

**REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA**

Vol. 521 Cape Town,
Kaapstad, 24 November 2008

No. 31634

THE PRESIDENCY

No. 1259 24 November 2008

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

No. 26 of 2008: Technology Innovation Agency Act, 2008.

MO-PRESIDENTE

No. 1259 24 November 2008

Mo go tsebiswa gore Mo-Presidente o dumetse molao o latelago, wona o tla gatiswa e le tsebiso ya kakaretso:—

Nmr. 26 ya 2008: Molao wa Etšensi ya Kaonafatšo ya Theknolotši, 2008.

(English text signed by the President.)
(Assented to 17 November 2008.)

ACT

To provide for the promotion of the development and exploitation in the public interest of discoveries, inventions, innovations and improvements, and for that purpose to establish the Technology Innovation Agency; to provide for its powers and duties and for the manner in which it must be managed and controlled; and to repeal an Act; and to provide for matters connected therewith.

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

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Definitions

1.	In this Act, unless the context indicates otherwise—	25
	“ Agency ” means the Technology Innovation Agency established by section 2;	
	“ Board ” means the Board of the Agency contemplated in section 5;	
	“ Chief Executive Officer ” means the person appointed as such in terms of section 11;	
	“ Department ” means the Department of Science and Technology;	30
	“ intellectual property ” means an invention, including any patent applications and registered patents as defined in the Patents Act, 1978 (Act No. 57 of 1978), or any copyright works as defined in the Copyright Act, 1978 (Act No. 98 of 1978), plant breeders rights or designs as defined in the Designs Act, 1995 (Act No. 195 of 1993), or trademarks as defined in the Trademark Act, 1993 (Act No. 194 of 1993);	35

(English text signed by the President.)
(Assented to 17 November 2008.)

MOLAO

Go hlagiša tšwetšopele ya tlhabollo le tšhomišo ka go kgahlego ya setšhaba go dikutollo, ditlhamo, ditokišo le dikaonafatšo ka boikemišetšo bja hloma Eitšensi ya Kaonafatšo ya Theknolotši; go e fa maatla le mešomo le ka mokgwa wo e swanetšego go laolwa le go bušwa; go fediša Molao; le go fana ka ditaba tšeo di amanago.

MOLAO O DIRILWE ke Palamente ya Rephabliki ya Afrika Borwa, ka mokgwa wo o latelago:—

PEAKANYO YA DIKAROLO

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Ditlhalošo

1. Ka gare ga Molao wo, ka ntle le ge seemo se bontšha ka mokgwa o mongwe— 25
“Etšensi” e ra gore Eitšensi ya Kaonafatšo ya Theknolotši yeo e hlomilwego ka fase ga karolo 2;
“Boto” e ra gore Boto yeo e akantšwego ka go karolo 5;
“Mohlankedimogolophethiši” ke gore motho yo a beilwego go ya ka karolo 11;
“Kgoro” e ra gore Kgoro ya Saentshe le Theknolotši; 30
“Phahlo ya bohlahifi” — go ra gore tlhamo, le tokelo ya ditirišo le ditlhamo tša moakaretšo tše di hlalositšwego go Molao wa *Patents Act*, 1978 (Molao No. 57 wa 1978), goba tokelo ya ngwalollo ya ditiro tša mešomo tše di hlalositšwego go Molao wa *Copyright Act*, 1978 (Molao Nom. 98 wa 1978), ditokelo tša badiri ba dibyalo goba tokelo ya meakenyetšo e hlalositšwego go Molao wa *Designs Act*, 35

“Minister” means the Minister responsible for Science and Technology;
“prescribed” means prescribed by regulations made in terms of section 16;
“technological innovation” means the application in practice of creative new ideas, which includes inventions, discoveries and the processes by which new products and services enter the market and the creation of new businesses;
“this Act” includes the regulations.

Establishment of Agency

2. (1) There is hereby established a juristic person known as the Technology Innovation Agency which is capable of suing and being sued in its own name and of performing, subject to this Act, such acts as are necessary for or incidental to the carrying out of its objects. 10

(2) The Public Finance Management Act, 1999 (Act No. 1 of 1999), applies to the Agency.

