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GOVERNMENT GAZETTE

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

No. 2477. 29 December 1993

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

No. 187 of 1993: Regional Industrial Development Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 2477. 29 Desember 1993

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

No. 187 van 1993: Wet op Streeknywerheidsontwikkeling, 1993.

ACT

To establish the Regional Industrial Development Board; to provide for the establishment of programmes for regional industrial development; and to provide for matters incidental thereto.

*(English text signed by the Acting State President.)
(Assented to 14 December 1993.)*

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 Regional Industrial Development Board established by section 2; (viii) 5
 - (ii) “Chairman” means the Chairman of the Board; (x)
 - (iii) “committee” means a committee referred to in section 8; (iv)
 - (iv) “concession” means any assistance given to an industrialist in the form of a subsidy or rebate in accordance with a programme; (v) 10
 - (v) “Department” means the Department of Regional and Land Affairs; (ii)
 - (vi) “Director-General” means the Director-General: Regional and Land Affairs or his authorized representative; (iii)
 - (vii) “Executive Committee” means the Executive Committee referred to in section 3; (ix) 15
 - (viii) “incentive” means a cash amount granted to an industrialist in accordance with a programme; (i)
 - (ix) “Minister” means the Minister of Regional and Land Affairs; (vi)
 - (x) “programme” means any programme established under section 10 or deemed to have been so established. (vii) 20

Establishment and composition of Board

2. (1) There is hereby established a juristic person to be known as the Regional Industrial Development Board.
- (2) The members of the Board shall be appointed by the Minister by notice in the *Gazette* and shall consist of— 25
 - (a) a Chairman designated by the Minister;
 - (b) an official of—
 - (i) the Department designated by the Director-General;
 - (ii) the Department of Trade and Industry designated by the Director-General: Trade and Industry; 30
 - (iii) the Department of State Expenditure designated by the Director-General: State Expenditure;
 - (iv) the Department of Finance designated by the Director-General: Finance;
 - (c) nine members designated by the Minister who in his opinion have adequate expertise, knowledge or experience with regard to trade, industry or the economy, as well as the developmental problems and potential of the Republic, to represent and promote the interests of the inhabitants of the Republic. 35
- (3) The Minister may, before designating the members referred to in paragraph (c) of subsection (2), consult any organization or body which in his opinion represents the interests referred to in that paragraph. 40

Executive Committee

3. (1) The Board may appoint an Executive Committee, consisting of the

WET

Om die Raad op Streeknywerheidsontwikkeling in te stel; voorsiening te maak vir die instelling van programme vir streeknywerheidsontwikkeling; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 14 Desember 1993.)*

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) “aansporing” ’n kontantbedrag wat ooreenkomstig ’n program aan ’n nyweraar toegeken word; (viii)
 - (ii) “Departement” die Departement van Streek- en Grondsake; (v)
 - (iii) “Direkteur-generaal” die Direkteur-generaal: Streek- en Grondsake of sy gemagtigde verteenwoordiger; (vi)
 - 10 (iv) “komitee” ’n komitee in artikel 8 bedoel; (iii)
 - (v) “konsessie” enige hulp wat in die vorm van ’n subsidie of rabat ooreenkomstig ’n program aan ’n nyweraar verleen word; (iv)
 - (vi) “Minister” die Minister van Streek- en Grondsake; (ix)
 - (vii) “program” enige program kragtens artikel 10 ingestel of geag aldus ingestel te wees; (x)
 - 15 (viii) “Raad” die Raad op Streeknywerheidsontwikkeling by artikel 2 ingestel; (i)
 - (ix) “Uitvoerende Komitee” die Uitvoerende Komitee in artikel 3 bedoel; (vii)
 - 20 (x) “Voorsitter” die Voorsitter van die Raad. (ii)

