



REPUBLIC OF SOUTH AFRICA
IRIPHAWU LOMTHETHO WESIKHUNGO ZOCWANINGO KWEZESAYENSI ENINGIZIMU AFRIKA

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Ekapa, Febhuwari

THE PRESIDENCY

No. 218 21 February 2002

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

No. 67 of 2001: Academy of Science of South Africa Act, 2001.

IHHOVISI LIKAMONGAMELI

Ino. 218 21 Febhuwari 2002

Ngalokhu kwaziswa ukuthi uMongameli usewuvumile loMthetho nosewuzoshicilelelwa umphakathi:—

Ino. 67 ka 2001: Umthetho Wezikhungo Zocwaningo Kwezesayensi eNingizimu Afrika, ka-2001.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

(English text signed by the President.)
(Assented to 13 February 2002.)

ACT

To establish a juristic person known as the Academy of Science of South Africa; to determine its objectives, functions and method of work; to prescribe the manner in which it is to be managed and governed; to provide for the repeal of the Suid-Afrikaanse Akademie vir Wetenskap en Kuns Act, 1959; and to provide for matters connected therewith.

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

Definitions

1. In this Act, unless the context indicates otherwise—
 - “Academy” means the Academy of Science of South Africa, established by section 2; 5
 - “Council” means the Council of the Academy elected in terms of section 6;
 - “financial year” means the period from 1 April in any year to 31 March in the following year;
 - “Minister” means the cabinet member responsible for Arts, Culture, Science and Technology; 10
 - “prescribed” means prescribed by regulation;
 - “president” means president of the Academy elected and appointed in terms of section 6;
 - “regulation” means a regulation made under this Act; 15
 - “this Act” includes the regulations.

Establishment of Academy

2. A juristic person known as the Academy of Science of South Africa is hereby established.

Objectives of Academy 20

3. The objectives of the Academy are—
 - (a) to promote common ground in scientific thinking across all disciplines, including the physical, mathematical and life sciences, as well as human, social and economic sciences;
 - (b) to encourage and promote innovative and independent scientific thinking; 25
 - (c) to promote the optimum development of the intellectual capacity of all people;
 - (d) to provide effective advice and facilitate appropriate action in relation to the collective needs, opportunities and challenges of all South Africans; and
 - (e) to link South Africa with scientific communities of the highest levels, in particular within the Southern African Development Community, the rest of 30 Africa and internationally.

(English text signed by the President.)
(Assented to 13 February 2002.)

UMTHETHO

Kusungulwa umuntu ophilayo ngokomthetho ozobizwa ngeSikhungo sezesayensi saseNingizimu Afrika; ukumiswa kwezinjongo zaso; imisebenzi kanye nendlela yokusebenza; ukunquma indlela esizophathwa futhi silawulwe ngayo; ukuhlinzekela ukuchithwa noma ukwesula koMthetho i- Suid Afrikaans Akademie vir Wetenskap en Kuns ka 1959; kanye nokuhlinzekela okuhambisana nalokhu.

Makumiswe yiPhalamende leRiphabliki yaseNingizimu Afrika, okulandelayo:—

Izincazelo

1. Kulo Mthetho, ngaphandle uma indinkimba ikhomba okunye—
 - “Isikhungo” kushiwo Isikhungo sezeSayensi saseNingizimu Afrika, esisungulwe ngaphansi kwesigaba 2; 5
 - “uMkhandlu” kushiwo uMkhandlu weSikhungo oqokwe ngaphansi kwesigaba 6;
 - “unyakamali” kushiwo isikhathi kusukela ngomhla lu-1 kuAprili kunoma imuphi unyaka kuya kumhla zinga-31 kuMashi onyakeni olandelayo;
 - “uNgqongqoshe” kushiwo ilunga lekhabhinethi elibhekene nezoBuciko, Amasiko, Isayensi noBuchwepheshe 10
 - “ukunqunywa” kushiwo okunqunywe yimithethonkambiso;
 - “umongameli” kushiwo umongameli weSikhungo oqokwe ngokwesigaba 6; imithethonkambiso” kushiwo imithethonkambiso emiswe ngaphansi kwaloMthetho; 15
 - “lo Mthetho” kumbandakanywa nomthethonkambiso.

Ukusungulwa KweSikhungo

2. Kusungulwa Isikhungo njengomuntu ophilayo ngokomthetho oyakubizwa ngeSikhungo seSayensi eNingizimu Afrika.

Izinjongo zeSikhungo

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3. Izinjongo zeSikhungo nguku—
 - (a) khuthaza izisekelo ngemicabango ejwayelekile kwezesayensi kubo bonke abalandeli;
 - (b) khuthaza ngokuphelele ubuhlakani babo bonke abantu; kanye
 - (c) nikeza izaluleko eziyizo kanye nokwenza lula izinyathelo mayelana nezidingo zokuhlanganyela, amathuba kanye nezinselelo ababhekene nazo bonke abakhele iNingizimu Afrika; 25
 - (d) Ukunikeza izaluleko eziphumelelayo nokwenza lula izinyathelo ezifanele mayelana nezidingo zikawonke wonke, amathuba kanye nezinselelo ababhekene nazo bonke abantu baseNingizimu Afrika; kanye 30
 - (e) nokuxhumanisa iNingizimu Afrika neminye imiphakathi yezesayensi ezingeni eliphezulu, ikakhulukazi kulamazwe aseNingizimu neAfrika asaThuthuka (Southern African Development Communities), kulo lonke izwe laseAfrika nasemhlabeni wonke jikelele.

