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OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1142.

22 May 1991

No. 1142.

22 Mei 1991

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

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

No. 58 of 1991: South African Medical Research Council Act, 1991.

No. 58 van 1991: Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1991.

Act No. 58, 1991

SOUTH AFRICAN MEDICAL RESEARCH COUNCIL ACT, 1991

ACT

To provide for the continued existence of the South African Medical Research Council and for the management thereof by a Board; and for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 15 May 1991.)

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

Definitions

1. In this Act, unless the context otherwise indicates—

- (i) "Board" means the Board referred to in section 6; (ix) 5
- (ii) "chairman" means the person appointed in terms of section 6 (2) (a) as the chairman of the Board; (xii)
- (iii) "development" means the activities by which knowledge acquired through research is utilized; (vii)
- (iv) "Executive Management Committee" means the Executive Management Committee referred to in section 7; (iv) 10
- (v) "financial year" means the period from 1 April in any year to 31 March in the next succeeding year; (i)
- (vi) "Minister" means the Minister to whom the administration of this Act has been assigned in terms of section 20; (v) 15
- (vii) "president" means the person appointed in terms of section 9 as the chief executive officer of the MRC; (viii)
- (viii) "regulation" means a regulation in force in terms of this Act; (x)
- (ix) "research" means the creation, preservation, accumulation and improvement of knowledge by means of scientific investigations and methods in the field of the medical and related sciences as well as those sciences the application of which is important for the promotion of health or the combating of disease, and includes the acquisition, development and transfer of expertise and technology, and "researcher" has a corresponding meaning; (vi) 20 25
- (x) "technology transfer" means the transfer of knowledge, and techniques and processes for the application thereof; (xi)
- (xi) "the MRC" means the South African Medical Research Council referred to in section 2 (1); (ii)
- (xii) "this Act" includes a regulation. (iii) 30

Continued existence of South African Medical Research Council

2. (1) The South African Medical Research Council established by section 2 of the South African Medical Research Council Act, 1969 (Act No. 19 of 1969), shall, notwithstanding the repeal of that Act by this Act, continue to exist as a juristic person known as the MRC. 35

WET OP DIE SUID-AFRIKAANSE MEDIESE NAVORSINGSRAAD,
1991

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WET

Om voorsiening te maak vir die voortbestaan van die Suid-Afrikaanse Mediese Navorsingsraad en vir die bestuur daarvan deur 'n Raad; en vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 15 Mei 1991.)*

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - 5 (i) “boekjaar” die tydperk van 1 April in 'n jaar tot 31 Maart in die daaropvolgende jaar; (v)
 - (ii) “die MNR” die Suid-Afrikaanse Mediese Navorsingsraad in artikel 2 (1) bedoel; (xi)
 - (iii) “hierdie Wet” ook 'n regulasie; (xii)
 - 10 (iv) “Hoofbestuurskomitee” die Hoofbestuurskomitee in artikel 7 bedoel; (iv)
 - (v) “Minister” die Minister aan wie die uitvoering van hierdie Wet ingevolge artikel 20 opgedra is; (vi)
 - (vi) “navorsing” die skepping, instandhouding, vermeerdering en verbetering van kennis deur middel van wetenskaplike ondersoeke en metodes op die gebied van die mediese en aanverwante wetenskappe asook daardie wetenskappe waarvan die toepassing belangrik is vir die bevordering van gesondheid of die bekamping van siekte, en sluit dit die verkryging, ontwikkeling en oordrag van kundigheid en tegnologie in, en het “navorsers” 'n ooreenstemmende betekenis; (ix)
 - 20 (vii) “ontwikkeling” die aktiwiteite waardeur kennis verkry deur navorsing, benutbaar gemaak word; (iii)
 - (viii) “president” die persoon wat ingevolge artikel 9 as hoof- uitvoerende beampte van die MNR aangestel is; (vii)
 - (ix) “Raad” die Raad in artikel 6 bedoel; (i)
 - 25 (x) “regulasie” 'n regulasie wat ingevolge hierdie Wet van krag is; (viii)
 - (xi) “tegnologie-oordrag” die oordra van kennis, en tegnieke en prosesse vir die toepassing daarvan; (x)
 - (xii) “voorsitter” die persoon wat ingevolge artikel 6 (2) (a) as die voorsitter van die Raad aangestel is. (ii)

30 Voortbestaan van Suid-Afrikaanse Mediese Navorsingsraad

2. (1) Die Suid-Afrikaanse Mediese Navorsingsraad ingestel by artikel 2 van die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1969 (Wet No. 19 van 1969), bly, ondanks die herroeping van daardie Wet deur hierdie Wet, voortbestaan as 'n regspersoon bekend as die MNR.

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(2) The registrar of deeds concerned shall make the entries or endorsements in or on any relevant register, title deed or other document in his office or submitted to him which he may deem necessary in order to give effect to the provisions of subsection (1), and no office fee or other charge shall be payable in respect of any such entry or endorsement.

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Objects of MRC

3. The objects of the MRC are, through research, development and technology transfer, to promote the improvement of the health and the quality of life of the population of the Republic and to perform such other functions as may be assigned to the MRC by or under this Act.

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Functions, powers and duties of MRC

4. (1) The functions, powers and duties of the MRC shall be to achieve its objects with the means at its disposal, and for the purposes of achieving those objects the MRC may—

- (a) (i) undertake research of its own accord; or 15
- (ii) undertake research on behalf of the State or any other authority, or on behalf of any person or institution, or support such research financially;
- (b) operate and maintain national research facilities assigned to it by the Minister; 20
- (c) promote co-operation between the Republic and other countries with regard to research, development and technology transfer;
- (d) develop and utilize the technological expertise in its possession or make it available to any person or institution in the Republic or elsewhere;
- (e) promote the training of researchers and related personnel, and for this purpose grant study bursaries and loans, and make monetary contributions for research programmes; 25
- (f) establish and control research laboratories and other facilities in those fields of research which the Board may from time to time approve;
- (g) co-operate with persons and institutions undertaking research in other countries, by the exchanging of scientific knowledge by means of international meetings and other programmes; 30
- (h) make grants—
 - (i) to universities, technikons, colleges, museums and scientific institutions in aid of research by their staff and to establish channels for the exchange and supplementation of knowledge and expertise; 35
 - (ii) to universities, technikons, colleges, schools, museums and other institutions or to persons associated therewith, for research and development or for the provision of facilities with a view to research and development; 40
- (i) participate in joint research operations with departments of State, universities, technikons, colleges, museums, scientific institutions and other persons;
- (j) co-operate with educational authorities and scientific or technical societies or industrial institutions representing employers and employees, respectively, for the promotion of the instruction and training of researchers, technical experts and other supporting personnel in universities, technikons, colleges and schools; 45
- (k) enter into agreements with any person or, subject to the provisions of section 5, with any government or administration, upon such conditions as the MRC and that person, government or administration may agree; 50
- (l) purchase, hire, possess or otherwise acquire movable property, and let, pledge, encumber or dispose of that property;
- (m) hire or let services and immovable property;
- (n) perform or exercise any function or power entrusted to or conferred upon the MRC in terms of any other law; 55
- (o) with the approval of the Minister, acting with the concurrence of the Minister of Finance—

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(2) Die betrokke registrateur van aktes moet die inskrywings of aantekeninge wat hy nodig ag ten einde aan die bepalings van subartikel (1) gevolg te gee, maak in of op enige betrokke register, titelbewys of ander stuk in sy kantoor of aan hom voorgelê, en geen kantoorgelde of ander gelde is ten opsigte van so 'n inskrywing of aantekening betaalbaar nie.

Oogmerke van MNR

3. Die oogmerke van die MNR is om deur navorsing, ontwikkeling en tegnologie-oordrag die verbetering van die gesondheid en die lewenskwaliteit van die inwoners van die Republiek te bevorder en om die ander werksaamhede te verrig wat by of 10 kragtens hierdie Wet aan die MNR opgedra word.