Instelling en samestelling van Raad

2. (1) Daar word hierby ’n regs persoon wat die Raad op Streeknywerheidsontwikkeling heet, ingestel.
- (2) Die lede van die Raad word deur die Minister by kennisgewing in die
- 25 *Staatskoerant* aangestel en bestaan uit—
- (a) ’n Voorsitter deur die Minister aangewys;
 - (b) ’n beamp te van—
 - (i) die Departement deur die Direkteur-generaal aangewys;
 - (ii) die Departement van Handel en Nywerheid deur die Direkteur-generaal: Handel en Nywerheid aangewys;
 - 30 (iii) die Departement van Staatsbesteding deur die Direkteur-generaal: Staatsbesteding aangewys;
 - (iv) die Departement van Finansies deur die Direkteur-generaal: Finansies aangewys;
 - 35 (c) nege lede deur die Minister aangewys wat na sy oordeel oor voldoende kundigheid, kennis of ondervinding ten opsigte van die handel, nywerheid of die ekonomie, asook die ontwikkelingsproblematiek en -potensiaal van die Republiek, beskik, om die belange van die inwoners van die Republiek te verteenwoordig en te bevorder.
 - 40 (3) Die Minister kan, voordat hy die lede in paragraaf (c) van subartikel (2) bedoel aanwys, enige organisasie of liggaam wat na sy oordeel die in daardie paragraaf bedoelde belange verteenwoordig, raadpleeg.

Uitvoerende Komitee

3. (1) Die Raad kan ’n Uitvoerende Komitee wat bestaan uit die Voorsitter en

Chairman and not more than two members designated by the Board from the members referred to in section 2(2)(c), to perform such functions as the Board may from time to time determine.

(2) The Chairman shall act as chairman of the Executive Committee.

(3) Any resolution taken by the Executive Committee shall be subject to ratification by the Board at the next ensuing meeting of the Board. 5

Objects of Board

4. The objects of the Board shall be to promote industrial growth by way of incentives or concessions with due regard to regional requirements within the framework of the economic policy of the Republic. 10

Functions, powers and duties of Board

5. (1) The Board shall formulate recommendations on policy in respect of all regional industrial development programmes and shall submit such recommendations to the Minister for approval.

(2) The Board may— 15

- (a) with the approval of the Minister, and shall, by direction of the Minister, develop, manage, administer and implement any regional industrial development programme established in terms of section 10 or deemed to have been so established, including any matter referred to in section 21*ter* of the Income Tax Act, 1962 (Act No. 58 of 1962); 20
- (b) advise the Minister on any proposed amendment or adjustment of any programme;
- (c) with due regard to all rules, regulations, instructions and directives of the Public Service and the Treasury, make recommendations to the Director-General in respect of the conclusion, amendment or cancellation of any agreement between the Department and any industrialist; 25
- (d) for a specific purpose and on such conditions and for such period as it may determine, co-opt any person as a member of the Board: Provided that a co-opted member of the Board may not participate in any decision-making of the Board; 30
- (e) accept, amend or reject any recommendation of a committee or refer it back to such committee for further investigation;
- (f) determine the acts in respect of which assistance may be granted in terms of a programme;
- (g) determine the prerequisites for assistance in terms of a programme; 35
- (h) determine the basis on which incentives or concessions may be paid in terms of a programme.

(3) The Board shall—

- (a) execute any instruction from the Minister in respect of the management of a programme; 40
- (b) investigate or cause to be investigated any irregular conduct by an industrialist in respect of incentives or concessions and, if after such investigation it appears necessary, institute legal proceedings or cause legal proceedings to be instituted against such industrialist;
- (c) constantly monitor every programme in order to evaluate whether the objects of such programme are being achieved; 45
- (d) before the end of March each year submit to the Minister a report in respect of its activities during the previous year.

(4) The Board shall have the power to—

- (a) institute or defend legal proceedings or cause legal proceedings to be instituted or defended; 50
- (b) decide whether or not to claim any amount in the light of the finding of an investigation referred to in section 11(2);
- (c) grant, amend or withdraw any incentive or reduced incentive in accordance with a Board resolution in that regard: Provided that for such purposes the Board shall be bound by the provisions of the programme in question and any relevant directives and guidelines issued by the Cabinet: Provided further that the provisions of subsection (2)(c) shall 55

hoogstens twee lede aangewys deur die Raad uit die lede in artikel 2(2)(c) bedoel, aanstel om die werksaamhede te verrig wat die Raad van tyd tot tyd bepaal.

(2) Die Voorsitter tree op as voorsitter van die Uitvoerende Komitee.

- 5 (3) Enige besluit wat deur die Uitvoerende Komitee geneem word, is onderhewig aan bekragting deur die Raad by die eersvolgende sitting van die Raad.