Relationship with Government

4. (1) The Academy is the only academy of science recognised by Government.
 (2) The Minister may direct the Academy to perform acts on behalf of Government which are in accordance with its objectives.

Composition of Academy

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5. (1) There is only one category of members of the Academy, but a member may become an *emeritus* member from the beginning of the year in which the member turns 70 years of age.
 (2) A member of the Academy is a person who can be expected by the Academy to significantly assist the Academy in achieving its objectives. 10
 (3) The criterion for election to membership of the Academy is significant achievement in the pursuit, advancement or application of science.
 (4) New candidates for membership of the Academy are proposed and recommended at least once a year by means of a prescribed certificate signed by not less than four members, at least two of whom have personal knowledge and understanding of the scientific work and significant contribution to science of the candidate. 15
 (5) The certificate must contain a draft citation explaining why the election of the candidate to membership of the Academy would further the objectives of the Academy.
 (6) The certificate must be accompanied by a prescribed statement from the candidate indicating the candidate's willingness to be considered for election to membership of the Academy, together with a *curriculum vitae*. 20
 (7) The Council of the Academy must annually evaluate, in terms of the prescribed criteria for membership, all new candidates and candidates brought forward from a previous year.
 (8) All existing members of the Academy will then be required, in a secret ballot, to cast votes that are either for or against every candidate passed by the Council or that indicate a neutral position. 25
 (9) Members of the Academy who do not vote are regarded as having recorded neutral votes.
 (10) A candidate having at least three times as many votes for him or her as against him or her is considered elected to membership of the Academy, as long as at least half of the votes cast are in his or her favour. 30
 (11) Every person who is elected a member of the Academy must attend an annual general meeting of the Academy to sign the register of members and to subscribe to the following obligation: 35
 (a) "I (full names) hereby promise to promote the well-being of South Africa through scientific thought and generally to further the objectives of the Academy of Science of South Africa as far as this lies within my power; and
 (b) I shall also observe the prescribed constitution and prescribed standing orders of the Academy for as long as I remain a member thereof." 40
 (12) A member of the Academy is, subject to subsection (9), obliged to take part in the elections of new members of the Academy and the members of the Council.
 (13) An unsuccessful candidate may appeal to the Council in the prescribed manner.

Council

6. (1) The Academy is controlled and governed in accordance with this Act by the Council. 45
 (2) The Council must ensure that the objectives of the Academy are actively pursued and must exercise general control over the performance of the functions of the Academy.
 (3) The Council consists of the following persons: 50
 (a) The president of the Academy who is the chairperson;
 (b) two vice-presidents, one of whom must be designated by the president to chair the meeting in the absence of the president;

Ubudlelwane noHulumeni

4. (1) Lesi Sikhungo yisona kuphela isikhungo seSayensi esamukelwe nguHulumeni.
(2) UNGqongqoshe angayala lesi Sikhungo ukuba senzele uHulumeni imisebenzi ethile ehambisana nezinjongo zaso.

