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OFFICE OF THE PRESIDENT

No. 832. 19 June 1998

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

No. 22 of 1998: Regional Industrial Development Amendment Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 832. 19 Junie 1998

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

No. 22 van 1998: Wysigingwet op Streeknywerheidsontwikkeling, 1998.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Regional Industrial Development Act, 1993, so as to change the name and composition of the Board; to alter the objects and functions of the Board; to change the emphasis with regard to the application of programmes from regional application to uniform application throughout the Republic; and to alter the short title; and to provide for matters connected therewith.

*(English text signed by the Acting President.)
(Assented to 11 June 1998.)*

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

Amendment of section 1 of Act 187 of 1993, as amended by section 23 of Act 11 of 1995

1. Section 1 of the Regional Industrial Development Act, 1993 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definitions of “Board”, “concession” and “incentive”, respectively, of the following definitions:

“ ‘Board’ means the **[Regional Industrial Development Board]** board established by section 2;

‘concession’ means any assistance given to **[an industrialist]** a manufacturer in the form of a subsidy or rebate in accordance with a programme;

‘incentive’ means a cash amount granted to **[an industrialist]** a manufacturer in accordance with a programme;”.

Amendment of section 2 of Act 187 of 1993, as amended by section 24 of Act 11 of 1995 and section 26 of Act 46 of 1996

2. Section 2 of the principal Act is hereby amended—

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

“(1) There is hereby established a juristic person to be known as the **[Regional Industrial]** Manufacturing Development Board.”;

(b) by the addition to subsection (2) of the following paragraph:

“(d) three members designated by the Minister, one of whom has adequate expertise, knowledge or experience with regard to tax matters, one of whom has adequate expertise, knowledge or experience in small, micro and medium manufacturing enterprises,

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit
bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in be-
staande verordenings aan.

WET

Tot wysiging van die Streeknywerheidsontwikkingswet, 1993, ten einde die naam en samestelling van die Raad te wysig; die oogmerke en werksaamhede van die Raad te verander; die klem met betrekking tot die toepassing van programme van 'n streekstoepassing na 'n eenvormige toepassing oor die hele Republiek te verander; en die kort titel aan te pas; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Waarnemende President geteken.)
(Goedgekeur op 11 Junie 1998.)*

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

Wysiging van artikel 1 van Wet 187 van 1993, soos gewysig deur artikel 23 van Wet 11 van 1995

- 5 1. Artikel 1 van die Wet op Streeknywerheidsontwikkeling, 1993 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywings van "Raad", "konsessie" en "aansporing" onderskeidelik deur die volgende omskrywings te vervang:
- 10 " 'Raad' die [**Raad op Streeknywerheidsontwikkeling**] raad by artikel 2 ingestel;
- 'konsessie' enige hulp wat in die vorm van 'n subsidie of rabat ooreenkomstig 'n program aan 'n [**nyweraar**] vervaardiger verleen word;
- 'aansporing' 'n kontantbedrag wat ooreenkomstig 'n program aan 'n [**nyweraar**] vervaardiger toegeken word;".

15 **Wysiging van artikel 2 van Wet 187 van 1993, soos gewysig deur artikel 24 van Wet 11 van 1995 en artikel 26 van Wet 46 van 1996**

2. Artikel 2 van die Hoofwet word hierby gewysig—

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

20 "(1) Daar word hierby 'n regs persoon wat die Raad op [**Streeknywerheidsontwikkeling**] Vervaardigingsontwikkeling heet, ingestel."

(b) deur in subartikel (2) die volgende paragraaf by te voeg:

25 "(d) drie lede deur die Minister aangewys, een van wie voldoende kundigheid, kennis of ondervinding met betrekking tot belastingaangeleenthede, een van wie voldoende kundigheid, kennis of ondervinding van klein-, mikro- en mediumvervaardigings-

and one of whom has adequate expertise, knowledge or experience in labour and employment matters.”; and

(c) by the addition to subsection (3) of the following words:

“and must request nominations from the relevant member of the Executive Council of each province.”.

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Substitution of section 4 of Act 187 of 1993

3. The following section is hereby substituted for section 4 of the principal Act:

“Objects of Board

4. The objects of the Board shall be to promote **[industrial]** manufacturing growth by way of incentives or concessions with regard to **[regional]** requirements within the framework of the economic policy of the Republic.”.

