



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 389

CAPE TOWN, 14 NOVEMBER 1997

No. 18426

KAAPSTAD, 14 NOVEMBER 1997

PRESIDENT'S OFFICE

KANTOOR VAN DIE PRESIDENT

No. 1513.

14 November 1997

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

No. 56 of 1997: National Arts Council Act, 1997

No. 1513.

14 November 1997

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

No. 56 van 1997: Wet op die Nasionale Kunsteraad, 1997.

ACT

To establish a juristic person to be known as the National Arts Council; to determine its objects, functions and method of work; to prescribe the manner in which it is to be managed and governed; to regulate its staff matters and financial affairs; and to provide for matters connected therewith.

*(Afrikaans text signed by the President.)
(Assented to 6 November 1997.)*

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

Definitions

1. In this Act, unless the context indicates otherwise—
 - (i) “chief executive officer” means the chief executive officer appointed in terms of section 13(1); (v) 5
 - (ii) “Council” means the National Arts Council established by section 2; (vii)
 - (iii) “Director-General” means the Director-General: Arts, Culture, Science and Technology; (iii)
 - (iv) “executive committee” means the executive committee established in terms of section 9; (x) 10
 - (v) “financial year” means the period from 1 April in any year to 31 March in the following year; (i)
 - (vi) “Foundation” means the company known as the National Arts Council incorporated in terms of section 21 of the Companies Act, 1973 (Act No. 61 of 1973), and with the registration number of 89/01413/08; (ix) 15
 - (vii) “Minister” means the Minister responsible for arts and culture; (vi)
 - (viii) “prescribed” means prescribed by regulation; (xii)
 - (ix) “regulation” means a regulation made under this Act; (viii)
 - (x) “responsible member” means the member of the executive council of a province contemplated in section 22; (xi) 20
 - (xi) “the arts” includes all forms of music, dance, drama, theatre, music theatre, craft, visual art, literature and community art; (ii)
 - (xii) “this Act” includes the regulations. (iv)

Establishment of Council

25

2. There is hereby established a juristic person to be known as the National Arts Council.

Objects of Council

3. The objects of the Council are—
 - (a) to provide, and encourage the provision of, opportunities for persons to practise the arts; 30
 - (b) to promote the appreciation, understanding and enjoyment of the arts;
 - (c) to promote the general application of the arts in the community;
 - (d) to foster the expression of a national identity and consciousness by means of the arts; 35
 - (e) to uphold and promote the right of any person to freedom in the practice of the arts;
 - (f) to give the historically disadvantaged such additional help and resources as are required to give them greater access to the arts;

WET

Om 'n regspersoon met die naam die Nasionale Kunsteraad in te stel; om sy oogmerke, werksaamhede en werkswyse te bepaal; om die wyse waarop dit bestuur en beheer moet word, voor te skryf; om sy werknemersaangeleenthede en geldsake te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 6 November 1997.)*

DAAR WORD BEPAAL deur 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 kunste” ook alle vorms van musiek, dans, drama, teater, musiekteater, handwerk, visuele kuns, letterkunde en gemeenskapskuns; (xi)
- 10 (iii) “Direkteur-generaal” die Direkteur-generaal: Kuns, Kultuur, Wetenskap en Tegnologie; (iii)
- (iv) “hierdie Wet” ook die regulasies; (xii)
- (v) “hoof- uitvoerende beampte” die hoof- uitvoerende beampte ingevolge artikel 13(1) aangestel; (i)
- (vi) “Minister” die Minister verantwoordelik vir kuns en kultuur; (vii)
- 15 (vii) “Raad” die Nasionale Kunsteraad by artikel 2 ingestel; (ii)
- (viii) “regulasie” 'n regulasie kragtens hierdie Wet uitgevaardig; (ix)
- (ix) “Stigting” die maatskappy bekend as die Nasionale Kunsteraad wat ingevolge artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973), ingelyf is en met die registrasienommer 89/01413/08; (vi)
- 20 (x) “uitvoerende komitee” die uitvoerende komitee ingestel ingevolge artikel 9; (iv)
- (xi) “verantwoordelike lid” die lid van die uitvoerende raad van 'n provinsie beoog in artikel 22; (x)
- (xii) “voorgeskryf” by regulasie voorgeskryf. (viii)

25 Instelling van Raad

2. Daar word hierby 'n regspersoon met die naam die Nasionale Kunsteraad ingestel.

Oogmerke van Raad

3. Die oogmerke van die Raad is om—
- 30 (a) aan persone geleenthede te verskaf om die kunste te beoefen en om die verskaffing van sodanige geleenthede aan te moedig;
- (b) die waardering vir en begrip en genot van die kunste te bevorder;
- (c) die algemene toepassing van die kunste in die gemeenskap te bevorder;
- (d) die uiting van 'n nasionale identiteit en bewussyn deur middel van die kunste aan te moedig;
- 35 (e) 'n persoon se reg tot vryheid in die beoefening van die kunste te handhaaf en te bevorder;
- (f) die histories benadeeldes dié bykomende hulp en middele te verskaf wat nodig is om hulle groter toegang tot die kunste te gee;

- (g) to address historical imbalances in the provision of infrastructure for the promotion of the arts;
- (h) to promote and facilitate national and international liaison between individuals and institutions in respect of the arts;
- (i) to develop and promote the arts and to encourage excellence in regard to these. 5