Ukubunjwa kweSikhungo

5. (1) Kunohlobo olulodwa lwamalunga aleSikhungo, kodwa amalunga angaba ngamalunga aphunyuziwe (asethathe umhlalaphansi asahlonishwa) kusukela ekuqaleni konyaka lawo malunga ahlanganisa ngawo iminyaka engama-70.
(2) Ilunga leSikhungo ngumuntu okulindlekele ukuba asize iSikhungo ekutheni sikwazi ukuzeza izinjongo zaso.
(3) Inqubo eyolandelwa uma kuqokwa amalunga eSikhungo kuyoba impumelelo evelele ekuthuthukiseni noma ukusentshenziswa kwesayensi.
(4) Abantu abaphakanyiswe ukuba babe ngamalunga amasha eSikhungo bayophakanyiswa futhi baklonyelise ngesitifiketi esinqunyiwe sasayindwa ngamalungu angekho ngaphansi kwamalungu amane, okungenani amabili kulamalungu kufanele abe nolwazi ngokwawo qobo mayelana nomsebenzi wesayensi nendima ebonakalayo edlalwe yilowo muntu kwezesayensi.
(5) Lesi sitifiketi kufanele siqukathe umbhalo owuhlaka ochazayo ukuthi ukuqokwa kwalowo muntu ukuba abe yilungu leSikhungo kuzoziqhubela kanjani phambili izinjongo zeSikhungo.
(6) Isitifiketi kufanele siphelekezelwe isitatimende esinqunyiwe esivela kulo muntu esikhombisa ukuzinikela kwakhe ekubeni aqokwe ukuba abe yilungu leSikhungo, futhi kufanele siphelekezelwe umbhalo ochaza ngomlando wakhe wezemfundo nokusebenza (curriculum vitae).
(7) UMkhandlu weSikhungo kufanele njalo ngonyaka ucubungule zonke izicelo ezintsha ezifakiwe onyakeni owedlule, ngokulandela inqubo emisiwe yobulunga.
(8) Wonke amalungu akhona eSikhungo kuyodingeka ukuba avote, ngokwevoti eliyimfihlo, asho ukuthi ayamamukela noma awamamukeli umuntu othile odluliswe nguMkhandlu noma akhombise uma esesimweni sokungavuni muntu noma ukungakhethi muntu (neutral).
(9) Amalungu eSikhungo angavotanga athathwa njengafake ivoti lokungavuni muntu.
(10) Umuntu oyoba namavoti okungenani aphindwaphindwe kathathu uyothathwa njengoseqokiwe njengelungu leSikhungo, inqobo nje uma okungenani ingxenye yamavoti beyamukele yena.
(11) Wonke umuntu oqokwe ukuba abe yilungu leSikhungo kufanele athamele umhlango wonyaka walesi sikhungo ukuze asayinde ilegista yamalungu nokuthi azinikele kule mibandela elandelayo:
(a) "Mina..... (amagama ngokuphelele) ngiyathembisa ukuthi ngizothuthukisa isimo eNingizimu Afrika ngemicabango yezesayensi kanye nokuthuthukisa izinjongo zalesi Sikhungo seSayensi saseNingizimu Afrika ngokusemandleni ami; futhi
(b) Ngiyohlolipha umthethosisekelo omisiwe kanye neziyalo ezimisiwe zeSikhungo uma nje ngiseyilunga leSikhungo."
(12) Noma iliphi ilungu lalesi Sikhungo lipoqelele, ngale kokugudluka kulokho okushiwo isigatshana (9) ukuba libambe iqhaza okhethweni lwamalungu amasha alesi Sikhungo kanye namalunga oMkhandlu.
(13) Umuntu ongaphumelelanga angadlulisa isikhalo sakhe asedlulisele eMkhandlwini ngokulandela indlela emisiwe.

UMkhandlu

6. (1) ISikhungo sizophathwa futhi silawule nguMkhandlu ngokulandisa kwalo Mthetho.
(2) UMkhandlu kufanele uqiniseke ukuthi izinjongo zeSikhungo ziqhutshwa ngenkuthalo futhi kufanele usingathe ukuqhutshwa kwawo wonke umsebenzi weSikhungo.
(3) UMkhandlu uyobunjwa yila bantu abalandelayo:
(a) uMongameli weSikhungo oyakuba futhi uSihlalo;
(b) IPhini-likamongameli;

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- (c) the general secretary;
- (d) the treasurer;
- (e) seven other members; and
- (f) one member of the National Advisory Council on Innovation appointed by the Minister.

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(4) The members of the Council, except the member contemplated in subsection (3)(f), are elected by members of the Academy from their number and appointed by the Minister.

(5) The Council exercises the powers and performs the duties conferred or imposed upon the Council by or under this Act.

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(6) (a) The Council meets at such times and places as the president may direct.

(b) A quorum for a meeting of the Council is a simple majority of its members.

Disqualification, vacation of office and filling of vacancies

7. (1) A person may not be elected as a member of the Council if that person—

- (a) is not ordinarily resident in the Republic;
- (b) is an unrehabilitated insolvent;
- (c) has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and was sentenced to imprisonment without an option of a fine, or, in the case of fraud, to a fine or imprisonment;
- (d) has, as a result of improper conduct, been removed from an office of trust.

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(2) A member of the Council must vacate office if the member—

- (a) becomes disqualified in terms of subsection (1) from being appointed as a member of the Council;
- (b) resigns by written notice addressed to the Council;
- (c) is declared by the High Court to be of unsound mind or mentally disordered or is detained under the Mental Health Act, 1973 (Act No. 18 of 1973);
- (d) has without leave of the Council been absent from three consecutive meetings of the Council;
- (e) has had more than three prescribed defaults recorded by the president during the previous five years, for which no satisfactory reasons have been given to the Council by the member;
- (f) has been found guilty of misconduct after a formal hearing for conduct which may bring the Academy into disrepute, but a member may not vacate office until the next annual general meeting at which the vacation of office must appear on the agenda.
- (g) subject to this subsection, addresses his or her resignation in writing to the president, the Council accepts such resignation and all outstanding subscription fees have been paid.

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(3) Any member of the Council wishing to resign his or her membership must tender his or her resignation in writing to the president.

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(4) Membership lapses if subscription fees, as prescribed, have not been paid within three months after they become due.

(5) If the office of a member of the Council becomes vacant before the expiration of the term of office of that member, the Minister must, within 60 days and subject to subsection (1), appoint a person nominated by the Council to fill the vacancy for the unexpired portion of the period for which the member who has vacated office was appointed.