Oogmerke van Raad

4. Die oogmerke van die Raad is om by wyse van aansporings of konsessies en
10 met inagneming van streekbehoefte nywerheids groei binne die raamwerk van die ekonomiese beleid van die Republiek te bevorder.

Werksaamhede, bevoegdhede en pligte van Raad

5. (1) Die Raad moet aanbevelings oor beleid ten opsigte van alle streeknywerheidsontwikkelingsprogramme formuleer en moet sodanige aanbevelings
15 aan die Minister voorlê vir goedkeuring.

(2) Die Raad kan—

- (a) met die instemming van die Minister, en moet in opdrag van die Minister, 'n streeknywerheidsontwikkelingsprogram ingevolge artikel 10 ingestel of geag aldus ingestel te wees, met inbegrip van enige aangeleentheid in artikel 21*ter* van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), bedoel, ontwikkel, bestuur administreer en implementeer;
- (b) die Minister adviseer ten opsigte van enige beoogde wysiging of aanpassing van enige program;
- 25 (c) met inagneming van alle reëls, regulasies, instruksies en voorskrifte van die Staatsdiens en die Tesourie, aanbevelings aan die Direkteur-generaal doen ten opsigte van die aangaan, wysiging of kansellering van enige ooreenkoms tussen die Departement en 'n nyweraar;
- (d) vir 'n bepaalde doel en op die voorwaardes en vir die tydperk wat hy
30 bepaal, enige persoon koöpteer as lid van die Raad: Met dien verstande dat 'n gekoöpteerde lid van die Raad nie mag deelneem aan enige besluitneming deur die Raad nie;
- (e) enige aanbeveling van 'n komitee aanvaar, wysig of verwerp, of na die komitee terugverwys vir verdere ondersoek;
- 35 (f) die handeling ten opsigte waarvan hulp ingevolge 'n program verleë kan word, bepaal;
- (g) die voorvereistes vir hulp ingevolge 'n program, bepaal;
- (h) die grondslag waarop aansporings of konsessies kragtens 'n program betaal kan word, bepaal.

40 (3) Die Raad moet—

- (a) enige opdrag van die Minister in verband met die bestuur van 'n program uitvoer;
- (b) enige onreëlmatige optrede van 'n nyweraar ten opsigte van aansporings of konsessies ondersoek of laat ondersoek en, indien dit na
45 sodanige ondersoek nodig blyk te wees, geregtelike stappe teen sodanige nyweraar instel of laat instel;
- (c) elke program voortdurend monitor ten einde te bepaal of die oogmerke van sodanige program bereik word;
- (d) voor die einde van Maart van elke jaar 'n verslag oor sy werksaamhede gedurende die vorige jaar aan die Minister voorlê.

50 (4) Die Raad is bevoeg om—

- (a) geregtelike stappe in te stel of te verdedig of te laat instel of verdedig;
- (b) na aanleiding van die bevinding van 'n ondersoek in artikel 11(2) bedoel, 'n besluit te neem om enige bedrag te eis al dan nie;
- 55 (c) enige aansporing of verminderde aansporing, na gelang van 'n besluit deur die Raad in dié verband, toe te staan, te wysig of in te trek: Met dien verstande dat die Raad vir hierdie doeleindes gebonde is aan die bepalings van die betrokke program en enige tersaaklike voorskrifte en riglyne deur die Kabinet uitgereik: Met dien verstande voorts dat die

mutatis mutandis apply in respect of any such grant, amendment or withdrawal.

Tenure of office, duties and remuneration of members of Board

6. (1) (a) A member of the Board shall—

- (i) subject to the provisions of paragraph (b), attend all meetings of the Board; 5
- (ii) declare to the Board any personal interest in any industrialist or programme;
- (iii) at all times remain objective and neutral during the proceedings of the Board. 10

(b) If a member of the Board is unable to attend a Board meeting, such member shall before or on the date of any such meeting inform the Secretary of the Board of his absence: Provided that if a member of the Board is absent for three consecutive meetings without a reason acceptable to the Chairman, the Chairman may request the Minister to relieve such member from office in terms of subsection (3)(c). 15

(2) (a) The Minister may appoint an alternate member for each member of the Board, excluding the Chairman, and for the purposes thereof the provisions of section 2(2) and (3) shall apply *mutatis mutandis*.