Object of Agency

3. The object of the Agency is to support the State in stimulating and intensifying technological innovation in order to improve economic growth and the quality of life of all South Africans by developing and exploiting technological innovations. 15

Powers and duties of Agency

4. (1) The Agency may—
- (a) on such conditions as the Board may determine— 20
 - (i) provide financial and any other assistance to any person, for the purpose of enabling that person to develop any technological innovation;
 - (ii) establish a company contemplated in the Companies Act, 1973 (Act No. 61 of 1973), or in collaboration with any person, establish such a company for the purpose of developing or exploiting any technological innovation; 25
 - (iii) acquire any interest in any person undertaking the development or exploitation of any technological innovation supported by the Agency;
 - (iv) draw together and integrate the management of different technological innovations, incubation and diffusion initiatives in South Africa; 30
 - (v) develop the national capacity and infrastructure to protect and exploit intellectual property derived from research financed by the Agency; and
 - (vi) acquire rights in or to any technological innovation supported by the Agency from any person, or assign any person any right in or to such technological innovation; 35
 - (b) apply for patents or the revocation thereof and institute any legal action in respect of any infringement of intellectual property rights;
 - (c) purchase or hire land or buildings or erect buildings and alienate such land or terminate or assign any such hire and, in the case of buildings in which the business of the Agency is being conducted, let such portions as are for the time being not required for the business of the Agency; 40
 - (d) establish such offices, including regional offices, as the Board in consultation with the Minister may determine;

MOLAO WA ETŠENSI YA
KAONAFATŠO YA THEKNOLOTŠI, 2008

Act No. 26, 2008

1995 (Molao wa No ya 195 ya 1993), goba maswao a kgwebo a a hlalositšwego go Molao wa *Trademark Act*, 1993 (Molao Nom. 194 wa 1993).

“**Tona**” go ra gore Tona ya Saentshe le Theknolotši:

“**Khethetšwego**” e ra gore go bea molao ka tirišo ya karolo ya 16:

“**Tlhamo Tlhomoleswa**” e ra go tšweletšwa ga dikgopolo tše diswa, go akaretswa 5
le kutollo goba kaonafatšo ya didirišwa le tshepedišo yeo ka yona go tšweletšwago ditirelo tše diswa gore di tsene thekišong le tlhomo ya dikgwebo tše diswa.

“**Molao wo**” o akaretša melawana.

Tlhomo ya Etšensi

2. (1) Mo go hlongwa setho sa molao seo se tla go tsebja bjalo ka Etšensi ya 10
Kaonafatšo ya Theknolotši yeo e kgonago go swariša le go ka swarišwa ka leina la yona le la go diragatša, go ya ka Molao wo, mediro yeo bjalo ka ge e hlokega go tiragalo ya go phethagatša maikemišetšo a yona.

(2) Molao wa Taolo ya Ditšhelete tša Setšhaba, 1999 (Molao wa 1 wa 1999) o šoma 15
go Etšensi.

Dinepo tša Etšensi

3. Dinepo tša Etšensi ke go thekga Mmušo ka go matlafatša le go tiiša kaonafatšo ya 20
theknolotši le tlhamo go kaonafatša kgolo ya ekonomi le kaonafatšo ya maphelo a Ma-Afrika Borwa ka moka ka go hlabolla le go diragatša dikakanyo tše diswa le ditlhamo.

Maatla le mešomo ya Etšensi

4. (1) Etšensi e ka—

(a) go maemo a bjalo ka ge Boto e laeditše —

(i) fana ka thušo ya tšhelete go motho ofe goba ofe, sehlopha goba kgwebo 25
ka maikemišetšo a go kgontšha motho yoo, sehlopha goba kgwebo go hlabolla kaonafatšo goba tlhamo efe goba efe ya theknolotši;

(ii) hloma khamphani yeo e akantšwego ka go Molao wa Dikhamphani, 1973 (Molao wa 61 wa 1973) goba, ka tšhomišano le motho ofe goba ofe 30
ba hlome khamphani ye bjalo ka maikemišetšo a go hlabolla goba go šomiša kaonafatšo goba tlhamo efe goba efe, le go fihla mo e hwetšago kgahlego ye bjalo le taolo ya khamphani ye bjalo ka ge go hlokega;

(iii) hwetša kgahlego efe goba efe ka go motho yo mongwe le yo mongwe yo 35
a tšeago maikarabelo a tšhabollo goba tšhomišo ya kaonafatšo efe goba efe ya theknolotši yeo e thekgwago ke Etšensi;

(iv) kgoboketša gotee le go kopanya taolo ye e fapanego ya kaonafatšo, 40
tlhamo ya go boiketlo ya theknolotši le mananeo a phatlalatšo ka mo Afrika Borwa

(v) hlabolla maatla a bosetšhaba le mananeokgoparara go šireletša le 45
go šomiša thoto yeo e tšweleditšwego ke motho ka boyena yeo e tšerwego go tšwa go dinyakišišo tšeo di thekgilwego ke tšhelete ya setšhaba.