Werksaamhede, bevoegdhede en pligte van MNR

4. (1) Die werksaamhede, bevoegdhede en pligte van die MNR is om met die middele tot sy beskikking sy oogmerke te bereik, en ten einde daardie oogmerke te bereik, kan die MNR—

- 15 (a) (i) navorsing uit eie beweging onderneem; of
(ii) navorsing ten behoeve van die Staat of 'n ander owerheidsinstelling of ten behoeve van enige persoon of instelling onderneem, of sodanige navorsing finansiële steun;
- 20 (b) nasionale navorsingsfasiliteite wat die Minister aan hom toewys, bedryf en in stand hou;
- (c) samewerking tussen die Republiek en ander lande bevorder met betrekking tot navorsing, ontwikkeling en tegnologie-oordrag;
- (d) die tegnologiese kundigheid in sy besit ontwikkel en benut of aan enige persoon of instelling in die Republiek of elders beskikbaar stel;
- 25 (e) die opleiding van navorsers en verwante personeel bevorder, en vir dié doel studiebeurse en -lenings toeken, en geldelike bydraes tot navorsingsprogramme maak;
- (f) navorsingslaboratoria en ander fasiliteite skep en beheer op daardie gebiede van navorsing wat die Raad van tyd tot tyd goedkeur;
- 30 (g) met persone en instellings wat navorsing in ander lande onderneem, saamwerk deur die uitruiling van wetenskaplike kennis deur middel van internasionale byeenkomste en ander programme;
- (h) toekennings doen—
- 35 (i) aan universiteite, teknikons, kolleges, museums en wetenskaplike inrigtings ten bate van navorsing deur hul personeel en om kanale te skep vir die uitruil en aanvulling van kennis en kundigheid;
- (ii) aan universiteite, teknikons, kolleges, skole, museums en ander instellings of aan persone verbonde daaraan, vir navorsing en ontwikkeling of vir die beskikbaarstelling van fasiliteite met die oog op
- 40 navorsing en ontwikkeling;
- (i) gesamentlike navorsingsprojekte met Staatsdepartemente, universiteite, teknikons, kolleges, museums, wetenskaplike instellings en ander persone onderneem;
- (j) met onderwysowerhede en wetenskaplike of tegniese verenigings of nywerheidsinstellings wat onderskeidelik werkgewers en werknemers verteenwoordig, saamwerk ter bevordering van die onderrig en opleiding van navorsers, tegniese deskundiges en ander ondersteunende personeel in universiteite, teknikons, kolleges en skole;
- 45 (k) ooreenkomste sluit met enige persoon of, behoudens die bepalings van artikel 5, met enige regering of administrasie, op die voorwaardes waaroor die MNR en daardie persoon, regering of administrasie ooreenkom;
- (l) roerende goed koop, huur, besit of andersins verkry en daardie goed verhuur, verpand, beswaar of vervreem;
- (m) dienste en onroerende goed huur of verhuur;
- 55 (n) enige werksaamheid of bevoegdheid wat ingevolge enige ander wet aan die MNR opgedra of verleen word, verrig of uitoefen;
- (o) met die goedkeuring van die Minister, wat met die instemming van die Minister van Finansies optree—

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- (i) purchase, possess or otherwise acquire immovable property and encumber or dispose of that property;
 - (ii) borrow money from time to time on such terms and conditions as the Board may approve, by way of loans from any source and against the security which the Board may deem fit; and
 - (iii) on its own, or in association with any person, establish a company for the purpose of developing or exploiting in any manner any invention or technological expertise, and for this purpose acquire an interest in or control over a company or statutory body referred to in section 1 of the Exchequer Act, 1975 (Act No. 66 of 1975);
 - (p) generate income by the marketing of its biomedical expertise and technology;
 - (q) subject to the provisions of any other law relating to the regulating of and control over medicines, related substances and medical equipment, on its own or in association with any person, test and evaluate such medicines, related substances and medical equipment pertaining to preventative or curative medical care for medical scientific purposes or the promotion of technology in general;
 - (r) in addition to any function, power or duty that the MRC is required or empowered to do in terms of the provisions of this Act or in terms of any other law, do everything that is conducive to the achievement of its objects or is calculated, directly or indirectly, to enhance the value of or render profitable the property or rights of the MRC.
- (2) The MRC shall, in addition to its other functions in terms of this Act or any other law—
- (a) undertake the investigations or research which the Minister may assign to it; and
 - (b) advise the Minister—
 - (i) on the determination of policy and national priorities regarding research; and
 - (ii) on development, promotion, implementation and co-ordination of research on a national basis.

Exercise of powers of MRC outside Republic

5. (1) The MRC may at the request or with the prior approval of the Minister undertake research, development and technology transfer in any territory outside the Republic on behalf of any person (including any institution, government or administration).

(2) Subject to the provisions of subsection (3), the provisions of this Act shall, in so far as they can be applied, apply *mutatis mutandis* to the exercising by the MRC of its powers in terms of this section as if the territory in which it so exercises its powers were within the Republic.

(3) Research, development and technology transfer shall under subsection (1) be undertaken on such conditions as may be agreed upon between the MRC and the person (including any institution, government or administration) on whose behalf the research, development and technology transfer are to be undertaken, and as may be approved by the Minister.

(4) The Minister may with the concurrence of the Minister of Finance indemnify the MRC against any losses which it may incur consequent upon any act or omission of the person, institution, government or administration referred to in subsection (1).

Control over, and management of affairs of, MRC

6. (1) The affairs of the MRC shall be managed and controlled by a Board, which shall, subject to the provisions of this Act, determine the policy and objectives of the MRC and exercise control generally over the performance of its functions, the exercise of its powers and the execution of its duties.

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- (i) onroerende goed koop, besit of andersins verkry en daardie goed beswaar of vervreem;
- (ii) van tyd tot tyd op die voorwaardes wat die Raad goedkeur, geld by wyse van lenings uit enige bron en teen die sekuriteit wat die Raad goedvind, opneem; en
- (iii) op sy eie, of in medewerking met enige persoon, 'n maatskappy oprig met die doel om enige uitvinding of tegnologiese kundigheid te ontwikkel of op enige wyse te benut, en vir dié doel 'n belang in of beheer oor 'n maatskappy of 'n statutêre liggaam bedoel in artikel 1 van die Skatkiswet, 1975 (Wet No. 66 van 1975), verkry;
- (p) inkomste genereer deur die bemarking van sy biomediese kundigheid en tegnologie;
- (q) behoudens die bepalings van die een of ander wet betreffende die reëling van en beheer oor geneesmiddels, verwante stowwe en geneeskundige toerusting, op sy eie of in medewerking met enige persoon, sodanige geneesmiddels, verwante stowwe en geneeskundige toerusting wat betrekking het op voorkomende of kuratiewe sorg, vir medieswetenskaplike doeleindes of vir die bevordering van tegnologie in die algemeen, toets en evalueer;
- (r) benewens enige werksaamheid, bevoegdheid of plig wat die MNR ingevolge die bepalings van hierdie Wet of ingevolge enige ander wet moet of kan doen, alles doen wat bevorderlik is vir die bereiking van sy oogmerke of wat bereken is om regstreeks of onregstreeks die waarde van die goed of regte van die MNR te verhoog of winsgewend te maak.
- (2) Die MNR moet, benewens enige ander werksaamheid ingevolge hierdie Wet of enige ander wet—
- (a) die ondersoeke of navorsing onderneem wat die Minister aan hom opdra; en
- (b) die Minister van raad dien—
- (i) oor die bepaling van beleid en nasionale prioriteite betreffende navorsing; en
- (ii) oor die ontwikkeling, bevordering, implementering en koördinerende van navorsing op 'n nasionale grondslag.