(b) An alternate member shall by direction of the member concerned, attend 20 meetings of the Board on behalf of such member, and for the purposes thereof the provisions of subsections (1) and (3) and section 12 shall apply *mutatis mutandis*.

(3) (a) A member of the Board shall remain in office for such period and subject to such conditions as the Minister may determine and may be reappointed after his term of office has expired. 25

(b) If a member of the Board dies, resigns or is relieved from office in terms of paragraph (c) before the expiration of the period for which he was appointed, the Minister may, subject to the provisions of section 2(2) and (3), appoint a person to fill the vacancy for the unexpired portion of the period for which such member was appointed. 30

(c) The Minister may relieve any member of the Board from office if in his opinion there are sound reasons therefor.

(4) Each member of the Board or a committee of the Board, including alternate or co-opted members, but excluding members in the full-time employment of the State, may be paid such salary, other remuneration and allowances as the 35 Minister, with the concurrence of the Minister of State Expenditure, may determine from time to time.

Meetings of Board

7. (1) The first meeting of the Board shall be held on such date and at such time and place as the Minister may determine by notice in the *Gazette*, and subsequent 40 meetings of the Board shall be held on such dates and at such times and places as the Board may determine from time to time: Provided that the Board shall meet at least four times every year.

(2) Seven members of the Board shall form a quorum for a meeting thereof.

(3) A resolution adopted by a majority of the members of the Board present at 45 a meeting, constitutes a resolution of the Board.

(4) No decision taken by the Board or act performed under authority of the Board shall be invalid by reason only of a temporary vacancy on the Board or of the fact that a person who is not entitled to sit as a member of the Board sat as a member at the time when the decision was taken or the act was authorized, if the 50 decision was taken or the act was authorized by the requisite majority of the members of the Board who were present at the time and entitled to sit as members.

(5) The Board shall elect one of its members as vice-chairman.

(6) The Chairman or, in his absence, the vice-chairman shall preside at all 55 meetings of the Board: Provided that should both the Chairman and the vice-chairman be absent from a meeting, the attending members shall nominate one of their number as acting chairman for that meeting.

bepalings van subartikel (2)(c) *mutatis mutandis* ten opsigte van enige sodanige toestaan, wysiging of intrekking van toepassing is.

Ampstermyn, pligte en vergoeding van lede van Raad

6. (1) (a) 'n Lid van die Raad moet—
- 5 (i) behoudens die bepalings van paragraaf (b), alle vergaderings van die Raad bywoon;
 - (ii) enige persoonlike belang by enige nyweraar of program aan die Raad verklaar;
 - 10 (iii) te alle tye objektief en neutraal wees tydens die verrigtinge van die Raad.
- (b) Indien 'n lid van die Raad nie 'n vergadering van die Raad kan bywoon nie, moet sodanige lid voor of op die datum van die vergadering die Sekretaris van die Raad in kennis stel dat hy afwesig sal wees: Met dien verstande dat indien 'n lid van die Raad vir drie agtereenvolgende vergaderings afwesig is sonder 'n rede wat vir die Voorsitter aanvaarbaar is, die Voorsitter die Minister kan versoek om sodanige lid ingevolge subartikel (3)(c) van sy amp te onthef.
- (2) (a) Die Minister kan vir elke lid van die Raad, uitgesonderd die Voorsitter, 'n plaasvervangende lid aanstel, en vir die doeleindes daarvan is die bepalings van artikel 2(2) en (3) *mutatis mutandis* van toepassing.
- 20 (b) 'n Plaasvervangende lid moet in opdrag van die betrokke lid vergaderings van die Raad namens sodanige lid bywoon, en vir die doeleindes daarvan is die bepalings van subartikels (1) en (3) en artikel 12 *mutatis mutandis* van toepassing.
- (3) (a) 'n Lid van die Raad beklee sy amp vir die tydperk en onderworpe aan 25 die voorwaardes wat die Minister bepaal, en kan na verstryking van sy ampstermyn weer aangestel word.
- (b) Indien 'n lid van die Raad voor die verstryking van die tydperk waarvoor hy aangestel is, sterf, bedank of ingevolge paragraaf (c) uit sy amp onthef word, kan die Minister, behoudens die bepalings van artikel 2(2) en (3), 'n persoon 30 aanstel om die vakature te vul vir die onverstreke gedeelte van die tydperk waarvoor sodanige lid aangestel is.
- (c) Die Minister kan enige lid van die Raad, indien daar na sy oordeel gegronde redes daarvoor is, uit sy amp onthef.
- (4) Aan elke lid van die Raad of 'n komitee van die Raad, met inbegrip van 35 plaasvervangende en gekoöpteerde lede, uitgesonderd lede wat in die heeltydse diens van die Staat is, kan die besoldiging, ander vergoeding en toelaes betaal word wat die Minister van tyd tot tyd met die instemming van die Minister van Staatsbesteding bepaal.