(vi) hwetša tokelo efe goba efe goba kaonafatšo ya theknolotši e thekgilwego 45
ke Etšensi go tšwa go motho ofe goba ofe, go fa motho ofe goba ofe tumelelo go kaonafatšo ya theknolotši eo.

(b) dira kgopelo ya tumelelo ya semmušo goba go gogela morago bjalo, go 50
thibela go fana ka tumelelo ya semmušo le go hloma kgato efe goba efe ya tshelo ya molao wa tumelelo ya semmušo.

(c) reka goba go hira naga goba meago goba go aga meago le go kgaogantšha 50
naga ye bjalo goba go fediša goba go fa khirišo efe goba efe ye bjalo, mo go mabaka a meago yeo kgwebo ya Etšensi e direlwago gona, go hiriša dikarolo tše bjalo ka ge nako yeo di tla be di sa nyakege go kgwebo ya Etšensi;

(d) hloma diofisi tše bjalo, go akaretša diofisi tša selete bjalo ka ge Boto, ka 50
therišano le Tona, e laetša;

- (e) purchase, take on lease, hire out or alienate any movable property;
- (f) take such security as it may deem fit, including special mortgage bonds over immovable property, notarial bonds over movable property, pledges of movable property, cessions of rights and in general any other form of cover or security; and
- (g) generally deal with any matter necessary or incidental to the performance of its functions in terms of this Act.

(2) Where the Agency enters into a transaction with a person as contemplated in subsection (1)(a)(ii) and (iii), the Agency may, after consultation with the Minister, elect to be represented in the Board of such person.

(3) Where a right in or to any technological innovation has, in terms of subsection (1)(a)(vi), been acquired by the Agency or assigned by the Agency to any person, the Agency or such person, as the case may be, must for the purposes of the Patents Act, 1978, be regarded as the assignee of the discoverer or inventor of such technological innovation.

Board of Agency

5. (1) There is hereby established a Board, known as the Board of the Agency, consisting of—

- (a) a chairperson;
- (b) not less than six and not more than nine members; and
- (c) the Chief Executive Officer of the Agency, as an *ex officio* member.

(2) The Board is responsible for the management and control of the Agency.

(3) The Board must prepare an Investment Framework Policy, as prescribed, and review such policy on an annual basis.

(4) The Minister must appoint a panel which must compile a shortlist of candidates for members of the Board, and such shortlist must be compiled after a transparent and competitive nomination process.

(5) The members of the Board contemplated in subsection (1)(a) and (b) are appointed by the Minister, in consultation with the National Assembly, on the grounds of their knowledge and experience in technological innovation, technology management, intellectual property and commercialisation thereof and business skills which, when considered collectively, should enable them to attain the objects of the Agency.

(6) Subject to the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), the Minister may dissolve the Board on the grounds of mismanagement.

(7) (a) When the Minister dissolves the Board in terms of subsection (6), the Minister may appoint an interim body for the continued governance and control of the affairs of the Agency, on such conditions as the Minister may determine.

(b) Such a body must be appointed for a period not exceeding six months or until the new Board is appointed in terms of subsection (5), whichever is the lesser.

Disqualification from membership

6. A person may not be appointed or continue as a member of the Board if such person is—

- (a) declared by a competent court to be mentally ill, as defined in the Mental Health Act, 1973 (Act No. 18 of 1973);
- (b) convicted of an offence and sentenced to imprisonment without the option of a fine, or in the case of fraud, to a fine or imprisonment;
- (c) elected as a member of National Assembly, a provincial legislature or the council of a municipality, or is appointed as a delegate to the National Council of Provinces by a provincial legislature;
- (d) not a South African citizen or ceases to be a South African citizen;
- (e) removed from a position of trust by a competent court of law; or
- (f) an unrehabilitated insolvent.

- (e) go reka, go tšea kontraka ya go hiriša, go hiriša goba go kgaogantšha thoto efe goba efe yeo e ka tlošwago.
- (f) go tšea tiišetšo ye bjalo ka ge e ka bonwa e le yeo e lokilego, go akaretša ditlemagano tša peelo tše di ikgethilego godimo ga thoto yeo e sa šuthego, ditlemagano tša semolao godimo ga thoto yeo e tlošwago, dikholofetšo tša thoto yeo e tlošwago, tlogelo ya ditokelo ka kakaretšo mohuta ofe goba ofe wa tšhireletšo goba tiišetšo; 5
- (g) Ka kakaretšo go šomana le dilo ka moka tšeo di hlokegago goba tša sewelo go ditiro tša ya mešomo ya yona go ya ka Molao wo.
- (2) Moo Etšensi e tsenago ka gare ga thekišetšano efe goba efe le motho go ya ka mo go laeditšwego ka go karolwana (1)(a)(i), (ii), le (iii), Etšensi ka morago ga ditherišano le Tona, e swanetše go kgetha gore e be le kemedi ka go Boto ya motho yo hjala, mokgahlo, kgwebo goba khamphani.
- (3) Moo tokelo ka go kaonafatšo ya theknolotši goba tlhamo efe goba efe, go ya ka karolwana (1)(a)(vi), di hweditšwe ke Etšensi goba di beilwe ke Etšensi go motho ofe goba ofe, Etšensi goba motho, yo bjalo ka ge go ka no ba bjalo, o swanetše ka mabaka a Molao wa Dipatente (Tumelelo ya semmušo). 1978, a tšewe bjalo ka motho yo a hwetšago ditokelo go thoto go moutolli goba mohlami wa kaonafatšo ye bjalo ya theknolotši goba tlhamo. 15