Uitoefening van bevoegdhede van MNR buite Republiek

5. (1) Die MNR kan op versoek van of met die voorafverkreë goedkeuring van die Minister navorsing, ontwikkeling en tegnologie-oordrag in enige gebied buite die Republiek onderneem namens enige persoon (met inbegrip van enige instelling, regering of administrasie).
- (2) Behoudens die bepalings van subartikel (3) is die bepalings van hierdie Wet, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing op die uitoefening deur die MNR van sy bevoegdhede ingevolge hierdie artikel asof die gebied waarin hy sy bevoegdhede aldus uitoefen binne die Republiek is.
- (3) Navorsing, ontwikkeling en tegnologie-oordrag kragtens subartikel (1) word onderneem op die voorwaardes waaromtrent daar ooreengekom word tussen die MNR en die persoon (met inbegrip van enige instelling, regering of administrasie) namens wie die navorsing, ontwikkeling en tegnologie-oordrag gedoen gaan word, en wat deur die Minister goedgekeur word.
- (4) Die Minister kan met die instemming van die Minister van Finansies die MNR vrywaar teen verliese wat hy mag ly as gevolg van 'n handeling of versuim van die persoon, instelling, regering of administrasie in subartikel (1) bedoel.

Beheer oor, en bestuur van sake van, MNR

6. (1) Die sake van die MNR word bestuur en beheer deur 'n Raad wat, behoudens die bepalings van hierdie Wet, die beleid en doelstellings van die MNR bepaal en in die algemeen beheer uitoefen oor die verrigting van sy werksaamhede, die uitoefening van sy bevoegdhede en die nakoming van sy pligte.

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- (2) The Board shall consist of—
- (a) (i) a chairman;
 - (ii) not less than 12 but not more than 14 other members who have distinguished themselves in any branch of the medical or related science; and
 - (iii) not more than two other members, appointed by the Minister; and
 - (b) the president, who shall serve on the Board by virtue of his office.
- (3) A member of the Board, excluding the president, shall hold office for a period not exceeding three years, but shall be eligible for reappointment.
- (4) A member of the Board shall vacate his office if—
- (a) he reaches the age of 70 years;
 - (b) he is declared insolvent or surrenders his estate for the benefit of his creditors;
 - (c) he is found guilty of an offence and sentenced to imprisonment without the option of a fine;
 - (d) he is absent from three consecutive meetings of the Board without the consent of the chairman unless the Board condones his absence on good cause shown;
 - (e) he resigns as a member;
 - (f) (i) he is in terms of the provisions of the Electoral Act, 1979 (Act No. 45 of 1979), nominated as a candidate for election as a member of Parliament; or
 - (ii) he is in terms of the provisions of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), nominated as a member of Parliament, or is appointed or designated as a member of the President's Council; or
 - (g) his term of office is terminated under subsection (5).
- (5) The Minister may, with the concurrence of the Board, at any time discharge a member of the Board from office if he is of the opinion that such member is incompetent to fulfil his duties or is guilty of misconduct.
- (6) If a member dies or by written notice, directed to the Minister, resigns or in terms of subsection (4) or (5) ceases to be a member, the Minister may, subject to the provisions of this section, appoint a person in his place for the unexpired period of his term of office.
- (7) The chairman and the other members of the Board, excluding a chairman or member who is in the full-time employment of the State or employees of the MRC, shall be appointed on such conditions, including conditions relating to the payment of remuneration and allowances, as the Minister may determine with the concurrence of the Minister of Finance.
- (8) (a) The Minister shall appoint a member of the Board as vice-chairman.
- (b) If the chairman is unable to perform his duties in terms of this Act, the vice-chairman shall act as chairman of the Board, and whilst the vice-chairman is thus acting, he shall exercise all the powers and perform all the duties and functions of the chairman.
- (9) The chairman or vice-chairman, or, in their absence, a member of the Board elected by the members present, shall preside at a meeting of the Board.
- (10) (a) The Minister may, after consultation with the Board, from time to time reserve any matter provided for in this Act as a matter in respect of which a decision of the Board shall be subject to the consent of the Minister.
- (b) The Minister and the Minister of Finance may jointly from time to time reserve any financial matter provided for in this Act as a matter in respect of which a decision of the Board shall be subject to the consent of the Minister with the concurrence of the Minister of Finance.

Executive Management Committee

7. The Board shall designate an executive management committee, which shall consist of the president and so many other members, who shall be employees of the MRC, as the Board may deem necessary, and who shall, subject to the directives and control of the Board, be responsible for the management of the affairs of the MRC in accordance with the objects and policy of the MRC.

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- (2) Die Raad bestaan uit—
- (a) (i) 'n voorsitter;
 - (ii) minstens 12 maar hoogstens 14 ander lede wat hulle in die een of ander vertakking van die mediese of 'n aanverwante wetenskap onderskei het; en
 - (iii) hoogstens twee ander lede, wat deur die Minister aangestel word; en
 - (b) die president, wat ampshalwe in die Raad dien.
- (3) '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.
- (4) 'n Lid van die Raad ontruim sy amp indien hy—
- (a) die ouderdom van 70 jaar bereik;
 - (b) insolvent verklaar word of sy boedel ten bate van sy skuldeisers oorgee;
 - (c) aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
 - (d) sonder verlof van die voorsitter van drie agtereenvolgende vergaderings van die Raad afwesig is tensy die Raad by die aanvoer van goeie gronde sy afwesigheid kondoneer;
 - (e) as lid bedank;
 - (f) (i) ingevolge die bepalings van die Kieswet, 1979 (Wet No. 45 van 1979), as 'n kandidaat vir verkiesing tot lid van die Parlement genomineer word; of
 - (ii) ingevolge die bepalings van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), as lid van die Parlement benoem, of as lid van die Presidentsraad aangestel of aangewys word;
 - (g) kragtens subartikel (5) van sy amp onthef word.
- (5) Die Minister kan, met die instemming van die Raad, 'n lid van die Raad te eniger tyd van sy amp onthef indien hy van oordeel is dat daardie lid onbekwaam is om sy pligte te vervul of dat hy hom wangedra het.
- (6) Indien 'n lid te sterwe kom of by skriftelike kennisgewing, gerig aan die Minister, bedank of ingevolge subartikel (4) of (5) ophou om 'n lid te wees, kan die Minister, behoudens die bepalings van hierdie artikel, iemand vir die onverstreke deel van sy ampstermyn in sy plek aanstel.
- (7) Die voorsitter en die ander lede van die Raad, met uitsondering van 'n voorsitter of lid wat in die heeltydse diens van die Staat is of werknemers van die MNR, 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.
- (8) (a) Die Minister stel 'n lid van die Raad as ondervoorsitter aan.
- (b) Indien die voorsitter nie in staat is om sy pligte ingevolge hierdie Wet na te kom nie neem die ondervoorsitter as voorsitter van die Raad waar en, terwyl die ondervoorsitter aldus waarneem, oefen hy al die bevoegdhede uit en verrig hy al die pligte en werksaamhede van die voorsitter.
- (9) Die voorsitter of ondervoorsitter, of, in hul afwesigheid, 'n lid van die Raad deur dié aanwesige lede aangewys, sit voor op 'n vergadering van die Raad.
- (10) (a) Die Minister kan, na oorlegpleging met die Raad, van tyd tot tyd enige aangeleentheid waarvoor daar in hierdie Wet voorsiening gemaak word, voorbehou as 'n aangeleentheid ten opsigte waarvan 'n besluit van die Raad onderhewig is aan die toestemming van die Minister.
- (b) Die Minister en die Minister van Finansies kan gesamentlik van tyd tot tyd enige finansiële aangeleentheid waarvoor daar in hierdie Wet voorsiening gemaak word, voorbehou as 'n aangeleentheid ten opsigte waarvan 'n besluit van die Raad onderhewig is aan die toestemming van die Minister met die instemming van die Minister van Finansies.

Hoofbestuurskomitee

7. Die Raad wys 'n hoofbestuurskomitee aan, wat bestaan uit die president en soveel ander lede wat werknemers van die MNR is as wat die Raad nodig ag, en wat, onderworpe aan die voorskrifte en beheer van die Raad, vir die bestuur van die sake van die MNR ooreenkomstig die oogmerke en beleid van die MNR verantwoordelik is.