Vergaderings van Raad

- 40 7. (1) Die eerste vergadering van die Raad word gehou op die datum, tyd en plek wat die Minister by kennisgewing in die *Staatskoerant* bepaal, en daaropvolgende vergaderings van die Raad word gehou op die datums, tye en plekke wat die Raad van tyd tot tyd bepaal: Met dien verstande dat die Raad minstens vier keer elke jaar moet vergader.
- 45 (2) Sewe lede van die Raad maak 'n kworum uit vir 'n vergadering daarvan.
- (3) 'n Besluit geneem deur 'n meerderheid van die lede van die Raad wat op 'n vergadering aanwesig is, maak 'n besluit van die Raad uit.
- (4) Geen besluit deur die Raad geneem of handeling op gesag van die Raad verrig, is bloot vanweë 'n tydelike vakature in die Raad of vanweë die feit dat 'n 50 persoon wat nie geregtig is nie om as lid van die Raad sitting te neem as lid sitting geneem het op die tydstip waarop die besluit geneem of die handeling gemagtig is, ongeldig nie, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die Raad wat toe aanwesig was en geregtig was om as lede sitting te neem.
- 55 (5) Die Raad kies een van sy lede as ondervoorsitter.
- (6) Die Voorsitter of, in sy afwesigheid, die ondervoorsitter sit voor op alle vergaderings van die Raad: Met dien verstande dat indien sowel die Voorsitter as die ondervoorsitter afwesig is van 'n vergadering, die aanwesige lede uit eie geledere 'n waarnemende voorsitter vir daardie vergadering aanwys.

(7) Minutes of all Board meetings shall be kept and submitted to the subsequent meeting of the Board for approval.

Committees

8. (1) The Chairman of the Board may on the recommendation of the Board nominate one or more committees, which shall, subject to the instructions of the Chairman, perform such functions as the Board may determine. 5

(2) A committee may consist of members of the Board or of such members and any other person or persons.

Delegation

9. (1) The Board may, subject to such conditions as it deems necessary, delegate any power entrusted to it by this Act, or any duty assigned to it by the Minister— 10

(a) to one or more of its members, the Executive Committee or a committee; or

(b) with the approval of the Director-General, to any officer of the Department holding the rank of Director or a higher rank: 15

Provided that any action or decision taken by three or fewer of such members under such delegated authority shall be ratified by the Board.

(2) The fact that a power or duty has been delegated under subsection (1), does not prohibit the Board from exercising such power or performing such duty itself.

Programmes for regional industrial development

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10. (1) In order to promote and support regional growth and development within the framework of the economic policy of the Republic, the Minister may, taking into account regional needs, on the recommendation of the Board and with the concurrence of the Cabinet, by notice in the *Gazette* establish, amend, revoke or substitute a programme for regional industrial development in terms of which assistance from funds appropriated annually by Parliament for this purpose, may be granted to industrialists by way of incentives or concessions. 25

(2) The Minister may in the notice referred to in subsection (1)—

(a) set out the objects of the programme; and

(b) in general, make provision for any other matter which in his opinion is necessary or expedient in order to promote or attain the objects of the programme: Provided that paragraph (a) shall not be so construed as to limit the generality of this paragraph. 30

(3) The Regional Industrial Development Programme of 1982, the Regional Industrial Development Programme of 1991 and the Simplified Regional Industrial Development Programme of 1993 shall be deemed to have been instituted under the provisions of this Act and to be in force as such. 35

Investigating officers

11. (1) The Director-General may at the request of the Chairman appoint in writing an officer of the Department or, with the approval of the Minister, any other person as an investigating officer for the purposes of this Act. 40

(2) An investigating officer appointed in terms of subsection (1) may—

(a) perform any investigation for the purposes of section 5(3)(b);

(b) perform any investigation with a view to obtaining information which is necessary in order to establish whether an industrialist qualifies for the grant of an incentive or concession in accordance with any programme instituted in terms of this Act, or deemed to have been instituted in terms of this Act; 45

(c) investigate any matter assigned to him by the Director-General at the request of the Board and which is necessary for the promotion of the objects of this Act. 50

(7) Notules moet van alle vergaderings van die Raad gehou word en op die daaropvolgende sitting van die Raad vir bekragtiging voorgelê word.