Boto ya Etšensi

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5. (1) Go hlongwa Boto, yeo e tsebegago ka la Boto ya Etšensi, ye e bopšago ke—
- (a) modulasetulo;
- (b) maloko ao a sego ka fase ga a tshela gomme a sego ka godimo ga a senyane; le
- (c) Mohlankedimogolophethiši wa Etšensi, bjalo ka leloko la maatla ka maemo. 25
- (2) Boto e rwele maikarabelo a taolo le go laola Entšensi.
- (3) Tona e swanetše go kgetha sehlopha seo se swanetšego go beakanya lenaneokgetho la bonkgetheng bao ba tlogo šišinywa go ba maloko a Boto, gomme lenaneokgetho le bjalo le swanetše go beakanya ka morago ga tšhepedišo yeo e lego pepeneneng ya go kgetha baphenkgišane. 30
- (4) Maloko a Boto bjalo ka ge a akantšwe ka go karolwana (1)(a) le (b) a kgethwa ke Tona, ka baka la tsebo le maitemogelo a bona a kaonafatšo ya theknolotši, taolo ya theknolotši, le thoto yeo e tšweleditšwego ke motho ka boyena le papatšo ya tšona gammogo le mabokgoni a kgwebo, tšeo ge ge di akantšwe ka moka ga tšona . di tla a kgontšhago go phethagatša dinapo tša Etšensi. 35
- (5) Go ya ka Molao wa Tšwetšopele ya Taolo ya Toka, 2000, (Molao wa 3 wa 2000) Tona a ka phatlalatša Boto ka mabaka a taolompe.
- (6) Ka taolo ya Molao wa *Promotion of Administrative Justice* wa 2000 (Molao wa 3 wa 2000), Tona a ka patlalatsa Boto ge go na le taolompe.
- (7) (a) Ge Tona a phatlalatša Boto go ya ka karolwana (6), Tona a ka kgetha lekgotla la motšwaoswere go tšwetšapele tšhepedišo le taolo ya merero ya Etšensi, hjala ka ge Tona a laeditše.
- (b) Lekgotla le bjalo le swanetše go kgethwa tekano ya lebaka leo le sa fetego dikgwedi tše tshela goba go fihla ge Boto ye mpsha e kgethwa go ya ka karolwana (3), ye nngwe le ye nngwe yeo e lego ka fase. 45

Phedišo ya go ba leloko

6. Motho a ka se bewe goba a tšwelapele bjalo ka leloko la Boto ge e le gore motho yo bjalo—
- (a) o begilwe ke kgoro ya tshoko gore o a lwala monaganong, bjalo ka ge e hlalošitšwe ka go Molao wa tša Maphelo a Monagano, 1973 (Molao wa 18 wa 1973); 50
- (b) o latofaditšwe ka molato gomme wa lahlelwa kgolegong ka ntle le kgetho ya tefišo, goba ka molato wa boradia, go lefišwa goba go lahlelwa kgolegong;
- (c) o kgethilwe bjalo ka leloko la Palamente, lekgotlatheramelao la profense goba khansele ya mmasepala, goba o beilwe bjalo ka moemedi wa go ya go ile wa Khansele ya Bosetšhaba ya Diprofense ke lekgotlatheramelao la profense; 55
- (d) ga se modudi wa Afrika Borwa goba o tlogela go ba modudi wa Afrika Borwa;
- (e) o tlošwa go ba maemong a botšhepegi ke kgorotšheko ya molao: goba
- (i) ke motho yo a sego a ka phuhlama le go tsošološwa leswa.