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Committees of Board

8. (1) The Board may nominate one or more committees, which shall, subject to the instructions of the Board, perform such functions of the Board as the Board may determine.

(2) Such a committee shall consist of one or more persons, as the Board may determine, being members of the Board, employees of the MRC or other persons whom the Board deems capable, and the Board 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 Board shall designate a member of the committee as chairman thereof.

(4) The MRC may pay to members of a committee referred to in subsection (1) who are not in the full-time employment of the State, or are not members of the Board or employees of the MRC, such remuneration and allowances as the Minister, with the concurrence of the Minister of Finance, may determine.

(5) The Board shall not be absolved from the performance of any function entrusted to any committee of the Board in terms of this section.

President of MRC

9. (1) The Board shall appoint a chief executive officer for the MRC, who shall occupy the post of president of the MRC.

(2) The president shall be registered as a medical practitioner under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974).

(3) The president shall be the chairman of the Executive Management Committee, shall, together with the other members thereof, be responsible for the management of the affairs of the MRC, and shall report on such affairs as may be required of him by the Board.

(4) The president shall be appointed for a period not exceeding five years on the conditions, including conditions relating to the payment of remuneration and allowances, as the Board may determine in accordance with a system approved by the Minister, with the concurrence of the Minister of Finance, as such system is amended from time to time.

(5) The president may, at the expiration of his period of office, with his consent be reappointed.

(6) Whenever for any reason the president is absent or unable to carry out his duties, or whenever there is a vacancy in the office of the president, the Board may, on such conditions and subject to the payment of such remuneration and allowances as it may determine, in accordance with a system approved from time to time for that purpose by the Minister, with the concurrence of the Minister of Finance, appoint another person who complies with the provisions of subsection (2), to act as president during such absence or inability, or until a president has been appointed in terms of subsection (1), and that other person shall, while so acting, have all the powers and perform all the duties of the president.

Meetings of Board

10. (1) The meetings of the Board shall be held at such times and places as the Board may determine: Provided that the first meeting shall be held at such time and place as the chairman may determine.

(2) The chairman, or in his absence the vice-chairman, may at any time in his discretion, or on request of the Minister or president, convene a special meeting of the Board, which shall be held at such time and place as the chairman or the vice-chairman, as the case may be, may direct.

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

(4) A decision of the Board shall be taken by resolution of the majority of the members present at any meeting of the Board, and, in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote as a member of the Board.

(5) No decision taken by the Board or act performed under the authority of the Board shall be invalid merely by reason of a casual vacancy on the Board.

Staff of MRC and conditions of service

11. (1) (a) The Board may, subject to paragraph (b) and on such conditions as it may determine, appoint the employees whom it deems necessary to assist the MRC in the performance of its functions.

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Komitees van Raad

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

5 (2) So 'n komitee bestaan uit een of meer persone, na gelang die Raad bepaal, wat lede van die Raad, werknemers van die MNR of ander persone wat die Raad geskik ag, kan wees, en die Raad kan te eniger tyd sodanige komitee ontbind of hersaamstel.

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

(4) Die MNR kan aan die lede van 'n komitee in subartikel (1) bedoel wat nie in die heeltydse diens van die Staat is nie, of nie lede van die Raad of werknemers van die MNR is nie, die besoldiging en toelaes betaal wat die Minister met die instemming van die Minister van Finansies bepaal.

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

President van MNR

9. (1) Die Raad stel 'n hoof- uitvoerende beampte vir die MNR aan, wat die pos van president van die MNR beklee.

20 (2) Die president moet as geneesheer kragtens die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), geregistreer wees.

(3) Die president is die voorsitter van die Hoofbestuurskomitee, is saam met die ander lede daarvan verantwoordelik vir die bestuur van die sake van die MNR, en
25 doen oor daardie sake verslag soos deur die Raad van hom verlang word.

(4) Die president word aangestel vir 'n tydperk van hoogstens vyf jaar op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging en toelaes, wat die Raad bepaal ooreenkomstig 'n stelsel wat deur die Minister, met die instemming van die Minister van Finansies, goedgekeur word soos daardie
30 stelsel van tyd tot tyd gewysig word.

(5) Die president kan by die verstryking van sy ampstermyn, met sy instemming weer aangestel word.

(6) Wanneer die president 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 president vakant is, kan die Raad
35 op die voorwaardes en onderworpe aan die besoldiging en toelaes wat hy bepaal, ooreenkomstig 'n stelsel wat van tyd tot tyd deur die Minister, met die instemming van die Minister van Finansies, vir dié doel goedgekeur word, iemand anders wat voldoen aan die bepalings van subartikel (2), aanstel om as president waar te neem tydens sodanige afwesigheid of onvermoë, of totdat 'n president ingevolge subartikel
40 (1) aangestel is, en terwyl hy aldus waarneem, het daardie ander persoon al die bevoegdhede en verrig hy al die pligte van die president.

Vergaderings van Raad

10. (1) Die vergaderings van die Raad word gehou op die tye en plekke wat die Raad bepaal: Met dien verstande dat die eerste vergadering gehou word op die tyd
45 en plek wat die voorsitter bepaal.

(2) Die voorsitter, of in sy afwesigheid die ondervoorsitter, kan te eniger tyd na goeddunke, of op versoek van die Minister of president, 'n spesiale vergadering van die Raad belê, wat gehou word op die tyd en plek wat die voorsitter of die ondervoorsitter, na gelang van die geval, gelas.

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

(4) 'n Besluit van die Raad word geneem 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.

55 (5) Geen besluit deur die Raad geneem of handeling op gesag van die Raad verrig, is ongeldig nie bloot vanweë 'n toevallige vakature in die Raad.

Personeel van MNR en diensvoorwaardes

11. (1) (a) Die Raad kan, behoudens paragraaf (b) en op die voorwaardes wat hy bepaal, die werknemers aanstel wat hy nodig ag om die MNR behulpsaam
60 te wees by die verrigting van sy werksaamhede.

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- (b) The MRC shall pay to its employees such remuneration, allowances, subsidies and other benefits as the Board may determine, in accordance with a system approved by the Minister, with the concurrence of the Minister of Finance, as such system is amended from time to time.
- (c) The Board may, on such conditions as it may deem fit and with the concurrence of an employee of the MRC, second such 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, an institution or a person in or outside the Republic, provided that such an employee's rights, privileges and benefits by virtue of his conditions of service as an employee of the MRC are not adversely affected by such secondment.
- (d) Any person who, immediately prior to the commencement of this Act, was an officer or employee appointed or deemed to have been appointed as such in terms of section 13 (1) of the South African Medical Research Council Act, 1969 (Act No. 19 of 1969), shall as from the commencement of this Act be deemed to have been appointed in terms of paragraph (a) of this subsection on such conditions of service as may be determined from time to time in terms of the said paragraph.
- (e) The MRC shall for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to be an associated institution.
- (2) The Board may from time to time, on such conditions and against such security as it may deem fit—
- (a) provide collateral security, including guarantees, to a registered financial institution in respect of a loan granted to an employee of the MRC by that financial institution, to enable the employee to acquire, improve or enlarge immovable property for residential purposes;
- (b) build, cause to be built, purchase or rent houses, flats or flat buildings for occupation by employees, and may sell or let those houses or flats to employees, or otherwise dispose of, let or otherwise deal with those houses, flats or flat buildings;
- (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.
- (3) If a person who is employed in any capacity by or on behalf of the MRC suffers an injury or contracts a disease while engaged in, and which is directly attributable to, any activity in the course of such employment, the Minister may, on the recommendation of the Board and with the concurrence of the Minister of Finance, authorize the MRC to pay compensation to such person or, in the event of his death, to his dependants.
- (4) The provisions of subsection (3) shall not affect the right of any person to claim damages in respect of any injury or disease referred to in that subsection.