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Amendment of section 5 of Act 187 of 1993 as amended by section 27 of Act 46 of 1996

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

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

“(1) The Board shall formulate recommendations on policy in respect of all **[regional industrial]** manufacturing development programmes and shall submit such recommendations to the Minister for approval.”;

(b) by the substitution in subsection (2) for paragraphs (a) and (c) of the following paragraphs, respectively:

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“(a) with the approval of the Minister, and shall, by direction of the Minister, develop, manage, administer and implement any **[regional industrial]** manufacturing 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);

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(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]** manufacturer;”; and

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

“(b) investigate or cause to be investigated any irregular conduct by **[an industrialist]** a manufacturer 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]** manufacturer;”.

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Amendment of section 10 of Act 187 of 1993

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5. Section 10 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) In order to promote and support **[regional]** manufacturing growth and development within the framework of the economic policy of the Republic, the Minister may, taking into account **[of regional]** manufacturing 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]** manufacturing development in terms of which assistance from funds appropriated annually by Parliament for this purpose, may be granted to **[industrialists]** manufacturers by way of incentives or concessions.”.

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ondernemings, en een van wie voldoende kundigheid, kennis of
ondervinding in arbeids- en indiensnemingsaangeleenthede, be-
sit.”; en

(c) deur in subartikel (3) die volgende woorde by te voeg:

5 “en moet die betrokke lid van die Uitvoerende Raad van elke provinsie
versoek om benoemings te maak.”.

Vervanging van artikel 4 van Wet 187 van 1993

3. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

“Oogmerke van Raad

10 4. Die oogmerke van die Raad is om, by wyse van aansporings of
konsessies en met inagneming van [streekbehoefte nywerheidsgroe]
behoefte binne die raamwerk van die ekonomiese beleid van die
Republiek, vervaardigingsgroei te bevorder.”.

15 Wysiging van artikel 5 van Wet 187 van 1993 soos gewysig deur artikel 27 van Wet 46 van 1996

4. Artikel 5 van die Hoofwet word hierby gewysig—

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

20 “(1) Die Raad moet aanbevelings oor beleid ten opsigte van alle
[streeknywerheidsontwikkelingsprogramme] vervaardigingsontwik-
kelingsprogramme formuleer en moet sodanige aanbevelings aan die
Minister voorlê vir goedkeuring.”;

(b) deur in subartikel (2) paragrawe (a) en (c) deur onderskeidelik die volgende
paragrawe te vervang:

25 “(a) met die instemming van die Minister, en moet in opdrag van die
Minister ’n [streeknywerheidsontwikkelingsprogram] vervaar-
digingsontwikkelingsprogram ingevolge artikel 10 ingestel of geag
aldus ingestel te wees, met inbegrip van enige aangeleentheid in
artikel 21ter van die Inkomstebelastingwet, 1962 (Wet No. 58 van
1962), bedoel, ontwikkel, bestuur, administreer en implementeer;

30 (c) met behoorlike inagneming van alle reëls, regulasies, instruksies en
voorskrifte van die Staatsdiens en Tesourie, aanbevelings aan die
Direkteur-generaal doen ten opsigte van die aangaan, wysiging of
kansellasië van enige ooreenkoms tussen die Departement en ’n
[nyweraar] vervaardiger.”; en

35 (c) deur in subartikel (3) paragraaf (b) deur die volgende paragraaf te vervang:

40 “(b) enige onreëlmatige optrede van ’n [nyweraar] vervaardiger ten
opsigte van aansporings of konsessies ondersoek of laat ondersoek
en, indien dit na sodanige ondersoek nodig blyk te wees, geregte-
like stappe teen sodanige [nyweraar] vervaardiger instel of laat
instel.”.

Wysiging van artikel 10 van Wet 187 van 1993

5. Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (1) deur die
volgende subartikel te vervang:

45 “(1) Ten einde [nywerheidsgroei] vervaardigingsgroei en -ontwikkeling binne
die raamwerk van die ekonomiese beleid van die Republiek te bevorder en te
ondersteun, kan die Minister, met inagneming van [streekbehoefte] vervaar-
digingsbehoefte, op aanbeveling van die Raad en met die instemming van die
Kabinet, by kennisgewing in die *Staatskoerant* ’n program vir [streeknywer-
heidsontwikkeling] vervaardigingsontwikkeling ingevolge waarvan hulp, uit geld
50 vir die doel jaarliks deur die Parlement bewillig, aan [nyweraars] vervaardigers
verleen kan word by wyse van aansporings of konsessies, instel, wysig, herroep of
vervang.”.