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- (c) uNobhala-jikelele;
- (d) uMgcinimafa;
- (e) namanye amalunga ayisikhombisa; kanye
- (f) nelungu elilodwa loMkhandlu woKwaluleka kwezokuQamba kuZwelonke eliyokhethwa ngoNgqongqoshe. 5
- (4) Amalungu oMkhandlu, ngaphandle kwalawo malungu okukhulunywa ngawo kusigatshana (3)(f) ayoqokwa ngamalungu eSikhungo komunye wabo bese ekhethwa nguNgqongqoshe.
- (5) UMkhandlu uyakusebenzisa amandla onikwe wona ngaphansi kwalo Mthetho futhi wenze imisebenzi oyithunywe ngokwalo mthetho. 10
- (6) (a) UMkhandlu uyakubamba imihlangano yawo ngesikhathi futhi endaweni eziyoqokwa ngumongameli.
- (b) Amalungu akhona emhlangaweni ayokwazi ukuqhubeka nomhlangano kanye nokuthatha izinqumo uma kuyingxenywe enkulu yamalungu akhona emhlanganweni.
- Ukukhishwa, ukushiya isikhundla nokugcwaliswa kwezikhala** 15
7. (1) Umuntu ongeke aqokwa ukuba abe yilunga loMkhandlu ngumuntu—
- (a) ongesona isakhamuzi saseNingizimu Afrika futhi ongahlali eRiphabliki;
- (b) umuntu owawa ngokwezimali ongakasimamiswa ngokomthetho.
- (c) osewake walahlwa yicala lapha eRiphabliki, ngaphandle kwamacala enziwe ngaphambi komhlaka 27 April 1994 ahambisana nezinhloso zepolitiki futhi owagwetshwa ukuhlala ejele ngaphandle kokukhokha inhlawulo, noma uma kwakuyicala lokukhwabanisa, uma wagwetshwa ukuhlawula ngemali noma ukuhlala ejele; 20
- (d) uma ngabe eke waxhoshwa kwesinye isikhundla ngesizathu sokungaziphathi kahle. 25
- (2) Ilunga loMkhandlu kufanele lishiye isikhundla njengelungu uma—
- (a) likhishwa noma lingakulungele ukuqokwa njengelungu loMkhandlu ngezizathu ezibalwe kusigatshana (1) ngenhla;
- (b) lishiye ngokwalo isikhundla ngokubhala isaziso lisibhekise kuMkhandlu;
- (c) limenyezwe iNkantolo ePhakeme njengelingenangqondo noma eliphambene ingqondo noma livalelwe (ejele) ngaphansi koMthetho wezeMpilo ngokweNgqondo ka 1973 (Mental Health Act) (uMthetho ongunombolo 18 ka 1973); 30
- (d) seliphuthe emhlanganweni yoMkhandlu emibili noma ngaphezulu ilandelana ngale kokuthola imvume yoMkhandlu; 35
- (e) lhlulekile ukukhokha imali yalo yobulunga yonyaka enqunywe nguMkhandlu kwaze kwaphela unyaka wezimali;
- (f) eselike laba namaphutha angaphezu kwamathathu agcinwe nguMongameli eminyakeni emihlanu edlule futhi linganikezi iSikhungo isizathu ezizwakalayo; 40
- (g) elilahlwe icala lokungaziphathi kahle ngemva kokuqulwa kodaba mayelana nesenzo esingahlambalaza iSikhungo, kodwa leli lungu lingeze lashiya isikhundla kuze kufike umhlangano wonyaka olandelayo lapho lokhu kushiywa kwesikhundla kufanele kuvezwe emaphepheni ezinqumo.
- (3) Noma iliphi ilunga loMkhandlu elifisa ukushiya isikhundla sobulunga kufanele lilethe isaziso sokushiya kwalo sibhaliwe sibhekiswe kuMongameli kanti uMkhandlu kufanele usamukele isaziso uma ngabe zonke izimali zobulunga okufanele lizikhokhe zikhokhiwe. 45
- (4) Uma ngabe isikhundla selunga loMkhandlu sisele singenamuntu ngaphambi kokuphela kwesikhathi sobulunga salelo lungu, uNgqongqoshe ngokuhambisana nokushiwo isigatshana (1) kufanele kuthi zingakapheli izinsuku ezinga-60 aqoke umuntu oyobe ephakanyiswe uMkhandlu ukuba athathe leso sikhundla kuleso sikhathi esisale kuleli lungu elishiye isikhundla. 50
- (5) Uma ngabe isikhundla selunga loMkhandlu singenamuntu ngaphambi kokuphela kwesikhathi sobulunga salelo lungu, kungathi zingakapheli izinsuku ezinga-60 futhi ngokuhambisana nesigatshana (1), uNgqongqoshe aqoka umuntu oyobe ephakanyiswe uMkhandlu ukuba agcwalise leso sikhundla okwaleso sikhathi esisale kulelo lungu elishiye isikhundla. 55

Committees of Academy

8. (1) The Council may establish one or more committees which may exercise such powers or perform such functions of the Academy as the Council may determine.

(2) A committee referred to in subsection (1) consists of such number of members of the Academy and employees of the Academy, if any, as the Council may deem necessary, and the Council may at any time dissolve or reconstitute a committee. 5

(3) The Council must designate a member of the committee to be the chairperson thereof.