Composition of Council, tenure of office and filling of vacancies

4. (1) Subject to section 20(1)(a), the Council shall consist of nine provincial representatives and no fewer than nine and no more than 14 other persons.
- (2) Every province shall be represented by a representative who shall within the province in question be elected by a public and transparent process which shall be determined and overseen by the responsible member. 10
- (3) (a) The other persons referred to in subsection (1) shall be appointed by the Minister from a short list of no more than 22 names.
- (b) Nominations for inclusion in the short list shall be obtained from the public in the prescribed manner. 15
- (c) An independent panel, appointed by the Minister, shall compile a short list from the nominations referred to in paragraph (b) after interviewing each nominee in public.
- (d) Any member of the public may object in writing to the nomination of any person.
- (4) The members of the Council shall, as the occasion arises, elect— 20
- (a) a chairperson from among the members who are not provincial representatives; and
 - (b) a vice-chairperson from among all the members.
- (5) If the chairperson is absent from a meeting of the Council, the vice-chairperson shall preside at that meeting, and if both the chairperson and vice-chairperson are absent from a meeting of the Council, the members present shall elect one of their members to preside at that meeting. 25
- (6) (a) Subject to paragraph (b), a member of the Council shall hold office for a period not exceeding three years and shall be eligible for reappointment after a further three years have elapsed. 30
- (b) At the end of the members' term of office, three members who are not provincial representatives shall be re-elected by the council to serve for a further three years, after which they shall not be eligible for reappointment until a further three years have elapsed.
- (7) A member of the Council may at any time be removed from office by the Council if there is sufficient reason for doing so, subject to the approval of the Minister. 35
- (8) Any vacancy on the Council shall be filled by election or appointment, as the case may be, in the manner in which the member who vacates the office was required to be elected or appointed, and any member so elected or appointed shall hold office for the unexpired portion of the period for which the member who vacates the office was elected or appointed. 40
- (9) (a) No member shall serve on the Council on a full-time basis.
- (b) Members of the Council shall, in respect of their service, receive such allowances as the Minister with the concurrence of the Minister of Finance may determine, either in general or in a particular case. 45
- (10) Members of the Council shall not be eligible for grants from the Council during their term of office.

Qualifications of members of Council and circumstances under which they vacate office

5. (1) (a) The members of the Council shall be persons who have special knowledge or experience in the arts or, in the case of the other persons referred to in section 4(1), who have specialist skills which are not directly related to the arts but which would be beneficial to the Council. 50
- (b) A member of the Council shall not hold office in any political party or political organisation. 55

- (g) historiese wanbalanse in die beskikbaarstelling van infrastruktuur vir die bevordering van die kunste reg te stel;
- (h) nasionale en internasionale skakeling tussen individue en instellings ten opsigte van die kunste te bevorder en te fasiliteer;
- 5 (i) die kunste te ontwikkel en te bevorder en om voortreflikheid ten opsigte daarvan aan te moedig.

Samestelling van Raad, amptermyn en vul van vakatures

- 4. (1) Behoudens artikel 20(1)(a), bestaan die Raad uit nege provinsiale verteenwoordigers en minstens nege en hoogstens 14 ander persone.
- 10 (2) Elke provinsie word deur 'n verteenwoordiger verteenwoordig wat in die betrokke provinsie by wyse van 'n openbare en deursigtige proses, bepaal deur en onder toesig van die verantwoordelike lid, verkies word.
- (3) (a) Die ander persone bedoel in subartikel (1) word deur die Minister aangestel uit 'n kortlys van hoogstens 22 name.
- 15 (b) Nominasies vir opname in die kortlys word op die voorgeskrewe wyse van die publiek verkry.
- (c) 'n Onafhanklike paneel, wat deur die Minister aangestel word, stel 'n kortlys op uit die nominasies bedoel in paragraaf (b) nadat 'n onderhoud met elke genomineerde in die openbaar gevoer is.
- 20 (d) 'n Lid van die publiek kan skriftelik teen die nominasie van enige persoon beswaar aanteken.
- (4) Die lede van die Raad verkies wanneer dit nodig word—
 - (a) 'n voorsitter uit die geledere van die lede wat nie provinsiale verteenwoordigers is nie; en
 - 25 (b) 'n ondervoorsitter uit die geledere van al die lede.
- (5) Indien die voorsitter van 'n vergadering van die Raad afwesig is, sit die ondervoorsitter by daardie vergadering voor, en indien beide die voorsitter en ondervoorsitter van 'n vergadering van die Raad afwesig is, verkies die aanwesige lede uit hul midde iemand om by daardie vergadering voor te sit.
- 30 (6) (a) Behoudens paragraaf (b) beklee 'n lid van die Raad die amp vir 'n tydperk van hoogstens drie jaar en is hy of sy na verloop van 'n verdere drie jaar geregtig om weer aangestel te word.
- (b) Aan die einde van die lede se amptermyn word drie lede wat nie provinsiale verteenwoordigers is nie deur die Raad herverkies om 'n verdere drie jaar te dien, waarna hulle nie weer aangestel kan word nie alvorens 'n verdere drie jaar verloop het nie.
- 35 (7) 'n Lid van die Raad kan te eniger tyd deur die Raad, behoudens die goedkeuring van die Minister, uit sy of haar amp verwyder word indien daar gegronde rede daarvoor bestaan.
- 40 (8) 'n Vakature in die Raad word gevul by wyse van verkiesing of aanstelling, na gelang van die geval, op die wyse waarop die lid wie se amp vakant geword het, verkies of aangestel moes word, en 'n lid wat aldus verkies of aangestel word, beklee sy of haar amp vir die onverstreke gedeelte van die tydperk waarvoor die lid wie se amp vakant geword het, verkies of aangestel is.
- 45 (9) (a) Geen lid dien op die Raad op 'n voltydse grondslag nie.
- (b) Lede van die Raad ontvang vir hulle dienste die toelaes wat die Minister met die instemming van die Minister van Finansies, óf in die algemeen óf in 'n besondere geval, bepaal.
- (10) Lede van die Raad kom nie gedurende hul amptermyn in aanmerking vir
- 50 toekennings deur die Raad nie.

Kwalifikasies van lede van raad en omstandighede waaronder hulle hul amp ontruim

- 5. (1) (a) Die lede van die Raad moet persone wees wat oor besondere kennis of ondervinding beskik in die kunste of, in die geval van die ander persone bedoel in
- 55 artikel 4(1), wat oor spesialisvaardighede beskik wat nie regstreeks op die kunste betrekking het nie maar wat vir die Raad voordelig sou wees.
- (b) 'n Lid van die Raad beklee nie 'n amp in enige politieke party of politieke organisasie nie.

- (c) The composition of the Council shall be broadly representative of the gender, language and community composition of the Republic.
- (2) No person shall be appointed or elected as a member of the Council—
- (a) if that person is an unrehabilitated insolvent;
 - (b) if that person has been convicted of an offence and in respect thereof sentenced to imprisonment without the option of a fine; or
 - (c) unless that person is a South African citizen permanently resident in the Republic.
- (3) A member of the Council shall vacate office if he or she—
- (a) becomes disqualified in terms of subsection (2) from being appointed or elected as a member of the Council;
 - (b) is according to law detained as a mentally ill person;
 - (c) has, without the leave of the Council, been absent from three consecutive meetings of the Council;
 - (d) is removed from office as contemplated in section 4(7); or
 - (e) resigns by written notice addressed to the Minister.