Removal from office and vacation of office

7. (1) The Minister may, after consultation with the members of the Board, remove a member of the Board from office on account of—
- (a) misconduct;
 - (b) inability to perform the duties of his or her office efficiently; 5
 - (c) absence from three consecutive meetings of the Board without the leave of the Board, except on good cause shown.
- (2) If a member of the Board ceases to hold office or is removed from office in terms of subsection (1), the Minister may appoint a person who meets the criteria contemplated in section 5(5) in that member's place for the remaining part of the term of office. 10
- (3) A member must vacate his or her office if—
- (a) he or she is disqualified in terms of section 6; or
 - (b) he or she tenders his or her resignation to the Minister and the Minister accepts the resignation. 15

Term of office of members of Board

8. (1) Members of the Board hold office for a period of four years and are eligible for reappointment on expiry of their term.
- (2) When reappointing members of the Board, the Minister must ensure that the term of office of members of the Board will not expire at the same time. 20
- (3) A member may not serve more than two consecutive terms.

Remuneration of members of Board

9. Members of the Board receive such remuneration and allowances as the Minister, with the concurrence of the Minister of Finance, may determine.

Meetings of Board 25

10. (1) The chairperson must preside at a meeting of the Board.
- (2) If the chairperson is not present at the meeting of the Board, the members of the Board present at that meeting must elect from amongst themselves a member to preside at such a meeting.
- (3) The Board must meet at least four times a year at such time and place as the Board may determine. 30
- (4) The Board may determine the procedure for its meetings.
- (5) The chairperson—
- (a) may convene a special meeting of the Board; and
 - (b) must, within 14 days of receipt of a written request signed by at least two thirds of the members of the Board to convene a special meeting, convene such a special meeting. 35
- (6) A quorum for a meeting of the Board is two thirds of the members eligible to vote at that meeting.
- (7) A decision of the Board must be taken by resolution of the majority of the members present at a meeting of the Board, and, in the event of an equality of votes the person presiding at the meeting has a casting vote in addition to his or her deliberative vote. 40
- (8) A member of the Board may not vote or in any manner be present during or participate in the proceedings at any meeting of the Board if, in relation to any matter before the Board, he or she has any interest which precludes him or her from performing his or her functions as a member of the Board in a fair, unbiased and proper manner. 45

Chief Executive Officer of Agency

11. (1) The Minister must, on the recommendation of the Board, appoint a suitably skilled and qualified person as the Chief Executive Officer who must be responsible for the management of the affairs of the Agency. 50
- (2) The appointment must be made after following a transparent and competitive selection process.

Go tlošwa ofising le go tlogela ofisi

7. (1) Tona, ka morago ga therišano le maloko a Boto, a ka tloša leloko la Boto go tšwa ofising ka lebaka la—
- (a) go se itshware gabotse;
 - (b) go se be le bokgoni bja go dira mešomo ya ofisi ya gagwe gabotse; 5
 - (c) go se iponagatše dikopanong tša Boto tše tharo tše di latelanago ntle le go tsebiša Boto, ka ntle le ge go na le lebaka la go kwagala leo le laeditšwego.
- (2) Ge leloko la Boto le tlogela go swara ofisi goba le tlošwa ofising go ya ka karolwana ya (1), Tona a ka bea motho yo mongwe yoo a fihlelago macmo ao bjale ka ge go akantšwe ka go karolo 5(5) mo legatong la leloko leo go nakong yeo e šetšego ya 10 sebaka sa ofisi.
- (3) Leloko le swanetše go tlogela ofisi ya lona ge—
- (a) a ntšhitšwe go ya ka karolo 6; goba
 - (b) a tsenya boitokollo go Tona le Tona a amogela boitokollo bja gagwe.

Sebaka sa ofisi sa maloko a Boto

8. (1) Maloko a Boto a swara lebaka la mengwaga ye mene le gona ba na le maloka a go bewa gape ge sebaka sa bona sa ofisi se feela.
- (2) Ge Tona a bea maloko a Boto gape, Tona o swanetše go netefatša gore lebaka la go swara ofisi la maloko a Boto ga le tlo fela ka nako ye tee.
- (3) Leloko le ka se sware maemo a boleloko makga go feta a mabedi a go latelana. 20

Moputso wa maloko a Boto

9. Maloko a Boto ba hwetša meputso le diputseletšo tše dingwe bjalo ka ge Tona, ka therišano le Tona ya Matlotlo, ba ka laetša.