(4) The Council is not absolved from the performance of any function entrusted to any committee of the Council in terms of this section. 10

Accounting Officer

9. (1) In addition to the other functions entrusted to the president by or under this Act, he or she shall be the accounting officer charged with the responsibility of accounting for all money received and the utilisation thereof and be responsible for the assets of the Academy. 15

(2) (a) The president may—

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

(ii) authorise such person to perform a duty assigned by or under this Act to the accounting officer. 20

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

Staff and conditions of service of employees

10. (a) The Council may, subject to paragraph (b) and on such conditions as it may determine, appoint such employees as it deems necessary to enable the Academy to perform its functions. 25

(b) The Council must out of its own funds pay to its employees such remuneration, allowances, subsidies and other benefits as the Council may determine.

(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 Academy are not adversely affected by such secondment. 30

Financing 35

11. (1) The funds of the Academy consist of—

(a) money paid to the Academy by users of its services;

(b) donations or contributions lawfully received from any source;

(c) interest on investments; and

(d) income derived under this Act from any other source. 40

(2) The Academy must utilise any donations or contributions contemplated in subsection (1)(b) in accordance with the conditions, if any, imposed by the donor or contributor concerned.

(3) The Academy 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. 45

(4) The Academy may invest any unexpended portion of its funds with the Corporation for Public Deposits.

Audit, annual and financial report

12. (1) The accounts and balance sheet of the Academy must be audited internally and externally on an annual basis. 50

Ikomiti leSikhungo

8. (1) UMkhandlu ungasungula ikomiti elilodwa noma amaningi, angasebenzisa amandla noma enze noma imuphi umisebenzi weSikhungo eliwuthunywa nguMkhandlu.

(2) Ikomiti okukhulunywa ngalo kusigatshana (1) liyokwakhiwa amalunga athile eSikhungo kanye nabasebenzi beSikhungo uMkhandlu oyobona befanele, uma bekhona, uMkhandlu ungachitha noma usungule kabusha ikomiti noma ingasiphi isikhathi uma ubona kufanele. (3) Uma ngabe ikomiti linamalunga angaphezu koyedwa, uMkhandlu kufanele uqoke ilunga elilodwa ukuba libe ngusihlalo walelo komiti.

(4) UMkhandlu awethuliwe isibopho sokwenza noma imuphi umsebenzi onikezelwe kunoma iluphi ikomiti loMkhandlu ngokwalesi sigaba.

UMcwaningimabhuku

9. (1) Ngaphezu kweminye imisebenzi athweswe yona umongameli ngaphansi kwalo Mthetho uyakuba ngumcwaningimabhuku othweswe umthwalo wokuqapha izimali ezitholakele nokusentshenziswa kwazo futhi uyakuba nomthwalo wokuqapha impahla yeSikhungo.

(2) (a) umongameli anga—

(i) dlulisela kwelinye ilunga loMkhandlu amandla anikwe umcwaningimabhuku ngaphansi kwalo Mthetho noma yilo Mthetho; noma

(ii) agunyaze lowo muntu ukuba enze imisebenzi ethweswe isikhulu esingumcwaningimabhuku ngaphansi kwalo Mthetho.

(b) Ukwedluliswa kwamandla ngaphansi kwesigatshana (a) akuvimbeli ukusentshenziswa kwalawo mandla noma ukwenza lowo msebenzi uMcwaningimabhuku.

Abasebenzi kanye nemibandela yabasebenzi

10. (a) Umkhandlu ungaqasha abasebenzi ngaphansi kwemibandela ethile uma sibona kudingekile ukuze iSikhungo sikwazi ukwenza umsebenzi waso, ngokuhambisana nokushiwo isigatshana (b).

(b) ISikhungo kufanele ngezimali zaso sikhokhe imiholo, izimfanelo nemixhaso kanye nezinye nje izinsizakalo ezinganqunywa uMkhandlu.

(c) ISikhungo kungathi uma sibona kufanele emva kokuvumelana nomsebenzi sidlulisele noma sesekele lowo msebenzi ukuba ayokwenza umsebenzi othile noma isikhathi esithile eMnyangweni kaHulumeni, inhlango noma isikhungo siseRiphabliki ngaphansi kwemibandela efana nokuthi amalungelo kanye nezimfanelo zalowo msebenzi ngeke kuthikamezeke ngokwesekelwa kwakhe.

Izimali

11. (1) Isikhwama seSikhungo siyakuba ne—

(a) mali ekhokhwe ngabasebenzisa iSikhungo bekhokhela usizo lokusebenzisa isikhungo;

(b) minikelo noma imixhaso etholakale noma kuphi ngokusemthethweni;

(c) nzalo ezimalini ezilondolozowe; kanye ne

(d) zimali ezitholakale ngaphansi kwalo mthetho noma yingamuphi umthombo.

(2) ISikhungo kufanele sisebenzise iminikelo nemixhaso okukhulunywa ngayo esigatshaneni (1)(b) ngenhla ngokulandela imibandela ebekwe yilabo abanikele ngemali leyo.

(3) ISikhungo singabiza inkokhelo mayelana nanoma imuphi umsebenzi esiwenzayo ngaphansi kwalo Mthetho, noma senze amanye amalungiselelo ngezimali esingabona efanele.

(4) ISikhungo singalondoloza ingxenye yemali esingayisebenzisanga noKopeletsheni wezimali zoMphakathi (Corporation for Public Deposits).

Ukucwaninga, umbiko wonyaka nowezimali

12. (1) Amakhawunti namaphepha ezimali eSikhungo ayocutshungulwa umcubunguli wangaphandle unyaka nonyaka.