Komitees

8. (1) Die Voorsitter van die Raad kan op aanbeveling van die Raad een of 5 meer komitees benoem, wat, onderworpe aan die voorskrifte van die Voorsitter, die werksaamhede verrig wat die Raad bepaal.

(2) 'n Komitee kan bestaan uit lede van die Raad of uit sodanige lede en enige ander persoon of persone.

Delegering

10 9. (1) Die Raad kan, behoudens die voorwaardes wat hy nodig ag, 'n bevoegdheid ingevolge hierdie Wet aan hom verleen, of enige plig aan hom deur die Minister opgedra—

(a) aan een of meer van sy lede, die Uitvoerende Komitee of 'n komitee deleger; of

15 (b) met die goedkeuring van die Direkteur-generaal, aan enige beampte van die Departement wat die rang van Direkteur of 'n hoër rang beklee, deleger.

Met dien verstande dat enige handeling verrig of besluit geneem deur drie of minder sodanige lede kragtens sodanige gedelegeerde bevoegdheid, deur die 20 Raad bekragtig moet word.

(2) Die feit dat 'n bevoegdheid of plig kragtens subartikel (1) gedelegeer is, belet nie die Raad om daardie bevoegdheid self uit te oefen of daardie plig self te verrig nie.

Programme vir streeknywerheidsontwikkeling

25 10. (1) Ten einde nywerheids groei en -ontwikkeling binne die raamwerk van die ekonomiese beleid van die Republiek te bevorder en te ondersteun, kan die Minister, met inagneming van streekbehoefte, op aanbeveling van die Raad en met die instemming van die Kabinet, by kennisgewing in die *Staatskoerant* 'n program vir streeknywerheidsontwikkeling ingevolge waarvan hulp, uit geld vir 30 dié doel jaarliks deur die Parlement bewillig, aan nywerars verleen kan word by wyse van aansporings of konsessies, instel, wysig, herroep of vervang.

(2) Die Minister kan in die kennisgewing in subartikel (1) bedoel—

(a) die doelstellings van die program uiteensit; en

35 (b) in die algemeen, voorsiening maak vir enige ander aangeleentheid wat volgens sy oordeel nodig of dienstig is ten einde die doelstellings van die program te bevorder of te verwesenlik: Met dien verstande dat paragraaf (a) nie so uitgelê word dat dit die algemene strekking van hierdie paragraaf beperk nie.

40 (3) Die Streeknywerheidsontwikkelingsprogram van 1982, die Streeknywerheidsontwikkelingsprogram van 1991 en die Vereenvoudigde Streeknywerheidsontwikkelingsprogram van 1993 word geag kragtens die bepalings van hierdie Wet ingestel en as sodanig van krag te wees.

Ondersoekbeamptes

45 11. (1) Die Direkteur-generaal kan op versoek van die Voorsitter 'n beampte van die Departement of met die goedkeuring van die Minister enige ander persoon skriftelik aanstel as ondersoekbeampte vir die doeleindes van hierdie Wet.

(2) 'n Ondersoekbeampte kragtens subartikel (1) aangestel, kan—

(a) enige ondersoek doen vir die doeleindes van artikel 5(3)(b);

50 (b) enige ondersoek doen met die oog op die inwin van inligting wat nodig is ten einde te bepaal of 'n nyweraar kwalifiseer vir die toekenning van 'n aansporing of konsessie ooreenkomstig enige program ingevolge hierdie Wet ingestel of geag ingevolge hierdie Wet ingestel te wees;

55 (c) enige aangeleentheid ondersoek wat die Direkteur-generaal op versoek van die Raad aan hom opdra en wat nodig is ter bevordering van die oogmerke van hierdie Wet.