Functions of Council

6. (1) Subject to subsection (3) and in order to achieve its objects, the Council may—
- (a) render support, including, but not limited to, financial support, advice and information, to any person, organisation or institution;
 - (b) determine which field of the arts should have preference for the purpose of support thereof;
 - (c) investigate and determine the need for support of any person, organisation or institution;
 - (d) conduct research into any field of the arts;
 - (e) establish, compile and maintain databases, including, but not limited to, databases of persons, organisations, institutions, equipment and facilities connected with the arts;
 - (f) make bursaries available to students for local and overseas studies;
 - (g) liaise with the responsible members in order to promote the arts more effectively throughout the Republic and to ensure co-ordination in the distribution of funds at national and provincial level;
 - (h) make funds available to the responsible members for such distribution as the Council may determine;
 - (i) nationally and internationally facilitate and promote liaison between individuals and institutions;
 - (j) make grants to any person, organisation or institution in order to provide facilities to support the development and promotion of the arts;
 - (k) co-operate with any person, organisation and institution;
 - (l) grant study bursaries and loans;
 - (m) enter into agreements with any person, organisation or institution, upon such conditions as may be agreed upon;
 - (n) purchase or otherwise acquire, or possess, hire, alienate, let, pledge or otherwise encumber movable and, with the approval of the Minister, granted with the concurrence of the Minister of Finance, immovable property;
 - (o) with the approval of the Minister, granted with the concurrence of the Minister of Finance, on such terms and against such security as may be agreed upon, raise money by way of loans from any source; and
 - (p) generally, do everything which is necessary to achieve its objects.
- (2) The Council shall—
- (a) advise the Minister on matters concerning the arts;
 - (b) publish information on its objects and functions;
 - (c) perform such duties in respect of its objects as the Minister may assign to it;
 - (d) undertake or procure the undertaking of such investigations and research concerning its objects as the Minister may assign to it; and
 - (e) perform such other functions as may be assigned to it in terms of any other Act.
- (3) The Council shall not itself establish, acquire or operate any organisation or institution connected with the arts, but may initiate projects which it considers necessary

(c) Die samestelling van die Raad moet in die breë verteenwoordigend wees van die geslag-, taal- en gemeenskapsamestelling van die Republiek.

(2) Niemand word as lid van die Raad aangestel of verkies nie—

- (a) indien hy of sy 'n ongerehabiliteerde insolvent is;
- 5 (b) indien hy of sy aan 'n misdryf skuldig bevind en ten opsigte daarvan tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is; of
- (c) tensy hy of sy 'n Suid-Afrikaanse burger is wat permanent in die Republiek woonagtig is.
- (3) 'n Lid van die Raad ontruim sy amp indien hy of sy—
- 10 (a) ingevolge subartikel (2) onbevoeg word om as lid van die Raad aangestel of verkies te word;
- (b) volgens die reg as 'n geestesongestelde persoon aangehou word;
- (c) sonder verlof van die Raad van drie agtereenvolgende vergaderings van die Raad afwesig was;
- 15 (d) uit sy of haar amp verwyder word soos beoog in artikel 4(7); of
- (e) by skriftelike kennisgewing gerig aan die Minister bedank.

Werksaamhede van Raad

6. (1) Behoudens subartikel (3) en ten einde sy oogmerke te bereik, kan die Raad—
- 20 (a) ondersteuning verleen, met inbegrip van, maar nie beperk nie tot, finansiële ondersteuning, advies en inligting, aan 'n persoon, organisasie of instelling;
 - (b) bepaal watter veld van die kunste voorkeur moet geniet vir die doeleinde van ondersteuning daarvan;
 - (c) die behoefte aan ondersteuning van 'n persoon, organisasie of instelling ondersoek en bepaal;
 - 25 (d) navorsing instel na enige veld van die kunste;
 - (e) databasisse instel, opstel en byhou, met inbegrip van, maar nie beperk nie tot, databasisse van persone, organisasies, instellings, toerusting en fasiliteite betrokke by die kunste;
 - (f) beurse aan studente beskikbaar stel vir plaaslike en oorsese studie;
 - 30 (g) met die verantwoordelike lede skakel ten einde die kunste doeltreffender oor die hele Republiek te bevorder en om koördinering in die verdeling van fondse op nasionale en provinsiale vlak te verseker;
 - (h) fondse aan die verantwoordelike lede beskikbaar stel vir die verdeling wat die Raad bepaal;
 - 35 (i) skakeling tussen individue en instellings nasionaal en internasionaal fasiliteer en ondersteun;
 - (j) toekennings doen aan 'n persoon, organisasie of instelling ten einde fasiliteite te voorsien om die ontwikkeling en bevordering van die kunste te bevorder;
 - (k) met 'n persoon, organisasie of instelling saamwerk;
 - 40 (l) studiebeurse en -lenings toeken;
 - (m) ooreenkomste met 'n persoon, organisasie of instelling sluit op die voorwaardes waarop ooreengekom word;
 - (n) roerende en, met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, onroerende goed aankoop of op
 - 45 'n ander wyse verkry, of besit, huur, vervreem, verhuur, verpand of met 'n ander las beswaar;
 - (o) met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, op die voorwaardes en teen die sekuriteit waarop ooreengekom word, geld by wyse van lenings uit enige bron verkry; en
 - 50 (p) oor die algemeen alles doen wat nodig is om sy oogmerke te bereik.
- (2) Die Raad moet—
- (a) die Minister adviseer oor aangeleenthede met betrekking tot die kunste;
 - (b) inligting oor sy oogmerke en werksaamhede bekend maak;
 - (c) die werksaamhede met betrekking tot sy oogmerke verrig wat die Minister
 - 55 aan hom opdra;
 - (d) die ondersoeke en navorsing met betrekking tot sy oogmerke onderneem of laat onderneem wat die Minister aan hom opdra; en
 - (e) die ander werksaamhede verrig wat ingevolge 'n ander Wet aan hom opgedra word.
- 60 (3) Die Raad mag nie self 'n organisasie of instelling betrokke by die kunste oprig, verkry of bedryf nie, maar kan die projekte instel wat hy nodig ag in die navolging van

in pursuit of its objects, provided that such projects are undertaken in partnership with existing organisations or institutions which have the capacity to undertake such projects.