(2) The financial statements must be submitted to members within six months of the end of the financial year.

Functions of Academy

13. (1) In order to achieve its objectives the Academy may—
- (a) at the request of any person or on its own initiative, investigate matters of public interest concerning science and on the strength of the findings act in an opinion-forming and advisory manner; 5
 - (b) publish scientific reports and other publications;
 - (c) promote and inspire outstanding achievements in the different fields of South African science and grant recognition for excellence; 10
 - (d) generally promote interest in science education;
 - (e) establish reciprocal arrangements and enter into agreements with organisations with similar objectives locally and, subject to international legislation regarding international cooperation, in particular within the Southern African Development Community, the rest of Africa and other countries, in order to promote the exchange of information and ideas; 15
 - (f) acquire any rights and privileges which it considers necessary or appropriate;
 - (g) receive or make donations, grants and endowments, purchase, take on lease or in exchange, hire or otherwise acquire any movable or immovable property, and erect any building; 20
 - (h) invest its funds on such security as it may from time to time determine;
 - (i) lawfully raise or borrow money in such manner as it deems fit, including by mortgage bonds or by the issue of debentures secured by mortgage bonds upon all or any part of its property, but against no other security than the assets of the Academy; 25
 - (j) sell, improve, lease, dispose of or alienate or otherwise deal with all or any of the property of the Academy;
 - (k) appoint, fix the remuneration of and discharge officers of the Academy; and
 - (l) do all such things as are conducive to the attainment of its objects. 30
- (2) The Academy must—
- (a) advise the Minister on matters concerning science; 30
 - (b) undertake or cause to be undertaken such investigations and research concerning its objectives as the Minister may assign to it;
 - (c) perform such duties in respect of its objectives as the Minister may assign to it; 35
 - (d) from time to time review its structure, organisation and programmes.

Performance of functions outside Republic

14. (1) The Academy may, subject to legislation regarding international cooperation and in order to achieve its objectives, render support relevant thereto to any South African citizen in any territory outside the Republic. 40

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

Meetings of Academy

15. (1) The first meeting of the Academy is held at the time and place determined by the Minister, and thereafter meetings are held at such times and places as the president determines. 45

(2) The Academy must meet at least once a year.

(3) The president may at any time convene a special meeting of the Academy, which must be held at such time and place as the president determines. 50

(4) All members of the Academy must be notified in writing of every meeting of the Academy at least 21 days before such meeting.

(2) Isitatimende sezimali kufanele sinikezelwe kumalunga zingakapheli izinyanga eziyisithupha uphelile unyaka wezimali.

Umsebenzi weSikhungo

13. (1) Ukuze sifeze izinjongo zaso iSikhungo singa—
- (a) ngokucelwa yinoma imuphi umuntu noma ngokuzenzela sona singacwaninga izindaba ezithinta umphakathi mayelana nezesayensi futhi ngobufakazi obutholakale kulolo cwaningo singenza ngendlela eyakha umbono noma ngendlela yokwaluleka; 5
 - (b) khipha ezindabeni imibiko yezesayensi kanye neminye imibiko;
 - (c) thuthukisa futhi sikhuthaze impumelelo evelele emikhakheni eyahlukene yesayensi eNingizimu Afrika futhi siklomelise ngokubahalalisela labo abavelele; 10
 - (d) khuthaza ukukhuthalela imfundo yezesayensi;
 - (e) sungula amalungiselelo ayizandla ziyagezana nezinye izinhlangano ezinezinhloso/njongo ezifanayo nezaso ezisendaweni, ngokuhambisana nemithetho yomhlaba singabambisana nezinhlangano zomhlaba ukuze sithuthukise ukushintshisana ngolwazi nemibono; 15
 - (f) ba namalungelo namagunya esiwabona efanele noma edingeka;
 - (g) ngamukela noma senze iminikelo, ukuxhasa, sithenge noma siqhashe noma sishintshisane noma sithole impahla ephathekayo naleyo enganyakazi noma ngayiphi indlela, noma sakhe isakhiwo noma esinjani; 20
 - (h) londoloza izimali zaso ezindaweni esizibona zivikelekile;
 - (i) qongelela noma siboloke imali ngezindlela esizibona zifanele kubalwa nokubambisa ngempahla noma ukutshelekisa ngamasheya okubanjiswe ngempahla noma yingayiphi ingxenye yempahla yaso, kodwa singabambisa ngempahla yeSikhungo kuphela; 25
 - (j) dayisa, sithuthukise, sitshelekise, sichithe noma senze noma yini ngempahla yeSikhungo esibona ifanele;
 - (k) qasha, siqume iholo noma sixoshe abasebenzi besikhungo; futhi
 - (l) senze noma yini engaholela ekufezekiseni izinhloso, futhi kufanele ngezikhathi ezithile sibukeze isakhiwo, inhlangano kanye nezinhlelo. 30
- (2) ISikhungo kufanele—
- (a) siluleke uNgqongqoshe ngezindaba eziphathelele nesayensi;
 - (b) siqalise noma siyale ukuba kuqaliswe ucwaningo nophenyo mayelana nezinhloso esizithunywe nguNgqongqoshe; 35
 - (c) senze imisebenzi ephathelele nokufezekisa izinhloso esizithunywe nguNgqongqoshe.
 - (d) sihlale izinhloso zaso, inhlangano nezinhlelo izikhathi ngezikhathi.