Financing of MRC

12. (1) The funds of the MRC shall consist of—
- (a) money appropriated by Parliament to finance the functions of the MRC;
- (b) revenue obtained by virtue of the provisions of subsections (4) and (5);
- (c) money borrowed by the MRC in terms of section 4 (1) (o) (ii);
- (d) fees or royalties referred to in section 16 (2) which are paid to the MRC;
- (e) the proceeds from the sale of shares, and from dividends on shares held by the MRC, in any company referred to in section 4 (1) (o) (iii);
- (f) donations or contributions which the MRC may receive from any person, body, government or administration;
- (g) money received from any other source.
- (2) (a) The MRC shall utilize its funds for defraying expenses in connection with the performance of its functions and the exercise of its powers.
- (b) The MRC shall utilize any money contemplated in subsection (1) (a) in accordance with the statement of its estimated income and expenditure

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- (b) Die MNR betaal aan sy werknemers die besoldiging, toelaes, subsidies en ander voordele wat die Raad bepaal, ooreenkomstig 'n stelsel wat deur die Minister, met die instemming van die Minister van Finansies, goedgekeur word soos daardie stelsel van tyd tot tyd gewysig word.
- 5 (c) Die Raad kan op die voorwaardes wat hy goedvind en met die instemming van 'n werknemer van die MNR, sodanige 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 'n instelling of persoon binne of buite die Republiek, mits so 'n werknemer se regte, voorregte en voordele uit hoofde van sy diensvoorwaardes as werknemer van die MNR nie deur die afstanddoening nadelig geraak word nie.
- 10 (d) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n beampte of werknemer was wat ingevolge artikel 13 (1) van die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1969 (Wet No. 19 van 1969), as sodanig aangestel was of geag word as sodanig aangestel te wees, word vanaf die inwerkingtreding van hierdie Wet geag aangestel te wees ingevolge paragraaf (a) van hierdie subartikel op die diensvoorwaardes wat van tyd tot tyd ingevolge genoemde paragraaf bepaal word.
- 15 (e) Die MNR word vir die doeleindes van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), geag 'n geassosieerde inrigting te wees.
- 20 (2) Die Raad kan van tyd tot tyd op die voorwaardes en teen die sekerheid wat hy goedvind—
- (a) 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 van die MNR toegestaan is, ten einde die werknemer in staat te stel om onroerende eiendom 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 kan daardie woonhuise of woonstelle aan werknemers verkoop of verhuur, of daardie woonhuise, woonstelle of woonstelgeboue andersins vervreem, verhuur of andersins daarmee handel;
- 30 (c) sport- en vermaaklikheidsverenigings, sosiale klubs, sosiale en gesondheidsdienste, restaurante, tehuise, beurskemas vir studiedoeleindes of ander dergelike ondernemings of skemas wat na sy oordeel vir sy werknemers voordelig kan wees, instel, stig, oprig of bedryf.
- 35 (3) Indien 'n persoon wat in enige hoedanigheid in diens van die MNR of ten behoeve van die MNR in diens is, 'n besering of siekte opdoen terwyl hy besig is met, en wat regstreeks toegeskryf kan word aan, enige werksaamheid in die loop van sodanige diens, kan die Minister op die aanbeveling van die Raad en met die instemming van die Minister van Finansies die MNR magtig om vergoeding aan sodanige persoon, of, in geval van sy dood, aan sy afhanklikes, te betaal.
- 40 (4) Die bepalings van subartikel (3) raak nie die reg van enige persoon om skadevergoeding te verhaal ten opsigte van enige besering of siekte in daardie subartikel bedoel nie.
- 45

Finansiering van MNR

12. (1) Die fondse van die MNR bestaan uit—
- 50 (a) geld wat die Parlement bewillig ter finansiering van die werksaamhede van die MNR;
- (b) inkomste verkry uit hoofde van die bepalings van subartikels (4) en (5);
- (c) geld ingevolge artikel 4 (1) (o) (ii) deur die MNR geleen;
- (d) gelde of tantième bedoel in artikel 16 (2) wat aan die MNR betaal word;
- (e) die opbrengs van die verkoop van aandele, en van dividende op aandele deur die MNR gehou, in enige maatskappy bedoel in artikel 4 (1) (o) (iii);
- 55 (f) skenkings of bydraes wat die MNR van enige persoon, liggaam, regering of administrasie ontvang;
- (g) geld uit enige ander bron ontvang.
- (2) (a) Die MNR wend sy fondse aan om uitgawes in verband met die verrigting van sy werksaamhede en die uitoefening van sy bevoegdhede te bestry.
- 60 (b) Die MNR moet geld beoog in subartikel (1) (a) aanwend ooreenkomstig die staat van sy geraamde inkomste en uitgawes bedoel in subartikel (3),

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referred to in subsection (3), as approved by the Minister: Provided that, subject to the provisions of paragraph (a), the MRC 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 that matter: Provided further that the MRC may, with the concurrence of the Minister, utilize any balance of the money remaining at the end of the MRC's financial year in question, for any expenses in connection with the exercise of its powers or the performance of its functions.

(c) The MRC shall utilize any donations or contributions contemplated in subsection (1) (f) for the purpose and subject to the conditions determined by the donor or contributor.

(3) The Board shall in each financial year, at a time determined by the Minister, submit a statement of the MRC's estimated income and expenditure during the following financial year to the Minister for his approval, granted with the concurrence of the Minister of Finance.

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

(5) (a) The Board may invest any unexpended portion of the MRC's funds with the Corporation for Public Deposits established by section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), or, subject to the approval of the Minister acting with the concurrence of the Minister of Finance, dispose thereof in any other manner.

(b) The Board may, at its discretion, utilize the interest on such investments for defraying expenses in connection with the performance of its functions.

(c) The Board may establish such reserve funds and deposit therein such amounts as the Minister, acting with the concurrence of the Minister of Finance, may approve.

Accounting officer

13. (1) In addition to the other functions and duties entrusted to him by this Act, the president shall be the accounting officer charged with the responsibility of accounting for all money received, the utilization thereof and the use and care of the property of the MRC.

(2) The accounting officer shall cause such records of account to be kept as are necessary to represent fairly the state of affairs and business of the MRC and to explain the transactions and financial position of the business of the MRC.

Accounting, auditing and annual report

14. (1) The keeping and compilation of annual financial statements of a company referred to in section 4 (1) (o) (iii) shall be done in accordance with the provisions of the Companies Act, 1973 (Act No. 61 of 1973).

(2) The Auditor-General shall audit the books of accounts, accounting statements and annual financial statements of the MRC.

(3) The Board shall furnish the Minister with such information as he may call for from time to time in connection with the activities and financial position of the MRC and shall as soon as practicable after the end of each financial year submit to the Minister an annual report on the MRC's affairs and functions in respect of that financial year, which shall, *inter alia*, include—

(a) an audited balance sheet, including any notes thereon or a document annexed thereto providing the information required by this Act;

(b) an audited income statement, including any similar financial statement where such form is appropriate, and including any notes thereon or a document annexed thereto providing the information required by this Act; and

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- soos deur die Minister goedgekeur: Met dien verstande dat, behoudens die bepalings van paragraaf (a), die MNR '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 daardie aangeleentheid kan aanwend: Met dien verstande voorts dat die MNR enige saldo van dié geld wat aan die einde van die betrokke boekjaar van die MNR 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.
- 5
- 10 (c) Die MNR moet skenkings of bydraes beoog in subartikel (1) (f), aanwend vir die doel en onderworpe aan die voorwaardes wat die skenker of bydraer bepaal.
- (3) Die Raad moet in elke boekjaar, op die tydstip deur die Minister bepaal, 'n staat van die MNR se geraamde inkomste en uitgawes gedurende die daaropvolgende boekjaar aan die Minister voorlê vir sy goedkeuring, wat met die instemming van die Minister van Finansies verleen word.
- 15
- (4) Die MNR kan, ten opsigte van werk of dienste wat hy kragtens hierdie Wet voltooi of gelever het, of vir die benutting van sy fasiliteite of regte wat voortspruit uit enige ontdekkings, uitvindings of verbeterings, die gelde vorder of die ander geldelike reëlins tref wat hy goedvind.
- 20
- (5) (a) Die Raad kan enige onbestede gedeelte van die MNR se fondse belê by die Korporasie vir Openbare Deposito's ingestel by artikel 2 van die Wet op die Korporasie vir Openbare Deposito's, 1984 (Wet No. 46 van 1984), of, onderworpe aan die goedkeuring van die Minister, handelende met die instemming van die Minister van Finansies, op 'n ander wyse daarvoor beskik.
- 25
- (b) Die Raad kan na goeddunke rente op sodanige beleggings aanwend ter bestryding van uitgawes in verband met die verrigting van sy werksaamhede.
- (c) Die Raad kan die reserwefondse instel en sodanige bedrae daarin stort wat die Minister, handelende met die instemming van die Minister van Finansies, goedkeur.
- 30