Performance of functions outside Republic

7. (1) The Council may, in order to achieve its objects, render such support as may be prescribed to any person who is a South African citizen in any territory outside the Republic. 5

(2) This Act shall, as far as it can be applied with the necessary changes, apply in connection with the performance by the Council of its functions under subsection (1) as if the territory in which it so performs its functions were part of the Republic.

Meetings of Council

8. (1) The Council shall meet at least three times a year, and meetings shall be held at such times and places as the Council may determine.

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

(3) A quorum for a meeting of the Council shall be a majority of its members. 15

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

(5) A member of the Council shall not vote or in any manner participate in the proceedings at any meeting of the Council nor be present at the venue where such a meeting is held, if, in relation to any matter before the Council, he or she has any interest which precludes him or her from performing his or her functions as a member of the Council in a fair, unbiased and proper manner. 20

Executive committee

9. (1) The Council shall establish an executive committee— 25

(a) which shall consist of the chairperson, vice-chairperson and such other members of the Council as the Council may determine, but which shall not exceed 25 per cent of the Council's total membership at the time; and

(b) which shall, subject to the direction of the Council, exercise the powers and perform the duties conferred or imposed upon the Council by or under this Act. 30

(2) The chairperson of the Council shall be the chairperson of the executive committee.

(3) (a) The executive committee shall meet at such times and places as the chairperson of that committee may direct. 35

(b) A quorum for a meeting of the executive committee shall be the majority of its members.

Committees of Council

10. (1) The Council may nominate one or more committees, which may, subject to the instructions of the Council, perform such functions of the Council as the Council may determine. 40

(2) A committee referred to in subsection (1) shall consist of such number of members of the Council and employees of the Council, if any, as the Council may deem necessary, and the Council may at any time dissolve or reconstitute such committee. 45

(3) If a committee consists of more than one member, the Council shall designate a member of the committee to be the chairperson thereof.

(4) The Council shall pay a member of a committee who is not an employee of the Council such remuneration and allowances as the Minister may determine with the concurrence of the Minister of Finance. 50

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

sy oogmerke mits dié projekte in vennootskap met bestaande organisasies of instellings onderneem word wat die vermoë het om die projekte te onderneem.

Verrigting van werksaamhede buite Republiek

7. (1) Die Raad kan ten einde sy oogmerke te bereik die ondersteuning wat
5 voorgeskryf word, in enige gebied buite die Republiek aan enige persoon verleen wat 'n Suid-Afrikaanse burger is.

(2) Hierdie Wet is, vir sover dit met die nodige veranderinge toegepas kan word, ten opsigte van die verrigting deur die Raad van sy werksaamhede kragtens subartikel (1), van toepassing asof die gebied waarin hy sy werksaamhede aldus verrig deel van die
10 Republiek is.

Vergaderings van Raad

8. (1) Die Raad vergader ten minste drie maal per jaar, en vergaderings word gehou op die tye en plekke wat die Raad bepaal.

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

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

(4) 'n Besluit van die Raad moet geskied by 'n besluit van die meerderheid van die lede wat op 'n vergadering van die Raad aanwesig is, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering voorsit, 'n
20 beslissende stem benewens sy of haar beraadslagende stem as lid van die Raad.

(5) 'n Lid van die Raad mag nie stem of op enige ander wyse deelneem aan die verrigtinge van enige vergadering van die Raad of teenwoordig wees by die plek waar sodanige vergadering gehou word nie indien hy of sy, met betrekking tot enige aangeleentheid voor die Raad, enige belang het wat hom of haar verhinder om sy of
25 haar werksaamhede as 'n lid van die Raad op 'n regverdige, onbevooroordeelde en behoorlike wyse te verrig.

Uitvoerende komitee

9. (1) Die Raad stel 'n uitvoerende komitee in—

(a) wat bestaan uit die voorsitter, ondervoorsitter en die ander lede van die Raad
30 wat die Raad bepaal, maar wat nie 25 persent van die Raad se totale ledetal op daardie tydstip oorskry nie; en

(b) wat, behoudens die lasgewing van die Raad, die bevoegdhede uitoefen en die pligte verrig wat by of kragtens hierdie Wet aan die Raad opgedra of toegewys is.

35 (2) Die voorsitter van die Raad is die voorsitter van die uitvoerende komitee.

(3) (a) Die uitvoerende komitee vergader op die tye en plekke wat die voorsitter van daardie komitee bepaal.

(b) 'n Kworum vir 'n vergadering van die uitvoerende komitee is 'n meerderheid van sy lede.

40 Komitees van Raad

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

(2) 'n Komitee bedoel in subartikel (1) bestaan uit die getal lede van die Raad en werknemers van die Raad, indien enige, wat die Raad nodig ag, en die Raad kan te
45 eniger tyd so 'n komitee ontbind of hersaamstel.

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

(4) Die Raad betaal aan lede van 'n komitee wat nie werknemers van die Raad is nie die besoldiging en toelaes wat die Minister met die instemming van die Minister van
50 Finansies bepaal.

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

Advisory panels

11. (1) The Council may establish an advisory panel for every field of the arts it deems necessary.

(2) Every advisory panel shall consist of no more than five persons who have achieved distinction or have special knowledge or experience in the field of the arts in question, and who are not members of the Council. 5

(3) An advisory panel shall advise the Council on the merits of applications for grants and on any matter relating to the field of the arts for which it was appointed.

(4) Every meeting of an advisory panel shall be chaired by a Council member.

(5) The Council shall appoint persons to an advisory panel on the basis of nominations obtained from the public as prescribed. 10

(6) An advisory panel shall meet at least twice a year before Council meetings.

(7) A member of an advisory panel shall hold office for a period not exceeding two years, and may be appointed on the same or a different panel after a further two years have elapsed. 15

(8) A member of an advisory panel shall be appointed on such conditions, including conditions relating to remuneration for attending meetings and for services rendered, as the Minister may determine with the concurrence of the Minister of Finance.