Ukuqhuba umsebenzi ngaphandle kweRiphabliki

14. (1) ISikhungo singathi ngokuhambisana neMithetho emayelana nobundlwanane emhlabeni, ukuze kufezekise izinjongo zaso, sinikeze usizo oludingekayo kunoma isiphi isakhamuzi saseNingizimu Afrika esikwelinye izwe ngaphandle kweRiphabliki. 40
- (2) Lo Mthetho uyakusentshenziswa yiSikhungo uma usebenziseka neziguquko lapho kudingeka khona mayelana nokwenza umsebenzi okukhulunywa ngawo kusigatshana (1) kube sengathi leli zwe okwenziwa kulo lowo msebenzi liyinxenye yeRiphabliki. 45

Imihlangano yeSikhungo

15. (1) Umhlangano wokuqala weSikhungo uyobanjelwa endaweni nangesikhathi esiyoqokwa nguNgqongqoshe, kanti imihlangano elandelayo isiyobanjelwa endaweni nangesikhathi esiyomiswa ngumongameli. 50
- (2) ISikhungo kufanele sibambe umhlangano okungenani kanye ngonyaka.
- (3) Umongameli angabiza umhlangano weSikhungo oyisipesheli noma yingasiphi isikhathi okufanele ubanjelwe endaweni nangesikhathi esiyomiswa ngumongameli.
- (4) Wonke amalunga kufanele aziswe ngokubhaliwe ngemihlangano yeSikhungo ngaphandle kwemihlangano yekomiti. 55

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(5) A quorum for a meeting of the Academy is one quarter of its members.

(6) Any decision of the Academy is taken by resolution of a simple majority of the members of the Academy present at any meeting of the Academy, and, in the event of an equality of votes on any matter, the person presiding at the meeting in question has a casting vote in addition to his or her deliberative vote as a member of the Academy. 5

(7) A member of the Academy may not vote or in any manner participate in the proceedings at any meeting of the Academy nor be present at the venue where such a meeting is held, if, in relation to any matter before the Academy, he or she has any interest which precludes him or her from performing his or her functions as a member of the Academy in a fair, unbiased and proper manner. 10

Regulations

16. The Minister may in consultation with the Academy make regulations regarding—

- (a) any matter required to be prescribed in terms of this Act;
- (b) the code of conduct for members of the Academy; and 15
- (c) any matter which it is necessary or expedient to prescribe in order to implement and administer this Act.

Repeal of law

17. The Suid-Afrikaanse Akademie vir Wetenskap en Kuns Act, 1959 (Act No. 54 of 1959), is hereby repealed. 20

Dissolution of council

18. The council of “Die Suid-Afrikaanse Akademie vir Wetenskap en Kuns” contemplated in section 1 of the Suid-Afrikaanse Akademie vir Wetenskap en Kuns Act, 1959 (Act No. 54 of 1959), is hereby dissolved subject to section 19.

Transitional provisions 25

19. (1) The council of “Die Suid-Afrikaanse Akademie vir Wetenskap en Kuns” may form a company in terms of section 21 of the Companies Act, 1973 (Act No. 61 of 1973), or establish any other legal entity.

(2) All assets, rights and obligations of the council of “Die Suid-Afrikaanse Akademie vir Wetenskap en Kuns” shall, upon its dissolution, devolve upon the Suid-Afrikaanse Akademie vir Wetenskap en Kuns Company or legal entity contemplated in subsection (1) without formal transfer and without payment of any fees, duties, taxes or other charges. 30

(3) Every employee of “Die Suid-Afrikaanse Akademie vir Wetenskap en Kuns” immediately prior to the date of commencement of this Act becomes an employee of the Suid-Afrikaanse Akademie vir Wetenskap en Kuns Company or legal entity contemplated in subsection (1) upon the commencement of this Act, on the same conditions of service as before. 35

(4) All the rights and obligations existing between “Die Suid-Afrikaanse Akademie vir Wetenskap en Kuns” and each of its employees immediately prior to the date of commencement of this Act continue in force as if they were rights and obligations between the Suid-Afrikaanse Akademie vir Wetenskap en Kuns Company or legal entity and each such employee. 40

(5) The change of the name of the employer from “Die Suid-Afrikaanse Akademie vir Wetenskap en Kuns” to the Suid-Afrikaanse Akademie vir Wetenskap en Kuns Company or legal entity does not interrupt the continuity of service of any employee and must, for all purposes, be regarded as not being a change of employer. 45

(6) The Council of a voluntary association known as the Academy of Science of South Africa immediately prior to the date of commencement of this Act becomes the first Council of the Academy for a period not exceeding three years from the date of commencement of this Act. 50

(7) All persons who immediately before the date of commencement of this Act were

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(5) Inani labakhona emhlanganweni abangaqhubeka nomhlangano bathathe izingqumo kuyakuba yingxenywe yokune (quarter) yamalunga eSikhungo.