Amendment of section 11 of Act 187 of 1993

6. Section 11 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (b) of the following paragraph:

- “(b) perform any investigation with a view to obtaining information which is necessary in order to establish whether **[an industrialist]** a manufacturer 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;”.

Substitution of section 15A of Act 187 of 1993

7. The following section is hereby substituted for section 15A of the principal Act: 10

“Application of Act

15A. As from the coming into operation of the Land Affairs General Amendment Act, 1995, the provisions of this Act shall apply in the whole of the national territory **[referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993)]**.”. 15

Substitution of section 16 of Act 187 of 1993

8. The following section is hereby substituted for section 16 of the principal Act:

“Short title

16. This Act shall be called the **[Regional Industrial]** Manufacturing Development Act, 1993.”. 20

Transitional provision

9. A reference in any document or law to the Regional Industrial Development Board must be regarded as a reference to the Manufacturing Development Board contemplated in section 2 of the principal Act.

Amendment of Act 187 of 1993 25

10. The principal Act is hereby amended—

- (a) by the insertion after the words “he” and “his”, wherever they occur, of the words “or she” and “or her”, respectively; and
(b) by the substitution for the words “chairman” and “vice-chairman”, wherever they occur, of the words “chairperson” and “vice-chairperson”, respectively. 30

Substitution of long title of Act 187 of 1993

11. The following long title is hereby substituted for the long title of the principal Act: “To establish the **[Regional Industrial]** Manufacturing Development Board; to provide for the establishment of programmes for **[regional industrial]** manufacturing development; and to provide for matters incidental thereto.”. 35

Short title

12. This is the Regional Industrial Development Amendment Act, 1998.

Wysiging van artikel 11 van Wet 187 van 1993

6. Artikel 11 van die Hoofwet word hierby gewysig deur in subartikel (2) paragraaf (b) deur die volgende paragraaf te vervang:

- 5 “(b) enige ondersoek doen met die oog op die inwin van inligting wat nodig is ten einde te bepaal of ’n [nyweraar] vervaardiger kwalifiseer vir die toekenning van ’n aansporing of konsessie ooreenkomstig enige program ingevolge hierdie Wet ingestel of geag ingevolge hierdie Wet ingestel te wees.”.

Vervanging van artikel 15A van Wet 187 van 1993

7. Artikel 15A van die Hoofwet word hierby deur die volgende artikel vervang:

10 **“Toepassing van Wet**

15 **15A.** Vanaf die inwerkingtreding van die Algemene Wysigingswet op Grondsaak, 1995, is die bepalings van hierdie Wet van toepassing in die geheel van die nasionale grondgebied [**bedoel in artikel 1 van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993)**].”.

Vervanging van artikel 16 van Wet 187 van 1993

8. Artikel 16 van die Hoofwet word hierby deur die volgende artikel vervang:

“Kort titel

20 **16.** Hierdie Wet heet die Wet op [**Streeknywerheidsontwikkeling**] Vervaardigingsontwikkeling, 1993.”.

Oorgangsbepaling

9. ’n Verwysing in enige dokument of wet na die Streeknywerheidsontwikkelingsraad word geag ’n verwysing na die Vervaardigingsontwikkelingsraad beoog in artikel 2 van die Hoofwet te wees.

25 **Wysiging van Wet 187 van 1993**

10. Die Hoofwet word hierby gewysig deur na die woorde “hy” en “sy”, waar dit ook al voorkom, die woorde “of sy” en “of haar” onderskeidelik in te voeg.

Vervanging van lang titel van Wet 187 van 1993

30 **11.** Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang: “Om die Raad op [**Streeknywerheidsontwikkeling**] Vervaardigingsontwikkeling in te stel; voorsiening te maak vir die instelling van programme vir [**streeknywerheidsontwikkeling**] vervaardigingsontwikkeling; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.”.

Kort titel

35 **12.** Hierdie Wet is die Wysigingswet op Streeknywerheidsontwikkeling, 1998.