(9) The Council may at any time terminate the membership of a member of an advisory panel if sufficient reason exists therefor. 20

(10) Members of advisory panels shall not be eligible for grants from the Council during their tenure.

Right of appeal

12. (1) Any person who feels aggrieved at any action or decision that the Council has taken or made in terms of this Act, may within 30 days from the date on which the action or decision in question was made known by the Council, and after having given notice to the Council as prescribed, appeal to the Minister in the prescribed manner. 25

(2) The Minister shall appoint one or more independent assessors with knowledge of the arts to assist him or her.

(3) The Minister may, after consultation with the assessor or assessors, confirm, set aside or amend any action or decision contemplated in subsection (1). 30

Chief executive officer

13. (1) The Council shall appoint a full-time chief executive officer for the Council.

(2) The chief executive officer shall be responsible for the management of the affairs of the Council, and shall report on those affairs to the Council as often as may be required by the Council. 35

(3) The chief executive officer shall be appointed for such period and subject to such conditions, including conditions relating to the payment of remuneration and allowances, as the Council may, subject to section 15(1)(b), determine, and may be reappointed on the expiry of his or her period of office. 40

(4) Whenever the chief executive officer is absent for any reason or unable to carry out his or her duties, or whenever there is a vacancy in the office of chief executive officer, the Council may, subject to such conditions and the payment of such remuneration and allowances as it may determine in the manner contemplated in subsection (3), appoint an employee of the Council to act as chief executive officer during such absence or inability, or until a chief executive officer has been appointed in terms of subsection (1), and that employee shall, whilst so acting, have all the powers and perform all the duties of the chief executive officer. 45

Accounting officer

14. (1) In addition to the other functions entrusted to the chief executive officer by or under this Act, he or she shall be the accounting officer charged with the responsibility 50

Adviespanele

11. (1) Die Raad kan 'n adviespaneel vir elke veld van die kunste wat hy nodig ag, instel.
- (2) Elke adviespaneel bestaan uit hoogstens vyf persone wat hulle onderskei het of
5 oor besondere kennis of ondervinding beskik in die betrokke veld van die kunste, en wat nie lede van die Raad is nie.
- (3) 'n Adviespaneel adviseer die Raad oor die meriete van aansoeke om toekennings en oor enige aangeleentheid wat betrekking het op die veld van die kunste waarvoor hy ingestel is.
- 10 (4) 'n Lid van die Raad sit by elke vergadering van 'n adviespaneel voor.
- (5) Die Raad stel persone op 'n adviespaneel aan op grond van nominasies deur die publiek, soos voorgeskryf.
- (6) 'n Adviespaneel vergader minstens twee maal per jaar voor vergaderings van die Raad.
- 15 (7) 'n Lid van 'n adviespaneel beklee die amp vir 'n tydperk van hoogstens twee jaar, en kan op dieselfde of 'n ander paneel aangestel word by verstryking van 'n verdere twee jaar.
- (8) 'n Lid van 'n adviespaneel word aangestel op die voorwaardes, met inbegrip van voorwaardes betreffende betaling vir bywoning van vergaderings en dienste gelewer,
20 wat die Minister met die instemming van die Minister van Finansies bepaal.
- (9) Die Raad kan die lidmaatskap van 'n lid van 'n adviespaneel te eniger tyd beëindig indien genoegsame rede daarvoor bestaan.
- (10) Lede van adviespanele kom nie gedurende hul ampstermyn in aanmerking vir toekennings deur die Raad nie.

25 Reg tot appèl

12. (1) Iemand wat verontreg voel deur 'n handeling of beslissing wat deur die Raad ingevolge hierdie Wet verrig of gegee is, kan binne 30 dae na die datum waarop laasgenoemde die betrokke handeling of beslissing bekend gemaak het, en nadat kennis
30 appèl aanteken.
- (2) Die Minister stel een of meer onafhanklike assessore wat kennis van die kunste het, aan om hom of haar by te staan.
- (3) Die Minister kan na oorleg met die betrokke assessor of assessore 'n handeling of beslissing in subartikel (1) beoog, bekrachtig, tersyde stel of wysig.

35 Hoof- uitvoerende beampte

13. (1) Die Raad stel 'n voltydse hoof- uitvoerende beampte vir die Raad aan.
- (2) Die hoof- uitvoerende beampte is verantwoordelik vir die bestuur van die sake van die Raad, en doen oor daardie sake aan die Raad verslag soos deur die Raad van hom of haar verlang word.
- 40 (3) Die hoof- uitvoerende beampte word aangestel vir die tydperk en op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging en toelaes, wat die Raad behoudens artikel 15(1)(b) bepaal, en kan by verstryking van sy of haar ampstermyn heraan gestel word.
- (4) Wanneer die hoof- uitvoerende beampte om die een of ander rede afwesig is of
45 nie in staat is om sy of haar pligte uit te voer nie, of wanneer die amp van hoof- uitvoerende beampte vakant is, kan die Raad, op die voorwaardes en onderworpe aan die betaling van die besoldiging en toelaes wat hy bepaal op die wyse in subartikel (3) beoog, 'n werknemer van die Raad aanstel om as hoof- uitvoerende beampte waar te neem tydens sodanige afwesigheid of onvermoë, of totdat 'n hoof- uitvoerende
- 50 beampte ingevolge subartikel (1) aangestel is, en terwyl hy of sy aldus waarneem, het daardie werknemer al die bevoegdhede en verrig hy of sy al die pligte van die hoof- uitvoerende beampte.

Rekenpligtige beampte

14. (1) Benewens die ander werksaamhede by of kragtens hierdie Wet aan die hoof-
55 uitvoerende beampte opgedra, is hy of sy die rekenpligtige beampte belas met die

of accounting for all money received and the utilisation thereof and be responsible for the property of the Council.

(2) (a) The accounting officer may—

(i) delegate to an employee of the Council a power conferred upon the accounting officer by or under this Act; or

(ii) authorise such employee to perform a duty assigned by or under this Act to the accounting officer.

(b) A delegation under paragraph (a) shall not prohibit the exercise of the power in question or the performance of the duty in question by the accounting officer.