(3) An investigating officer appointed under subsection (1), may on presentation of his written appointment referred to in subsection (1), for the purposes of such investigation and, without prior notice enter any premises at any reasonable time and confiscate any commodity, book, record, fixed asset, raw material, stock, finished product or other article connected with the investigation. 5

(4) The provisions of sections 6(4) and 12 shall apply *mutatis mutandis* to investigating officers.

Secrecy

12. (1) A member of the Board, including a member of the Executive Committee or a committee, shall not disclose confidential information which he obtained in the performance of his functions, except— 10

- (a) when required to do so by order of a court of law;
- (b) to any competent authority which requires it for the institution, or for an investigation with a view to the institution, of any criminal prosecution; 15
- or
- (c) with the approval of the Board.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding 12 months.

Agreements entered into before commencement of Act 20

13. Any agreement entered into in accordance with a programme before the commencement of this Act by a board with functions similar to those of the Board established under this Act or by the Department, as the case may be, in respect of assistance by means of incentives or concessions, and any other arrangements made by virtue of such an agreement, shall be deemed to have been entered into and made under the provisions of this Act. 25

Secretarial functions

14. (1) The secretarial work connected with the functions of the Board shall, subject to the directives of the Chairman or any other member of the Board designated by the Board, be performed by officers of the Department designated by the Director-General. 30

(2) The Director-General shall appoint one of the officers referred to in subsection (1) as Secretary of the Board.

Regulations

15. The Minister may issue regulations regarding any matter which shall or may be prescribed in terms of this Act, and, in general, with regard to any other matter which he deems it necessary or expedient to prescribe in order to achieve or promote the objects of this Act. 35

Short title

16. This Act shall be called the Regional Industrial Development Act, 1993. 40

(3) 'n Onderzoekbeampte kragtens subartikel (1) aangestel, kan op vertoon van sy skriftelike aanstelling bedoel in subartikel (1), vir die doeleindes van sodanige ondersoek en sonder voorafgaande kennisgewing te enige redelike tyd enige perseel betree en beslag lê op enige handelsartikel, boek, rekord, vaste bate, grondstof, voorraad, klaarproduk of ander stuk wat in verband staan met die ondersoek.

(4) Die bepalings van artikels 6(4) en 12 is *mutatis mutandis* van toepassing ten opsigte van ondersoekbeamptes.

Geheimhouding

10 12. (1) 'n Lid van die Raad, met inbegrip van 'n lid van die Uitvoerende Komitee of 'n komitee, mag nie vertroulike inligting openbaar wat hy by die verrigting van sy werksaamhede verkry het nie, behalwe—

- (a) wanneer hy by bevel van 'n geregshof aangesê is om dit te doen;
15 (b) aan 'n bevoegde gesag wat dit vir die instelling, of vir 'n ondersoek met die oog op die instelling, van 'n strafregtelike vervolging nodig het; of
(c) met die instemming van die Raad.

(2) Iemand wat subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

20 Ooreenkomste voor inwerkingtreding van Wet aangegaan

13. Enige ooreenkoms wat voor die inwerkingtreding van hierdie Wet deur 'n raad met bevoegdhede soortgelyk aan dié van die Raad by hierdie Wet ingestel of deur die Departement, na gelang van die geval, ooreenkomstig 'n program aangegaan is ten opsigte van hulpverlening by wyse van aansporings of konsesies, en enige reëlins getref uit hoofde van so 'n ooreenkoms, word geag kragtens die bepalings van hierdie Wet aangegaan en getref te wees.

Sekretariële werksaamhede

14. (1) Die sekretariële werk verbonde aan die werksaamhede van die Raad word, onderworpe aan die opdragte van die Voorsitter of enige ander lid van die Raad deur die Raad aangewys, verrig deur beamptes van die Departement deur die Direkteur-generaal aangewys.

(2) Die Direkteur-generaal wys een van die beamptes in subartikel (1) bedoel aan as Sekretaris van die Raad.

Regulasies

35 15. Die Minister kan regulasies uitvaardig aangaande enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word, en, in die algemeen, met betrekking tot enige ander aangeleentheid wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik of te bevorder.

Kort titel

40 16. Hierdie Wet heet die Wet op Streeknywerheidsontwikkeling, 1993.