Rekenpligtige beampte

13. (1) Benewens die ander werksaamhede en pligte deur hierdie Wet aan hom opgedra, is die president die rekenpligtige beampte belas met die verantwoording van al die geld ontvang, die aanwending daarvan en die gebruik en versorging van die eiendom van die MNR.
- 35
- (2) Die rekenpligtige beampte moet die rekeningkundige aantekeninge laat hou wat nodig is om die stand van die sake en besigheid van die MNR redelik weer te gee en om die transaksies en finansiële toestand van die besigheid van die MNR te verduidelik.
- 40

Boekhouding, ouditering en jaarverslag

14. (1) Die boekhouding en opstel van finansiële jaarstate van 'n maatskappy bedoel in artikel 4 (1) (o) (iii) geskied volgens die bepalings van die Maatskappywet, 1973 (Wet No. 61 van 1973).
- 45
- (2) Die Ouditeur-generaal ouditeer die rekeningboeke, rekeningstate en finansiële jaarstate van die MNR.
- (3) Die Raad moet aan die Minister dié inligting verstrek wat hy van tyd tot tyd in verband met die bedrywighede en geldelike gesteldheid van die MNR aanvra, en moet so gou doenlik na die einde van elke boekjaar 'n jaarverslag oor die MNR se sake en werksaamhede ten opsigte van daardie boekjaar aan die Minister voorlê, wat onder meer insluit—
- 50
- (a) 'n geouditeerde balansstaat, met inbegrip van aantekeninge daarop of 'n dokument daarby aangeheg wat die inligting by hierdie Wet vereis, verstrek;
- 55
- (b) 'n geouditeerde inkomstestaat, met inbegrip van 'n soortgelyke finansiële staat waar sodanige vorm gepas is en met inbegrip van aantekeninge daarop of 'n dokument daarby aangeheg wat die inligting by hierdie Wet vereis, verstrek; en

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- (c) a statement of cash flow information.
- (4) The financial statements referred to in subsection (3) (a), (b) and (c) shall—
- (a) be in conformity with generally accepted accounting practice;
 - (b) fairly reflect the state of affairs and functions of the MRC and the results thereof; and
 - (c) refer to any relevant matter not specifically prescribed by this Act which affects or is likely to affect the affairs of the MRC, both by way of figures and by a descriptive report, amplifying and explaining, where necessary, figures in the financial statements.
- (5) A report referred to in subsection (3) shall be printed in both official languages.
- (6) As soon as practicable after a report has been submitted to the Minister in terms of subsection (3), he shall table it in Parliament.

Recovery of loss and damage

15. (1) If a person who is or was in the employment of the MRC caused the MRC any loss or damage because he—
- (a) failed to collect money due to the MRC and for the collection of which he is or was responsible;
 - (b) is or was responsible for an irregular payment of money of the MRC 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 MRC owing to an omission to carry out his duties;
 - (d) is or was responsible for a deficiency in, the destruction of or any damage to the MRC's money, stamps, face value documents and forms having potential value, securities, equipment, stores or any other property of the MRC;
 - (e) is or was responsible for a claim against the MRC 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 MRC, within 30 days from the date of such notice, the whole or any part of the amount so determined.

(2) If a person who is in the employment of the MRC 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 shall, 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.

(3) If a person who was in the employment of the MRC 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 shall, subject to the provisions of subsections (4), (5) and (6), recover the amount from the person concerned by legal process.

(4) If a person who has in terms of subsection (1) been ordered to pay an amount, offers, within the period stipulated in the notice in question, 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 may within a period of 30 days from the date of such order appeal in writing against such order to the Board, stating the grounds for his appeal, and the Board 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 Board may deem fair and reasonable, from the payment of such amount.

(6) A person who has in terms of subsection (1) been ordered to pay an amount may, instead of appealing to the Board 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 first-mentioned order or reducing such amount, and the court may upon such an application, if it is not convinced by the accounting officer on the merits of the case that the order was

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- (c) 'n staat van kontantvloei-inligting.
- (4) Die finansiële state bedoel in subartikel (3) (a), (b) en (c) moet—
- (a) in ooreenstemming wees met algemeen aanvaarde rekeningkundige praktyk;
- (b) die stand van die sake en werksaamhede van die MNR en die resultate daarvan, redelik weergee; en
- (c) enige tersaaklike aangeleentheid wat nie uitdruklik by hierdie Wet voorgeskryf word nie en wat die sake van die MNR raak of waarskynlik sal raak, sowel by wyse van syfers as by wyse van 'n beskrywende verslag vermeld, wat, waar nodig, uitbrei op syfers in die finansiële state en dit verduidelik.
- (5) 'n Verslag in subartikel (3) bedoel, word in beide amptelike tale gedruk.
- (6) Die Minister lê 'n verslag wat ingevolge subartikel (3) aan hom voorgelê is, so spoedig doenlik daarna in die Parlement ter Tafel.

Verhaal van verlies en skade

- 15 **15.** (1) Indien iemand wat in diens van die MNR is of was die MNR enige verlies of skade berokken het deurdat hy—
- (a) versuim het om geld verskuldig aan die MNR vir die invordering waarvan hy verantwoordelik is of was, in te vorder;
- (b) verantwoordelik is of was vir 'n onreëlmatige uitbetaling van geld van die MNR 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 'n vrugtelose uitgawe van geld van die MNR;
- (d) verantwoordelik is of was vir 'n tekort in of die vernietiging of beskadiging van die MNR se geld, seëls, sigwaardestukke en vorms wat 'n potensiele waarde het, sekuriteite, uitrusting, voorrade of enige ander goed van die MNR; en
- (e) weens versuim om sy pligte uit te voer, vir 'n eis teen die MNR verantwoordelik is of was,
- 30 moet die rekenpligtige beampte die bedrag van sodanige verlies of skade vasstel, en kan hy so iemand by skriftelike kennisgewing gelas om die geheel of 'n gedeelte van die bedrag wat aldus vasgestel is, binne 30 dae vanaf die datum van die kennisgewing aan die MNR te betaal.
- (2) Indien iemand wat in diens van die MNR is en wat ingevolge subartikel (1) 35 gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, word die bedrag, behoudens die bepalings van subartikels (4), (5) en (6), van sy maandelikse salaris afgetrek: Met dien verstande dat so 'n aftrekking nie in een maand meer as 'n kwart van sy maandelikse salaris beloop nie.
- 40 (3) Indien iemand wat in diens van die MNR was en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, moet die rekenpligtige beampte, behoudens die bepalings van subartikels (4), (5) en (6), die bedrag deur middel van geregtelike proses op die betrokke persoon verhaal.
- 45 (4) Indien iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, binne die tydperk in die betrokke kennisgewing bepaal, aanbied om die bedrag in paaie te betaal, kan die rekenpligtige beampte hom toelaat om te betaal in die paaie wat na sy mening redelik is.
- (5) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan binne 50 '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 betaling van daardie bedrag kwytgeskeld word.
- 55 (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 tersyde gestel of daardie bedrag verminder word, en die hof kan op so 'n aansoek, 60 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 die bedrag juis is

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rightly made or that the amount is correct, make an order setting aside such first-mentioned order or reducing that amount, as the case may be.