Staff and conditions of service

15. (1) (a) The Council may, subject to paragraph (b) and on such conditions as it may determine, appoint such number of employees as it deems necessary to enable the Council to perform its functions.

(b) The Council shall out of its own funds pay to its employees such remuneration, allowances, subsidies and other benefits as the Council may determine in accordance with a system approved for that purpose by the Minister with the concurrence of the Minister of Finance.

(c) The Council may, on such conditions as it may deem fit and if the employee consents thereto, second an employee, either for a particular task or for a period of time, to the service of a department of State, an organisation or institute in the Republic on condition that such employee's rights, privileges and benefits by virtue of his or her conditions of service as an employee of the Council are not adversely affected by such secondment.

(2) The Council may, on such conditions and against such security as may be prescribed by the Minister with the concurrence of the Minister of Finance—

(a) lend money to an employee, or provide collateral security, including guarantees, to a registered financial institution in respect of a loan granted to an employee by that financial institution, to enable such employee to acquire, improve or enlarge immovable property for residential purposes;

(b) lend money to an employee to enable him or her to become a member of a pension fund approved by the Council or to have a break in service on account of approved leave without full pay reckoned as pensionable service.

Financing

16. (1) The funds of the Council shall consist of—

(a) money appropriated by Parliament to finance the functions of the Council;

(b) money paid to the Council by users of its services;

(c) donations or contributions received from any source;

(d) interest on investments; and

(e) income derived under this Act from any other source.

(2) (a) The Council shall utilise its funds to defray expenses in connection with the performance of its functions: Provided that at least 75 per cent of the funds contemplated in subsection (1)(a) shall be distributed as grants in support of the arts, unless otherwise approved by the Minister.

(b) The Council shall utilise any money contemplated in subsection (1)(a) in accordance with the statement of its estimated income and expenditure referred to in subsection (3), as approved by the Minister: Provided that, subject to paragraph (a), the Council may utilise any amount or portion of any amount required to be so utilised for a particular purpose in connection with a specified matter, for any other purpose in connection with such matter: Provided further that the Council may with the approval of the Minister utilise any balance of such money remaining at the end of the financial year of the Council for any expenses in connection with the performance of its functions.

(c) The Council shall utilise any donations or contributions contemplated in subsection (1)(c) in accordance with the conditions, if any, imposed by the donor or contributor concerned.

(3) (a) The Council shall in each financial year, at such time as the Minister may direct, submit a statement of the Council's estimated income and expenditure during the

verantwoording van al die geld ontvang en die aanwending daarvan en verantwoordelik vir die eiendom van die Raad.

(2) (a) Die rekenpligtige beampte kan—

- 5 (i) 'n bevoegdheid by of kragtens hierdie Wet aan die rekenpligtige beampte verleen, aan 'n werknemer van die Raad delegeer; of
- (ii) so 'n werknemer magtig om 'n plig by of kragtens hierdie Wet aan die rekenpligtige beampte opgedra, te verrig.
- (b) 'n Delegering kragtens paragraaf (a) belet nie die uitoefening van die betrokke bevoegdheid of die verrigting van die betrokke plig deur die rekenpligtige beampte nie.

10 Personeel en diensvoorwaardes

15 **15.** (1) (a) Die Raad kan, behoudens paragraaf (b) en op die voorwaardes wat hy bepaal, die getal werknemers aanstel wat hy nodig ag om die Raad in staat te stel om sy werksaamhede te verrig.

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

20 (c) Die Raad kan op die voorwaardes wat hy goetvind en indien die werknemer daartoe toestem 'n werknemer, hetsy vir 'n besondere diens of vir 'n tydperk, afstaan aan die diens van 'n Staatsdepartement, organisasie of instelling in die Republiek, op voorwaarde dat dié werknemer se regte, voorregte en voordele uit hoofde van sy of haar diensvoorwaardes as werknemer van die Raad nie deur sodanige afstaan nadelig geraak word nie.

25 (2) Die Raad kan op die voorwaardes en met die sekerheid wat die Minister, met die instemming van die Minister van Finansies, voorskryf—

- (a) geld aan 'n werknemer leen, of kollaterale sekerheid, met inbegrip van waarborge, aan 'n geregistreerde finansiële instelling verskaf ten opsigte van 'n lening wat deur daardie finansiële instelling aan 'n werknemer toegestaan is ten einde dié werknemer in staat te stel om onroerende goed vir die doeleindes van bewoning te verkry, te verbeter of te vergroot;
- 30 (b) geld aan 'n werknemer leen ten einde hom of haar in staat te stel om lid te word van 'n pensioenfonds deur die Raad goedgekeur of om 'n diensonderbreking as gevolg van goedgekeurde verlof, sonder volle betaling, as pensioengewende diens gereken te kry.

35 Finansiering

16. (1) Die fondse van die Raad bestaan uit—

- (a) geld deur die Parlement bewillig ter finansiering van die werksaamhede van die Raad;
- 40 (b) geld wat aan die Raad betaal word deur gebruikers van sy dienste;
- (c) skenkings of bydraes uit enige bron ontvang;
- (d) rente op beleggings; en
- (e) inkomste kragtens hierdie Wet uit enige ander bron verkry.

45 (2) (a) Die Raad wend sy fondse aan ter bestryding van uitgawes in verband met die verrigting van sy werksaamhede: Met dien verstande dat minstens 75 persent van die fondse in subartikel (1)(a) beoog vir toekennings ter ondersteuning van die kunste aangewend word tensy die Minister andersins goedkeur.

(b) Die Raad moet geld beoog in subartikel (1)(a) aanwend ooreenkomstig die staat van sy geraamde inkomste en uitgawes bedoel in subartikel (3), soos deur die Minister goedgekeur: Met dien verstande dat, behoudens paragraaf (a), die Raad 'n bedrag of gedeelte van 'n bedrag wat vir 'n besondere doel in verband met 'n bepaalde aangeleentheid aldus aangewend moet word, vir enige ander doel in verband met dié aangeleentheid kan aanwend: Met dien verstande voorts dat die Raad enige saldo van dié geld wat aan die einde van die betrokke boekjaar van die Raad oorbly, met die goedkeuring van die Minister vir enige uitgawes in verband met die verrigting van sy werksaamhede kan aanwend.

