering en ontwikkeling van die geesteswetenskappe is.”.

Wysiging van artikel 4 van Wet 23 van 1968, soos gewysig deur artikel 3 van Wet 31 van 1975 en artikel 4 van Wet 65 van 1985

3. Artikel 4 van die Hoofwet word hierby gewysig— 25

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) Die raad bestaan uit [**’n president en die getal ander lede, maar hoogstens tien, wat die Minister bepaal**]
 (a) ’n voorsitter;
 (b) hoogstens nege ander lede, van wie minstens twee persone moet wees 30
 wie se name verskyn op ’n lys voorgelê deur ’n instelling wat betrokke is by geesteswetenskaplike navorsing en wat deur die Minister aangewys is; en
 (c) die president.”;
- (b) deur subartikel (2) deur die volgende subartikel te vervang: 35
 “(2) (a) Die Minister stel die lede van die raad bedoel in subartikel (1) (a) en (b) aan.
 (b) Die raad, wat by die toepassing van hierdie paragraaf bestaan uit die lede bedoel in subartikel (1) (a) en (b), stel die president aan.”; 40
- (c) deur subartikel (3) deur die volgende subartikel te vervang:
 “(3) Die lede van die raad moet persone wees wat [**na die oordeel van die Minister**] hulle op die gebied van die geesteswetenskappe onderskei het of besondere kwalifikasies in die een of ander aspek van die raad se werksaamhede besit.”; en
- (d) deur subartikel (6) deur die volgende subartikel te vervang: 45
 “(6) Die raad kan ’n hulpkomitee instel om hom behulpzaam te wees om sy werksaamhede te verrig en hom van advies te dien in verband met ’n aangeleentheid wat op die bereiking van die oogmerke van hierdie Wet betrekking het, en kan die persone wat hy goedgevind, met inbegrip van beampptes en werknemers, as lede van so ’n komitee aanstel.”. 50

Wysiging van artikel 5 van Wet 23 van 1968, soos gewysig deur artikel 5 van Wet 65 van 1985

4. Artikel 5 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (1) te skrap; en

HUMAN SCIENCES RESEARCH AMENDMENT ACT, 1990

Act No. 99, 1990

Amendment of section 3 of Act 23 of 1968, as amended by section 2 of Act 31 of 1975 and section 3 of Act 65 of 1985**2. Section 3 of the principal Act is hereby amended—**

- 5 (a) by the substitution in subsection (1) for subparagraph (vii) of paragraph (c) of the following subparagraph:
“(vii) publish or cause to be published in whatever form or support financially the publication of the results of research;”;
- 10 (b) by the substitution in subsection (1) for subparagraph (xi) of paragraph (c) of the following subparagraph:
“(xi) collect, process, interpret and in whatever form publish educational statistics;”;
- 15 (c) by the addition of the following subsection:
“(4) The council may, in order to achieve any of its objects, with the approval of the Minister and with the concurrence of the Minister of Finance—
- (a) for the purpose of developing, utilizing, marketing or selling any invention, technological expertise, service or product, establish a company as defined in the Companies Act, 1973 (Act No. 61 of 1973), or in association with any person establish such a company, or acquire an interest in or control over such a company;
- 20 (b) act as trustee of any trust the purpose of which is the promotion and development of the human sciences.”.

Amendment of section 4 of Act 23 of 1968, as amended by section 3 of Act 31 of 1975 and section 4 of Act 65 of 1985**25 3. Section 4 of the principal Act is hereby amended—**

- (a) by the substitution for subsection (1) of the following subsection:
“(1) The council shall consist of **[a president and such number of other members, not exceeding ten, as the Minister may determine]**—
- 30 (a) a chairman;
(b) not more than nine other members, of whom at least two must be persons whose names appear on a list submitted by an institution which is involved with human sciences research and which has been designated by the Minister; and
(c) the president.”;
- 35 (b) by the substitution for subsection (2) of the following subsection:
“(2) (a) The Minister shall appoint the members of the council referred to in subsection (1) (a) and (b).
(b) The council, which for the purposes of this paragraph shall consist of the members referred to in subsection (1) (a) and (b), shall appoint the president.”;
- 40 (c) by the substitution for subsection (3) of the following subsection:
“(3) The members of the council shall be persons who **[in the opinion of the Minister]** have distinguished themselves in the field of the human sciences or possess special qualifications in relation to some aspect of the functions of the council.”;
- 45 (d) by the substitution for subsection (6) of the following subsection:
“(6) The council may establish a subsidiary committee to assist it to perform its functions and to advise it in connection with any matter relating to the achievement of the objects of this Act, and may appoint such persons, including officers and employees, as it may deem fit, to be members of such committee.”.
- 50