Discoveries, inventions and improvements by employees of MRC and other persons

16. (1) Subject to the provisions of subsections (5) and (6), the rights in all discoveries and inventions and in all improvements in respect of processes, apparatus, machines and medicines made by— 5

- (a) employees of the MRC;
- (b) persons assisting the MRC with any investigation or research; or
- (c) persons to whom bursaries or grants-in-aid have been granted by the MRC, unless it is otherwise agreed to by the Board and such persons, 10

shall vest in the MRC.

(2) The MRC may make the discoveries, inventions and improvements referred to in subsection (1) and the rights of which are vested in the MRC, available for use in the public interest subject to such conditions and the payment of such fees or royalties as the MRC may determine. 15

(3) If the rights in any discovery, invention or improvement are vested in the MRC in terms of subsection (1), the Board may award to the person responsible for the discovery, invention or improvement such bonus as it deems fit, or make provision for financial participation by such person in the profits derived from the discovery, invention or improvement to such extent as the Minister may determine with the concurrence of the Minister of Finance. 20

(4) The MRC may apply for a patent in respect of any discovery, invention or improvement referred to in subsection (1), and shall for the purposes of the Patents Act, 1978 (Act No. 57 of 1978), be regarded as the assignee of the discoverer or inventor in question. 25

(5) Unless it is otherwise agreed, the rights in respect of any discovery, invention or improvement made by the MRC in the course of an investigation for or on behalf of another person, government or administration shall vest in the MRC.

(6) The provisions of this section shall not apply in respect of any discovery, invention or improvement referred to in subsection (1) which was made by the person concerned other than— 30

- (a) in the course of his employment as an employee of the MRC;
- (b) in the course of any investigation or research while assisting the MRC; or
- (c) in the course of any research in respect of which he receives a bursary or grant-in-aid from the MRC, 35

and which is not connected with such employment, investigation or research.

Research on and experimentation with humans, animals and human and animal material

17. (1) The Board shall regulate and control research on or experimentation with humans, animals or human or animal material performed by— 40

- (a) employees of the MRC; or
- (b) persons performing such research or experimentation for or on behalf of the MRC, or with research aid by the MRC.

(2) The Board may—

- (a) for the purposes of subsection (1), determine ethical directives which shall be followed in such research or experimentation; and 45
- (b) take such control measures as it may deem necessary in order to ensure that the ethical directives are complied with.

(3) The Board may at its discretion enter into an agreement with any person to exercise the control referred to in subsection (1) on behalf of the Board, on the conditions determined in the agreement. 50

Regulations

18. The Minister may, after consultation with the Board, make regulations as to—

- (a) the circumstances under which a member of the Board shall vacate his office; 55

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nie, 'n bevel uitreik waarby die lasgewing tersyde gestel word of daardie bedrag verminder word, na gelang van die geval.

Ontdekkings, uitvindings en verbeterings deur werknemers van MNR en ander persone

5 16. (1) Behoudens die bepalings van subartikels (5) en (6) berus die regte op alle ontdekkings en uitvindings en op alle verbeterings ten opsigte van prosesse, apparaat, masjiene en geneesmiddels wat gedoen word deur—

- (a) werknemers van die MNR;
- (b) persone wat die MNR met enige ondersoek of navorsing behulpsaam is; of
- 10 (c) persone aan wie beurse of hulptoelae deur die MNR toegeken is, tensy die Raad en sodanige persone anders ooreenkom,

by die MNR.

(2) Die MNR kan die ontdekkings, uitvindings en verbeterings in subartikel (1) bedoel en waarvan die regte by die MNR berus, beskikbaar stel vir gebruik in die
15 openbare belang op die voorwaardes en onderworpe aan die betaling van die gelde of tantieme wat die MNR bepaal.

(3) Indien die regte op 'n ontdekking, uitvinding of verbetering ingevolge subartikel (1) by die MNR berus, kan die Raad aan die persoon wat vir die ontdekking, uitvinding of verbetering verantwoordelik is die bonus toeken wat die
20 Raad goedgevind, of voorsiening maak vir geldelike deelname deur so iemand in die winste uit dié ontdekking, uitvinding of verbetering verkry, in die mate wat die Minister met die instemming van die Minister van Finansies bepaal.

(4) Die MNR kan aansoek doen om 'n patent ten opsigte van enige ontdekking, uitvinding of verbetering in subartikel (1) bedoel, en by die toepassing van die Wet
25 op Patente, 1978 (Wet No. 57 van 1978), word die MNR as die sessionaris van die betrokke ontdekker of uitvinder beskou.

(5) Die regte ten opsigte van 'n ontdekking, uitvinding of verbetering deur die MNR gemaak in die loop van 'n ondersoek namens of ten behoeve van 'n ander persoon, regering of administrasie berus, tensy anders ooreengekom, by die MNR.

30 (6) Die bepalings van hierdie artikel is nie van toepassing nie ten opsigte van 'n ontdekking, uitvinding of verbetering in subartikel (1) bedoel wat deur die betrokke persoon gedoen is anders as—

- (a) in die loop van sy werk as werknemer van die MNR;
- (b) in die loop van enige ondersoek of navorsing waarmee hy die MNR
35 behulpsaam was; of
- (c) in die loop van navorsing ten opsigte waarvan hy 'n beurs of hulptoelae van die MNR ontvang,

en wat geen verband met sodanige werk, ondersoek of navorsing hou nie.

Navorsing oor en proefneming met mense, diere en mense- en dieremateriaal

40 17. (1) Die Raad moet navorsing oor of proefneming met mense, diere of mense- of dieremateriaal wat gedoen word deur—

- (a) werknemers van die MNR; of
- (b) persone wat sodanige navorsing of proefneming doen vir of ten behoeve van die MNR, of met navorsingsondersteuning van die MNR,
45 reël en beheer.

(2) Die Raad kan—

- (a) vir die doeleindes van subartikel (1), etiese riglyne bepaal wat by sodanige navorsing of proefneming gevolg moet word; en
- (b) die beheermaatreëls tref wat hy nodig ag ten einde te verseker dat die etiese
50 riglyne nagekom word.

(3) Die Raad kan na goeddunke met enige persoon 'n ooreenkoms aangaan om, op die voorwaardes in die ooreenkoms bepaal, die beheer in subartikel (1) bedoel namens die Raad uit te oefen.

Regulasies

55 18. Die Minister kan, na oorlegpleging met die Raad, regulasies uitvaardig betreffende—

- (a) die omstandighede waaronder 'n lid van die Raad sy amp ontruim;

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- (b) the filling of casual vacancies on the Board and the appointment of persons to act on behalf of absent members;
- (c) the matters in respect of which fees shall be payable to the MRC, the amount of such fees and the persons who shall be liable for the payment thereof, and the circumstances in which any fees so paid shall be refunded; 5
- (d) the procedure at meetings of the Board;
- (e) the preservation of secrecy in respect of the affairs of the MRC, and, generally, as to 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.

Delegations

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19. (1) The Board may—

- (a) in writing delegate to the chairman or any other member of the Board, the president or any other employee of, or holder of an office with, the MRC or to a committee nominated under section 8, any power conferred upon the Board by or under this Act; or 15
- (b) in writing authorize the chairman or any other member of the Board, the president or any other employee of, or holder of an office with, the MRC or a committee nominated under section 8, to perform any duty assigned to the Board by or under this Act.

(2) The president may—

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- (a) in writing delegate to an employee of, or the holder of an office with, the MRC, any power conferred upon the president by or under this Act in his capacity as president or accounting officer; or
- (b) in writing authorize that employee or holder of an office to perform any duty assigned to the president by or under this Act in the said capacities. 25

(3) Any delegation under subsections (1) and (2) may be made subject to such conditions and restrictions as may be determined by the Board or the president, as the case may be, and may be withdrawn by the Board or the president, as the case may be.