55 (c) Die Raad moet skenkings of bydraes beoog in subartikel (1)(c) aanwend ooreenkomstig die voorwaardes, indien enige, wat die betrokke skenker of bydraer opgelê het.

60 (3) (a) Die Raad moet in elke boekjaar, op die tydstip wat die Minister bepaal, 'n staat van die Raad se geraamde inkomste en uitgawes gedurende die daaropvolgende

following financial year, and the Council may also during the course of a financial year submit supplementary statements of the Council's estimated expenditure for that financial year, to the Minister for approval, granted with the concurrence of the Minister of Finance.

(b) The Council shall not incur any expenditure in excess of the total amount approved under paragraph (a). 5

(4) The Council may, in respect of any work completed or service rendered by it under this Act, charge such fees or make such other financial arrangements as it may deem fit.

(5) The Council may invest any unexpended portion of its funds with the Corporation for Public Deposits. 10

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

Audit, annual and financial report

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

(2) The Council shall— 15

(a) furnish to the Minister such information as he or she may call for in connection with the activities and financial position of the Council;

(b) submit to the Minister an annual report containing a balance sheet, a statement of income and expenditure certified by the Auditor-General and such other particulars as the Minister may require. 20

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

Losses and damage 25

18. (1) If a person who is or was in the employment of the Council caused the Council loss or damage because he or she—

(a) failed to collect money due to the Council for the collection of which he or she is or was responsible;

(b) is or was responsible for an irregular payment of money of the Council or for payment of such money not supported by a proper voucher; 30

(c) is or was responsible for fruitless expenditure of money of the Council owing to failure to carry out his or her duties;

(d) is or was responsible for a deficiency in, the destruction of, or any damage to the Council's money, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other property of the Council; 35

(e) is or was responsible for a claim against the Council owing to failure to carry out his or her 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 Council, within 30 days from the date of such notice, the whole or any part of the amount so determined: Provided that the accounting officer may not make such an order before the person concerned has been afforded an opportunity of making representations in writing to the accounting officer regarding the loss or damage which the person is alleged to have caused. 40 45

(2) If the person contemplated in subsection (1) fails to pay the amount within the period stipulated in the notice in question—

(a) the amount may, subject to subsections (3) and (4), be deducted from his or her monthly salary: Provided that such deduction shall not in any month exceed one fourth of such monthly salary; 50

(b) the accounting officer may, subject to subsections (3) and (4), recover the amount from such person by legal process.

(3) If, within the period stipulated in the notice in question, the person makes an offer to pay the amount in instalments, the accounting officer may allow payment in such instalments as may be reasonable. 55

(4) A person who has been ordered to pay an amount in terms of subsection (1) may, within a period of 30 days from the date of the order, appeal in writing against such order to the Council, stating the grounds of appeal, and the Council may, after such

boekjaar, en die Raad kan ook gedurende 'n boekjaar aanvullende state van die Raad se geraamde uitgawe vir daardie boekjaar, aan die Minister vir goedkeuring, verleen met die instemming van die Minister van Finansies, voorlê.

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

(4) Die Raad kan, ten opsigte van werk of dienste wat hy kragtens hierdie Wet voltooi of gelewer het, die gelde vorder of die ander geldelike reëlings tref wat hy goedvind.

(5) Die Raad kan enige onbestede gedeelte van sy fondse by die Korporasie vir Openbare Deposito's belê.

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

Ouditering, jaar- en finansiële verslag

17. (1) Die Ouditeur-generaal ouditeer die rekenings en balansstaat van die Raad.

15 (2) Die Raad moet—

(a) dié inligting aan die Minister verstrek wat hy of sy in verband met die bedrywighede en geldelike omstandighede van die Raad aanvra;

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

(3) Die Minister lê die verslag in subartikel (2)(b) bedoel in die Parlement ter tafel binne 14 dae na ontvangs daarvan indien die Parlement dan in gewone sessie is of, indien die Parlement nie dan in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie.

25 Verliese en skade

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

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

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

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

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

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

40 moet die rekenpligtige beampte die bedrag van dié verlies of skade vasstel, en kan hy of sy daardie persoon by skriftelike kennisgewing gelas om die hele of 'n gedeelte van die bedrag wat aldus vasgestel is, binne 30 dae vanaf die datum van die kennisgewing aan die Raad te betaal: Met dien verstande dat die rekenpligtige beampte nie sodanige lasgewing maak nie voordat die betrokke persoon die geleentheid gegun is om skriftelike verhoër aan die rekenpligtige beampte te rig oor die verlies of skade wat die persoon na bewering veroorsaak het.

(2) Indien die persoon beoog in subartikel (1) versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal—

50 (a) kan die bedrag, behoudens subartikels (3) en (4), van sy of haar maandelikse salaris afgetrek word: Met dien verstande dat so 'n aftrekking nie in een maand meer as 'n kwart van sodanige maandelikse salaris mag beloop nie;

(b) kan die rekenpligtige beampte, behoudens subartikels (3) en (4), die bedrag deur middel van geregtelike prosedure van so 'n persoon verhaal.

(3) Indien die persoon binne die tydperk bepaal in die betrokke kennisgewing 55 aanbied om die bedrag in paaiemente te betaal, kan die rekenpligtige beampte betaling in sodanige paaiemente as wat redelik is, toelaat.

(4) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan binne 'n tydperk van 30 dae vanaf die datum van die lasgewing skriftelik by die Raad teen so 'n lasgewing appèl aanteken, met opgaaf van die gronde van sy of haar appèl, en die

investigation as may be necessary, dismiss the appeal or order that the appellant be exempted, either wholly or partly, from the payment of such amount.

Delegations

19. (1) The Council may—

- (a) delegate to the chairperson, the chief executive officer or any other employee of the Council any power conferred upon the Council by or under this Act, on such conditions as the Council may determine; or
- (b) authorise the chairperson, chief executive officer or other employee of the Council to perform any duty assigned to the Council by or under this Act.

(2) The chief executive officer may—

- (a) delegate any power conferred upon the chief executive officer by or under this Act to an employee of the Council; or
- (b) authorise such employee to perform any duty assigned to the chief executive officer by or under this Act.