Dikopano tša Boto

10. (1) Modulasetulo o swanetše go laola kopano ya Boto. 25
- (2) Ge modulasetulo a se gona mo kopanong ya Boto, maloko a Boto ao a lego gona a swanetše go kgetha magareng ga bona leloko leo le tla laolago kopano.
- (3) Boto e swanetše go kopana bonnyane ga nne ka ngwaga mo dinakong le mafelong ao bjalo ka ge Boto e laeditše.
- (4) Boto e ka tšea sephetho ka tshepedišo ya dikopano tša yona. 30
- (5) Modulasetulo—
- (a) a ka bitša kopano yeo e ikgethilego ya Boto: le
 - (b) o swanetše gore mo matšatšing a 14 a go hwetša kgopelo yeo e sacnetšwego ke bonnyane bja peditharong ya maloko a Boto a bitše kopano yeo e ikgethilego. 35
- (6) Khoramo ya kopano ya Boto ke peditharong ya maloko a yona ao a nago le maloka a go kgetha mo kopanong.
- (7) Sephetho sa Boto se swanetše go laolwa ke sephetho sa bontši bja maloko ao a lego gona ka go kopano efe goba efe ya Boto, ge e le gore dikgetho tša go tšea sephetho di a lekana gona motho yo a tla bego a laola kopano o na le boutu ya makgaolakgang gagwe go tlaleletša go boutu yeo e rerišanwago. 40
- (8) Leloko la Boto le ka se boutu ka mokgwa ofe goba ofe goba la ba gona nakong ya ge go kgathawa tema ka go ditshepedišo tša kopano efe goba efe ya Boto ge e le gore o na le kgahlego efe goba efe yeo e mo thibelago go dira mešomo ya gagwe bjalo ka leloko la Boto ka mokgwa wa maleba, wo o sa tšeege lehlakore ka tsela yeo e swanetšego. 45

Mohlankedimogolphethiši wa Etšensi

11. (1) Tona e swanetše, ka tumelelano le Boto, go thwala motho yo a nago le tsebo le bokgoni gammogo le maitemogelo bjalo ka Mohlankedimogolphethiši yo a tlogo rwala maikarabelo a taolo ya merero ya Etšensi.
- (2) Go thwala go swanetše go dirwa ka morago ga go latela tshepedišo ya maleba yeo e lego ya phatlalatša ya go kgetha baphenkgišane. 50
- (3) Mohlankedimogolphethiši o rwele maikarabelo a taolo le bolaodi ka kakaretšo le tshepedišo ya tšatši ka tšatši ya Etšensi, go ya ka taolo le ditaelo tšeo di laelwago ke Boto.

(3) The Chief Executive Officer is responsible for the administration, general management and control of the day-to-day functioning of the Agency, subject to the directions and instructions issued by the Board.

(4) The Chief Executive Officer is accountable to the Board on the matters referred to in subsection (3). 5

(5) The Chief Executive Officer holds office for a period not exceeding five years and is eligible for reappointment on expiry of his or her term.

(6) The Chief Executive Officer may not serve more than two consecutive terms.

(7) The Chief Executive Officer holds office on such terms and conditions, including those relating to remuneration and allowances, as the Minister, after considering the recommendations of the Board and in consultation with the Minister of Finance, may determine in writing. 10

(8) The Chief Executive Officer must enter into a performance agreement with the Board within three months of taking up his or her post as Chief Executive Officer.

(9) Whenever for any reason the Chief Executive Officer is absent from office for a period of more than two months, or unable to carry out his or her duties, or whenever there is a vacancy in the office of the Chief Executive Officer, the Minister may, with the concurrence of the Board, appoint any person who meets the requirements determined in terms of subsection (1) to act as Chief Executive Officer, until the Chief Executive Officer is able to resume those functions or until the vacant position of the Chief Executive Officer is filled. 20

(10) The acting Chief Executive Officer has all the powers and performs all the duties of the Chief Executive Officer.

Employees of Agency

12. (1) The Chief Executive Officer must, on such terms and conditions as the Board may determine, appoint employees of the Agency or receive on secondment such persons as are necessary to enable the Agency to perform its functions. 25

(2) The Agency must pay the employees of the Agency such remuneration, allowances, subsidies and other benefits as the Minister, in consultation with the Minister of Finance, may determine. 30

(3) The Chief Executive Officer is responsible for the administrative control, organisation and discipline of the employees of the Agency and for ensuring compliance with applicable labour legislation.

(4) The Agency may, under the Pension Funds Act, 1956 (Act No. 24 of 1956), establish any pension fund for its employees. 35

Committees of Board

13. (1) The Board may establish one or more committees to perform such functions as the Board may determine.

(2) The Board may appoint as members of such committees—

(a) any member of the Board; 40

(b) any employee of the Agency; or

(c) any other person with suitable skills or experience, who must be paid such remuneration and allowances as the Minister, with the concurrence of the Minister of Finance, may determine.

(3) The Board may at any time dissolve or reconstitute a committee. 45

(4) The Board is not absolved from the performance of any function assigned to any committee under this section.