(6) Noma isiphi isinqumo seSikhungo siyothathwa ngokwesekelwa iningi lamalunga eSikhungo akhona emhlanganweni weSikhungo, uma kwenzeka kuba namavoti alinganayo mayelana nodaba oluthile, umuntu okunguyena ophethe umhlangano uyakuba nevoti elingumqamula juqu ngaphezu kwevoti lakhe njengelunga leSikhungo. 5

(7) Ilunga leSikhungo lingeze lavota noma lizimbandakanye nokuqhutshwa komhlangano weSikhungo noma libe khona endaweni lapho kubanjwe khona umhlangano uma ngabe linokuthinteka ondabeni oluphambi kweSikhungo okungalenza lingakwazi ukwenza umsebenzi walo njengelunga leSikhungo ngobuqotho, nokungenzeleli nangendlela eyiyo. 10

Imithethonkambiso

16. UNGqongqoshe angamisa imithethonkambiso emva kokubonisana neSikhungo mayelana— 15

- (a) noma iluphi undaba okufanele lunqunywe ngaphansi kwalo Mthetho;
- (b) umgomo wokuziphatha wamalunga eSikhungo; kanye
- (c) noma iluphi undaba oludingekile noma olufanele ukunqunywa ukuze kufezwe futhi kuphathwe lo Mthetho.

Ukusulwa kwemithetho

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17. UMthetho “i-Suid-Afrikaanse Akademie vir Wetenskap en Kuns” ka 1959 (uMthetho ongunombolo 54 ka 1959) uyachithwa.

Ukuchithwa koMkhandlu

18. UMkhandlu we “Suid-Afrikaanse Akademie vir Wetenskap en Kuns” okukhulunywa ngawo esigabeni 1 soMthetho I-“Suid-Afrikaanse Akademie vir Wetenskap en Kuns” ka 1959 (uMthetho ongunombolo 54 ka 1959, uyachithwa ngokulandisa kwesigaba 19). 25

Amalungiselelo eSikhashana

19. (1) UMkhandlu we “Die Suid-Afrikaanse Akademie vir Wetenskap en Kuns” ungabumba inkampani ngaphansi kwesigaba 21 soMthetho wezoNkampani ka 1973 (UMthetho ongunombolo 61 ka 1973) noma sisungule noma yisiphi esinye isigungu esamulekile ngokomthetho. 30

(2) Yonke impahla, amalungelo kanye nezibopho zomkhandlu we “Suid-Afrikaanse Akademie vir Wetenskap en Kuns” kuyothi uma uchithwa anikezwe noma abuyeke kuSikhungo noma lokho kudluliselwa kungeziwanga ngokomthetho nangale kokukhokha izimali, noma intela. 35

(3) Wonke umsebenzi we “Suid-Afrikaanse Akademie vir Wetenskap en Kuns” kuyathi ngokushesha ngaphambi kosuku lokuqala ukusebenza kwalo Mthetho ube ngumsebenzi weSikhungo uma siqala ukusebenza ngokwalo Mthetho, ngaphansi kwemibandela yokusebenza efanayo neyangaphambili. 40

(4) Wonke amalungelo nezibopho ezikhona njengamanje phakathi kwe-“Suid-Afrikaanse Akademie vir Wetenskap en Kuns” nabasebenzi bayo ngaphambi kokuqala ukusebenza kwalo Mthetho kuyakuqhubeka kusebenza sengathi bekungamalungelo nezibopho phakathi kweSikhungo nomsebenzi ngamunye. 45

(5) Ukushintshwa kwegama lomqashi lisuka ku- “Suid-Afrikaanse Akademie vir Wetenskap en Kuns” njengeSikhungo esimiswe/esakiwe ngokomthetho liya kuSikhungo ngeke kukuphazamise ukusebenza komsebenzi, akufanele kuthathwe njengokushintsha umqashi noma ngayiphi inhloso. 50

(6) UMkhandlu kasosiyeshini obizwa ngeSikhungo soCwaningo kwezeSayensi eNingizimu Afrika ngaphambi kokuqala ukusebenza kwalo Mthetho uyakuba nguMkhandlu wokuqala weSikhungo isikhathi esingekile sibe ngaphezulu kweminyakeni emithathu kusukela ngosuku lokuqala ukusebenza kwalo Mthetho.

(7) Bonke abantu abebengamalunga eSikhungo soCwaningo kwezeSayensi eNingizimu Afrika ngaphambi kokuqaliswa kwalo Mthetho okukhulunywa ngawo

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members of the Academy of Science of South Africa referred to in subsection (6) are regarded as having been duly elected to the Academy in accordance with section 5.

Short title and commencement

20. This Act is called the Academy of Science of South Africa Act, 2001, and comes into operation on a date fixed by the President by proclamation in the *Gazette*. 5

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kulesi sigatshana sesi-6, kuthathwa ngokuthi baqokwe ngokuyikho iSikhungo ngokwesigaba sesi-5.

20. Lo Mthetho uyakubizwa ngo-uMthetho weSikhungo soCwaningo kwezeSayensi e-Ningizimu Afrika, 2001, kanti uyakuqala ukusebenza ngosuku oluyonqunywa umongameli ngokukhipha isimemelo ku *Gazethi*.