(4) The Board and the president shall not be divested of any power delegated under subsections (1) and (2) by it or him, and may amend or withdraw any decision made in the exercise of such delegated power. 30

Administration of Act

20. 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. 35

Savings

21. (1) At the commencement of this Act anything done in terms of the provisions of the South African Medical Research Council Act, 1969 (Act No. 19 of 1969), and the South African Medical Research Council Amendment Act, 1982 (Act No. 47 of 1982), prior to such commencement and which may be done in terms of the provisions of this Act, shall be deemed to have been done in terms of the latter provisions. 40

(2) If at the commencement of this Act any matter has not been disposed of by the South African Medical Research Council established by section 2 of the South African Medical Research Council Act, 1969, or a committee thereof, the Board established in terms of this Act may continue with the disposal of the matter in accordance with the provisions of this Act, and anything done by the said council in connection with that matter shall be deemed to have been done by the Board established in terms of this Act. 45 50

(3) Any regulation made by the Minister under section 23 of the South African Medical Research Council Act, 1969, and in force at the repeal of that Act by section 22 of this Act shall, notwithstanding such repeal, remain in force after the commencement of this Act in so far as it deals with any matter in respect of which 55

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- (b) die vul van toevallige vakatures in die Raad en die aanstelling van persone om namens afwesige lede op te tree;
- (c) die aangeleenthede ten opsigte waarvan gelde aan die MNR betaalbaar is, die bedrag van sodanige gelde, die persone wat vir die betaling daarvan aanspreeklik is, en die omstandighede waaronder gelde wat aldus betaal is, terugbetaal moet word;
- (d) die prosedure by vergaderings van die Raad;
- (e) geheimhouding ten opsigte van die sake van die MNR,
- 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.

Delegerings

19. (1) Die Raad kan—
- (a) 'n bevoegdheid by of kragtens hierdie Wet aan die Raad verleen, skriftelik aan die voorsitter of enige ander lid van die Raad, die president of enige ander werknemer van, of ampsbekleër by, die MNR of aan 'n komitee kragtens artikel 8 benoem, delegeer; of
- (b) die voorsitter of enige ander lid van die Raad, die president of enige ander werknemer van, of ampsbekleër by, die MNR of 'n komitee kragtens artikel 8 benoem, skriftelik 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 in sy hoedanigheid van president of rekenpligtige beampte verleen, skriftelik aan 'n werknemer van, of 'n ampsbekleër by, die MNR delegeer; of
- (b) daardie werknemer of ampsbekleër skriftelik magtig om 'n plig wat by of kragtens hierdie Wet aan die president in genoemde hoedanighede opgedra is, te verrig.
- (3) 'n Delegering kragtens subartikels (1) en (2) kan geskied onderworpe aan die voorwaardes en beperkinge wat die Raad of die president, na gelang van die geval, bepaal en kan deur die Raad of die president, na gelang van die geval, herroep word.
- (4) Die Raad en die president is nie ontdoen van 'n bevoegdheid deur hom kragtens subartikels (1) en (2) gedelegeer nie, en kan 'n beslissing in die uitoefening van sodanige gedelegeerde bevoegdheid gegee, wysig of intrek.

35 Uitvoering van Wet

20. 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.

40 Voorbehoudsbepalings

21. (1) By die inwerkingtreding van hierdie Wet word enigiets wat voor sodanige inwerkingtreding ingevolge die bepalinge van die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1969 (Wet No. 19 van 1969), en die Wysigingswet op die Suid-Afrikaanse Mediese Navorsingsraad, 1982 (Wet No. 47 van 1982), gedoen is en wat ingevolge die bepalinge van hierdie Wet gedoen kan word, geag ingevolge laasgenoemde bepalinge gedoen te wees.

- (2) Indien 'n aangeleentheid by die inwerkingtreding van hierdie Wet nie deur die Suid-Afrikaanse Mediese Navorsingsraad ingestel by artikel 2 van die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1969, of 'n komitee daarvan, afgehandel is nie, kan die Raad aangestel ingevolge hierdie Wet met die afhandeling van daardie aangeleentheid ooreenkomstig die voorskrifte van hierdie Wet voortgaan, en enigiets deur eersgenoemde raad in verband met daardie aangeleentheid gedoen, word geag gedoen te wees deur die Raad ingevolge hierdie Wet aangestel.

- (3) 'n Regulasie deur die Minister kragtens artikel 23 van die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1969, uitgevaardig, en van krag by die herroeping van daardie Wet deur artikel 22 van hierdie Wet, bly ondanks sodanige herroeping van krag na die inwerkingtreding van hierdie Wet vir sover dit handel oor

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the Minister may make regulations under section 18, until it is replaced by a regulation made under section 18.

(4) The person who, immediately prior to the commencement of this Act, held the office of president of the South African Medical Research Council shall as from the commencement of this Act be deemed to have been appointed in terms of section 9 (1) of this Act on the conditions of service and at the remuneration applicable to him immediately prior to such commencement, and shall hold such office for the remaining period for which he was thus appointed, but may be reappointed in terms of the provisions of section 9 at the expiration thereof.

(5) The conditions of service and remuneration referred to in subsection (4) shall, subject to the provisions of section 9 (4), not be altered without the consent of the president concerned.

Repeal of laws

22. The South African Medical Research Council Act, 1969 (Act No. 19 of 1969), and the South African Medical Research Council Amendment Act, 1982 (Act No. 47 of 1982), are hereby repealed.

Short title and commencement

23. This Act shall be called the South African Medical Research Council Act, 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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'n aangeleentheid ten opsigte waarvan die Minister kragtens artikel 18 regulasies kan uitvaardig, totdat dit deur 'n regulasie kragtens artikel 18 uitgevaardig, vervang word.

- (4) Die persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet die pos van president van die Suid-Afrikaanse Mediese Navorsingsraad beklee het, word vanaf die inwerkingtreding van hierdie Wet geag ingevolge artikel 9 (1) van hierdie Wet aangestel te wees op die diensvoorwaardes en met die besoldiging wat onmiddellik voor sodanige inwerkingtreding op hom van toepassing was, en beklee sodanige pos vir die oorblywende tydperk waarvoor hy aldus aangestel was, maar kan by die verstryking daarvan weer ingevolge die bepalings van artikel 9 aangestel word.

(5) Die diensvoorwaardes en besoldiging in subartikel (4) bedoel, mag, behoudens artikel 9 (4), nie sonder die toestemming van die betrokke president gewysig word nie.

15 Herroeping van wette

22. Die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1969 (Wet No. 19 van 1969), en die Wysigingswet op die Suid-Afrikaanse Mediese Navorsingsraad, 1982 (Wet No. 47 van 1982), word hierby herroep.

Kort titel en inwerkingtreding

- 20 23. Hierdie Wet heet die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1991, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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o aangeleentheid ten opsigte waarvan die Minister kragtens artikel 18 regulasies kan uitvaardig, totdat die deur 'n regulasie kragtens artikel 18 nagevaarlig, vervang word.

(4) Die persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet die pos van president van die Suid-Afrikaanse Mediese Navorsingsraad beklee het, word vanaf die inwerkingtreding van hierdie Wet geag ingevolge artikel 9 (1) van hierdie Wet aangestel te wees op die diensovername en met die besoldiging wat onmiddellik voor sedertige inwerkingtreding op hom van toepassing was, en behou sover die oordrywende tydperk waartoe hy aldus aangestel was, maar sodanige pos vir die oordrywende tydperk waartoe hy aldus aangestel was, maar kan by die verstrekking daarvan weer ingevolge die bepaling van artikel 9 aangestel word.

(2) Die diensovername en besoldiging in subartikel (4) bedoel, mag, behoudens artikel 9 (4), nie sonder die toestemming van die betrokke president gevestig word nie.

15. Herroeping van wette

22. Die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1969 (Wet No. 19 van 1969), en die Wysingswet op die Suid-Afrikaanse Mediese Navorsingsraad, 1982 (Wet No. 47 van 1982), word hierby herroep.

Kort titel en inwerkingtreding

23. Hierdie Wet heet die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1991, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die Staatskoerant bepaal.