Funding of Agency

14. (1) The funds of the Agency consist of—

(a) money appropriated by Parliament; 50

(b) revenue, including interest derived from its investments;

(c) money raised or borrowed by the Agency;

(d) money obtained from such other sources as the Board may, from time to time, determine and as may be consistent with the objects and functions of the Agency; and 55

(e) donations and contributions.

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- (4) Mohlankedimogolophethiši o rwele le maikarabelo go Boto ka ga ditaba tšeo di lego ka go karolwana ya (3).
- (5) Mohlankedimogolophethiši o swara ofisi sebaka seo se sa fetego mengwaga ye mehlango le gona o na le maswanedi a go ka bewa gape ge sebaka sa gagwe sa ofisi se fela. 5
- (6) Mohlankedimogolophethiši a ka se sware ofisi lebaka la go feta dihla tše pedi ka go latelana.
- (7) Mohlankedimogolophethiši o swara ofisi ka mabaka le dipeclano tše bjalo, go akaretša le tšeo di amanago le moputso le diputseletšo bjale ka ge Tona ka morago ga tumelano le Boto le go ikgolaganya le Tona ya tša ditšhelete a laetša ka go ngwala. 10
- (8) Mohlankedimogolophethiši o swanetše go tsenela kwano ya bokgoni bja mošomo le Boto mo dikgweding tše tharo tša go thoma mošomo bjalo ka Mohlankedimogolophethiši.
- (9) Neng goba neng ka mabaka afe goba afe Mohlankedimogolophethiši ge a ka hlokega mošomong tekano ya la go feta dikgwedi tše pedi, goba a se kgone go dira mešomo ya gagwe, goba ge sekgoba seo se bulegile ka ofising ya Mohlankedimogolophethiši, Tona ka tumelano le Boto, a ka thwala motho ofe goba ofe yo a nago le bokgoni bja maleba bjale ka ge go laeditšwe ka go karolwana ya (1) gore a tšwe a šoma bjalo ka Mohlankedimogolophethiši, go fihlela ge Mohlankedimogolophethiši a kgona go ka thomiša ka mešomo yeo goba go fihlela sekgoba sa mošomo sa Mohlankedimogolophethiši se tlatšwa. 20
- (10) Mohlankedimogolophethiši wa motšwa o swere o na le maatla ka moka le go dira mešomo ka moka ya Mohlankedimogolophethiši.

Bašomi ba Etšensi

- 12.** (1) Mohlankedimogolophethiši o swanetše, ka mabaka le dipeclano tše bjalo ka ge Boto e ka laetša, a thwale bašomi ba Etšensi goba go amogela bao ba šutišitšwego go tšwa makaleng a magwe, bjalo ka ge go hlokega go kgontšha Etšensi go dira mešomo ya yona. 25
- (2) Etšensi e swanetše go lefa bašomi ba yona meputso, diputseletšo, dithušo le mehola ye mengwe bjale ka ge Tona, ka therišano le Tona ya Matlotlo, a laetše. 30
- (3) Mohlankedimogolophethiši o rwele maikarabelo a taolo ya tšhepedišo, go laola mokgahlo le kgalemo ya bašomi ba Etšensi le go netefatša phethagatšo ya maleba ya melao ya bašomi.
- (4) Etšensi e ka re, ka fase ga Molao wa Dikhwama tša Phenšene, 1956 (Molao wa 24 wa 1956), ya hloma Dikhwama dife goba dife tša phenšene go bašomi ba yona. 35

Dikomiti tša Boto

- 13.** (1) Boto e ka hloma komiti e tee goba tše mmalwa go phethagatša mešomo yeo bjalo ka ge Boto e laeditše.
- (2) Boto e ka bea bjalo ka maloko a dikomiti tšeo— 40
- (a) leloko lefe goba lefe la Boto;
- (b) mošomi ofe goba ofe wa Etšensi; goba
- (c) motho ofe goba ofe yo a nago le bokgoni bja maleba goba maitemogelo, yo ba swanetšwego go lefša meputso le diputseletšo tše bjalo, bjale ka ge Tona, ka kwano le Tona ya Matlotlo, a laetše.
- (3) Boto e ka phatlalatša goba ya hloma gape komiti nako ye nngwe le ye nngwe. 45
- (4) Boto ga e dumelwe go phethagatša mošomo ofe goba ofe wo o filwego go komiti efe goba efe ka fase ga karolo ye.