Amendment of section 5 of Act 23 of 1968, as amended by section 5 of Act 65 of 1985**4. Section 5 of the principal Act is hereby amended—**

- (a) by the deletion of paragraph (a) of subsection (1); and

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1990

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

“(3) Aan die president word, uit die fondse van die raad, die besoldiging **[en toelae]**, toelaes en subsidies betaal, en hy ontvang die ander voordele, wat die raad bepaal ooreenkomstig ’n stelsel wat die Minister **[in oorleg]** met die instemming van die Minister van Finansies **[bepaal]** goedkeur.”. 5

Wysiging van artikel 6 van Wet 23 van 1968

5. Artikel 6 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van die voorbehoudsbepaling by subartikel (1) deur die volgende paragraaf te vervang:

“(a) die bepaling van hul **[salarisskale en die skale van die]** besoldiging, 10
toelaes, subsidies en ander voordele **[waarop hulle geregtig is, onderworpe is aan die goedkeuring van]** geskied ooreenkomstig ’n stelsel wat die Minister **[verleen in oorleg]** met die instemming van die Minister van Finansies goedkeur;” en

- (b) deur die volgende subartikel by te voeg: 15

“(3) Die raad kan, op die voorwaardes wat hy bepaal, waarborge aan ’n finansiële instelling gee ten opsigte van ’n lening wat deur daardie finansiële instelling aan ’n beampte of werknemer toegestaan is ten einde die beampte of werknemer in staat te stel om onroerende goed vir die doeleindes van bewoning te verkry, te verbeter of te vergroot.”. 20

Wysiging van artikel 9 van Wet 23 van 1968

6. Artikel 9 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behoudens die bepalings van subartikel (4) van hierdie artikel en van artikel 10, berus die regte op ’n uitvinding deur ’n beampte of werknemer of deur iemand wat ’n **[navorsingsbeurs]** toekenning van die raad ontvang as gevolg van navorsing deur hom onderneem, by die raad, wat so ’n uitvinding beskikbaar moet stel vir gebruik in die openbare belang op die voorwaardes en onderworpe aan die betaling van dié gelde of tantièmes wat die raad bepaal.”; 30

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien die regte op ’n uitvinding ingevolge subartikel (1) by die raad berus, kan die raad aan die **[betrokke uitvinder]** persoon wat vir die **betrokke uitvinding** verantwoordelik is die bonus toeken wat die raad goedvind, of voorsiening maak vir geldelike deelname deur so iemand in die winste verkry uit dié uitvinding in dié mate, wat die Minister **[in oorleg]** met die instemming van die Minister van Finansies bepaal.”; en 35

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

“(4) Die bepalings van hierdie artikel is nie van toepassing nie ten opsigte van ’n uitvinding bedoel in subartikel (1) wat, na die oordeel van die **[Minister]** raad, deur die betrokke persoon gedoen is anders as in die loop van sy werk as ’n beampte of werknemer of anders as in die loop van die navorsing ten opsigte waarvan hy ’n **[beurs]** toekenning van die raad ontvang, en geen verband met sodanige werk of navorsing hou nie.”. 40

Wysiging van artikel 12 van Wet 23 van 1968, soos gewysig deur artikel 4 van Wet 31 45 van 1975 en artikel 2 van Wet 25 van 1980

7. Artikel 12 van die Hoofwet word hierby gewysig deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

“(d) skenkings of bydraes wat die raad van iemand ontvang **[of die Wetgewende Vergadering van Suidwes-Afrika ten bate van die raad bewillig]**.”. 50

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

5 “(3) The president shall be paid, out of the funds of the council, such remuneration **[and]**, allowances and subsidies, and shall receive such other benefits, as the council may determine in accordance with a system approved by the Minister **[in consultation]** with the concurrence of the Minister of Finance **[may determine]**.”.

Amendment of section 6 of Act 23 of 1968

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

10 (a) by the substitution for paragraph (a) of the proviso to subsection (1) of the following paragraph:

15 “(a) the determination of their **[salary scales and the scales of the]** remuneration, allowances, subsidies and other benefits **[to which they are entitled]** shall be **[subject to the approval of]** done in accordance with a system approved by the Minister **[granted in consultation]** with the concurrence of the Minister of Finance;” and

(b) by the addition of the following subsection:

20 “(3) The council may, subject to such conditions as it may determine, give guarantees to a financial institution in respect of a loan granted to an officer or employee by that financial institution to enable the officer or employee to acquire, improve or enlarge immovable property for residential purposes.”.