(3) A delegation under subsection (1) or (2) shall not preclude the exercise of the power in question by the Council or the chief executive officer, as the case may be.

Deregistration of Foundation

20. (1) At the commencement of this section—

- (a) the board of directors of the Foundation shall be deemed to be the first Council, and such board of directors shall for all purposes be deemed to have been elected and appointed in terms of section 4;
- (b) all the rights and liabilities of the Foundation shall pass to the Council;
- (c) the Registrar of Companies shall deregister the Foundation in terms of the Companies Act, 1973 (Act No. 61 of 1973).

(2) If the Foundation was the owner of any immovable property which passed to the Council in terms of this section, the Registrar of Deeds concerned shall at the request of the Council make such entries or endorsements as he or she may deem necessary for the transfer of the property in terms of this section.

(3) No transfer duty, stamp duty or other tax or fees of office shall be payable by the Council in order to give effect to the provisions of this section.

Regulations

21. (1) The Council may, subject to the approval of the Minister and by notice in the *Gazette*, make regulations regarding—

- (a) the procedure at meetings of the Council;
- (b) a Code of Conduct for members of the Council and advisory panels in order to prevent conflicts of interest and bringing the Council into disrepute,

and, in general, regarding any matter in respect of which the Council deems it necessary or expedient to make regulations in order to achieve the objects of this Act.

(2) The Minister may, by notice in the *Gazette*, make regulations regarding—

- (a) any matter which may or shall be prescribed in terms of this Act;
- (b) any other matter which may be necessary or expedient in order to achieve the objects of this Act.

(3) No regulation relating to State revenue or expenditure shall be made by the Council or the Minister except with the concurrence of the Minister of Finance.

(4) Any regulation made under subsection (2) may provide that any person contravening such regulation or failing to comply therewith, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

Raad kan, na sodanige ondersoek as wat nodig is, die appèl verwerp of gelas dat die appellant geheel en al of ten dele van die betaling van daardie bedrag kwytgeskeld word.

Delegerings

- 5 **19.** (1) Die Raad kan—
- (a) aan die voorsitter, die hoof- uitvoerende beampte of 'n ander werknemer van die Raad 'n bevoegdheid by of kragtens hierdie Wet aan die Raad verleen, delegeer op die voorwaardes wat die Raad bepaal; of
 - (b) die voorsitter, die hoof- uitvoerende beampte of ander werknemer van die Raad magtig om 'n plig by of kragtens hierdie Wet aan die Raad opgedra, te verrig.
- 10
- (2) Die hoof- uitvoerende beampte kan—
- (a) 'n bevoegdheid by of kragtens hierdie Wet aan die hoof- uitvoerende beampte verleen, aan 'n werknemer van die Raad delegeer; of
 - (b) so 'n werknemer magtig om 'n plig by of kragtens hierdie Wet aan die hoof- uitvoerende beampte opgedra, te verrig.
- 15
- (3) 'n Delegering kragtens subartikel (1) of (2) belet nie die uitoefening nie van die betrokke bevoegdheid deur die Raad of die hoof- uitvoerende beampte, na gelang van die geval.

20 Deregistrasie van Stigting

- 20.** (1) By die inwerkingtreding van hierdie artikel—
- (a) word die raad van direkteure van die Stigting geag die eerste Raad te wees, en word dié raad van direkteure vir alle doeleindes geag ingevolge artikel 4 verkies of aangestel te gewees het;
 - (b) gaan al die regte en verpligtinge van die Stigting oor op die Raad;
 - (c) moet die Registrateur van Maatskappye die Stigting ingevolge die Maatskappijwet, 1973 (Wet No. 61 van 1973), deregistreer.
- 25
- (2) Indien die Stigting die eienaar was van onroerende goed wat ingevolge hierdie artikel op die Raad oorgegaan het, moet die betrokke Registrateur van Aktes op versoek van die Raad die inskrywings of aantekeninge wat hy of sy nodig ag, aanbring vir die oordrag van die goed ingevolge hierdie artikel.
- 30
- (3) Geen hereregte, seëlregte of ander belasting of leges is deur die Raad betaalbaar ten einde uitvoering aan die bepalinge van hierdie artikel te gee nie.

Regulasies

- 35 **21.** (1) Die Raad kan, behoudens die goedkeuring van die Minister en by kennisgewing in die *Staatskoerant*, regulasies uitvaardig betreffende—
- (a) die prosedure op vergaderings van die Raad;
 - (b) 'n Gedragskode vir lede van die Raad en adviespanele ter voorkoming van botsings van belange en ten einde te voorkom dat die Raad in diskrediet gebring word,
- 40
- en, in die algemeen, betreffende enige aangeleentheid ten opsigte waarvan die Raad dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.
- (2) Die Minister kan by kennisgewing in die *Staatskoerant* regulasies uitvaardig
- 45 betreffende—
- (a) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf kan of moet word;
 - (b) enige ander aangeleentheid wat nodig of dienstig is ten einde die oogmerke van hierdie Wet te bereik.
- 50
- (3) Geen regulasie oor Staatsinkomste of -besteding word deur die Raad of die Minister uitgevaardig nie behalwe met die instemming van die Minister van Finansies.
- (4) 'n Regulasie kragtens subartikel (2) uitgevaardig, kan bepaal dat iemand wat so 'n regulasie oortree of versuim om daaraan te voldoen, aan 'n misdryf skuldig is en by skuldigbevinding strafbaar is met 'n boete of met gevangenisstraf van hoogstens ses
- 55 maande.

Premier to designate member of executive council

22. The Premier of every province shall designate a member of the executive council to perform any function entrusted to such member by or under this Act.

Short title and commencement

23. This Act shall be called the National Arts Council Act, 1997, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*. 5

Premier moet lid van uitvoerende raad aanwys

22. Die Premier van elke provinsie moet 'n lid van die uitvoerende raad aanwys om 'n werksaamheid wat by of kragtens hierdie Wet aan dié lid opgedra is, te verrig.

Kort titel en inwerkingtreding

- 5 **23.** Hierdie Wet heet die Wet op die Nasionale Kunsteraad, 1997, en tree in werking op 'n datum wat die President by proklamasie in die *Staatskoerant* bepaal.