Amendment of section 9 of Act 23 of 1968

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

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

30 “(1) Subject to the provisions of subsection (4) of this section and of section 10, the rights in any invention made by an officer or employee or by a person in receipt of a **[research bursary]** grant from the council as a result of research undertaken by him, shall vest in the council, which shall make such invention available for use in the public interest subject to such conditions and the payment of such fees or royalties as the council may determine.”;

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

35 “(2) If the rights in any invention are in terms of subsection (1) vested in the council, the council may award to the **[inventor in question]** person responsible for the invention such bonus as it may deem fit, or make provision for financial participation by him in the profits derived from such invention to such extent as the Minister may, **[in consultation]** with the concurrence of the Minister of Finance, determine.”; and

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

45 “(4) The provisions of this section shall not apply in respect of an invention contemplated in subsection (1) which, in the opinion of the **[Minister]** council, was made by the person in question otherwise than in the course of his employment as an officer or employee or otherwise than in the course of the research in respect of which he received a **[bursary]** grant from the council, and was not connected with such employment or research.”.

Amendment of section 12 of Act 23 of 1968, as amended by section 4 of Act 31 of 1975 and section 2 of Act 25 of 1980

50 7. Section 12 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

 “(d) donations or contributions which the council may receive from any person **[or which the Legislative Assembly of South-West Africa may appropriate in aid of the council]**.”.

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WYSIGINGSWET OP GEESTESWETENSKAPLIKE NAVORSING,
1990**Wysiging van artikel 13 van Wet 23 van 1968, soos gewysig deur artikel 5 van Wet 31 van 1975**

8. Artikel 13 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang:

“(b) Die Minister moet so ’n verslag in die **[Senaat en in die Volksraad]** 5
Parlement ter Tafel lê binne veertien dae na ontvangs daarvan, indien die
Parlement in gewone sessie is, of, indien die Parlement nie in gewone sessie
is nie, binne veertien dae na die aanvang van sy eersvolgende gewone
sessie.”.

Herroeping van artikels 15 en 16 van Wet 23 van 1968

10

9. Artikels 15 en 16 van die Hoofwet word hierby herroep.

Oorgangsbepaling

10. (1) Die persoon wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet die amp van president van die Raad vir Geesteswetenskaplike Navorsing bekleed het, word geag ingevolge artikel 4 (2) van die Hoofwet, soos gewysig 15
deur artikel 3 (b) van hierdie Wet, aangestel te wees en hy bekleed daardie amp—

- (a) vir ’n tydperk van vyf jaar, gereken vanaf die datum van sy aanstelling; en
- (b) op die diensvoorwaardes, met inbegrip van die besoldiging, wat onmiddellik 20
voor die datum van inwerkingtreding van hierdie Wet op hom van toepassing was.

(2) Die diensvoorwaardes en besoldiging in subartikel (1) bedoel, mag nie sonder die toestemming van die betrokke persoon gewysig word nie.

Kort titel

11. Hierdie Wet heet die Wysigingswet op Geesteswetenskaplike Navorsing, 1990.

HUMAN SCIENCES RESEARCH AMENDMENT ACT, 1990

Act No. 99, 1990

Amendment of section 13 of Act 23 of 1968, as amended by section 5 of Act 31 of 1975

8. Section 13 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (4) of the following paragraph:

- 5 “(b) The Minister shall lay the said report upon the Table of **[the Senate and of the House of Assembly]** Parliament within fourteen days after receipt thereof, if Parliament is in ordinary session, or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.”.

Repeal of sections 15 and 16 of Act 23 of 1968

- 10 9. Sections 15 and 16 of the principal Act are hereby repealed.

Transitional provision

- 15 10. (1) The person who immediately prior to the date of commencement of this Act held the office of president of the Human Sciences Research Council, shall be deemed to have been appointed in terms of section 4 (2) of the principal Act, as amended by section 3 (b) of this Act, and shall occupy that office—

- (a) for a period of five years, calculated from the date of his appointment; and
(b) on the conditions of service, including the remuneration, applicable to him immediately prior to the date of commencement of this Act.

- 20 (2) The conditions of service and remuneration referred to in subsection (1) shall not be altered without the consent of the person concerned.

Short title

11. This Act shall be called the Human Sciences Research Amendment Act, 1990.