Thekgo ya Tšhelete ya Etšensi

- 14.** (1) Ditšhelete tša Etšensi di akaretša— 50
- (a) tšhelete yeo e abjago ke Palamente;
- (b) motšhelo, go akaretša mašokotšo ao a tšwago go dipeletšo tša yona;
- (c) tšhelete yeo e kgobokeditšwego goba e adimilwego ke Etšensi;
- (d) tšhelete yeo e hweditšwego go tšwa go methopo ye mengwe bjale ka ge Boto e ka re, nako le nako, ya laetša, le ge e ka phegelela go dinepo le mešomo ya Etšensi; le 55
- (e) meneelo le dikabelo.

(2) Subject to this section, all income and property and all the proceeds of the Agency must be applied exclusively to the promotion of the object of the Agency.

(3) The Agency may, in the prescribed manner, establish and maintain reserve funds, the aggregate of which may not exceed an amount approved by the Minister in consultation with the Minister of Finance.

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Liquidation of Agency

15. The Agency may not be wound up except by or under the authority of an Act of Parliament.

Regulations

16. The Minister may make regulations with regard to— 10

- (a) the establishment and maintenance of reserve funds of the Agency as contemplated in section 14(3);
- (b) the Investment Framework Policy contemplated in section 5(3);
- (c) any matter that may or must be prescribed in terms of this Act;
- (d) any ancillary or incidental administrative or procedural matter that is necessary to prescribe for the proper implementation or administration of this Act. 15

Repeal of law

17. The Inventions Development Act, 1962 (Act No. 31 of 1962), is hereby repealed.

Transitional provisions and savings 20

18. (1) The South African Inventions Development Corporation (herein after referred to as the Corporation) established by section 2 of the Inventions Development Act, 1962 (Act No. 31 of 1962), is hereby disestablished.

(2) The Accounting Officer of the Department must deregister the South African Inventions Development Corporation in terms of the Companies Act, 1973 (Act No. 61 of 1973). 25

(3) The board of directors of the Corporation contemplated in section 6 of the Inventions Development Act, 1962 (Act No. 31 of 1962), (herein after referred to as the Inventions Development Act), is hereby dissolved.

(4) At the commencement of this Act— 30

- (a) all the rights, assets, obligations and liabilities of the Corporation vest in the Council for Scientific and Industrial Research, (herein after referred to as the CSIR);
- (b) the personnel of the Corporation contemplated in section 5 of the Inventions Development Act must be transferred to the CSIR in accordance with section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995); and 35
- (c) anything done in terms of the Inventions Development Act prior to such commencement and which may be done in terms of this Act, must be deemed as having been done in terms of this Act.

Short title and commencement 40

19. This Act is called the Technology Innovation Agency Act, 2008, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

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(2) Go ya ka karolo ye, letseno ka moka le thoto le dipolelo ka moka tša Etšensi, di swanetše go šomišetšwa fela tšwetšopele ya dinapo tša Etšensi.

(3) Etšensi, ka tsela ya maleba, e ka hloma le go lota ditšhelete, mo e lego gore kgoboketšo ya gona e ka se fete palomoka yeo e dumeletšwego ke Tona ka therišano le Tona ya Matlotlo.

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Go phuhlama ga Etšensi

15. Etšensi e ka se fedišwe ka ntle le goba ka fase ga maatla a Molao wa Palamente.

Melawana

16. Tona a ka dira melawana mabapi le—

- (a) tlhamo le tlhokomelo ya ditšhelete tša resefe ya Eitšentsi bjalo ka ge go akantšwe ka go karolo 14(3); 10
- (b) Maikemišetšo a *Investment Framework Policy* a akantšwego go karolo ya 5(3).
- (c) Taba ye nngwe le ye nngwe yeo e ka go, goba yeo e swanetšego go laetšwa go ya ka Molao wo; 15
- (d) taolo efe goba efe yeo e tlaleletšago goba ya sewelo goba taba yeo e latelago tšhepedišo yeo e hlokegago go laetša phethagatšo ya maleba goba taolo ya Molao wo.

Phedišo ya molao

17. Molao wa Tlhabollo ya Ditlhamo, 1962 (Molao wa 31 wa 1962), o a fedišwa. 20

Phetolelo ya dikabo le dipoloko

18. (1) Koporase ya Afrika Borwa ya Tlhabollo ya Ditlhamo yeo e hlomilwego ka fase ga karolo 2 ya Molao wa Tlhabollo ya Ditlhamo, 1962 (Molao wa 31 wa 1962), o a fetošwa.

(2) Molekodi wa matlotlo wa Kgoro o swanetše go phumula Koporase ya Afrika Borwa ya Tlhabollo le Ditlhamo go ya ka Molao wa Dikhamphani, 1973 (Molao wa 61 wa 1973). 25

(3) Mo mathomong a Molao wo, selo se sengwe le se sengwe seo se dirwago go ya ka Molao wa Tlhabollo ya Ditlhamo, 1962 (Molao wa 31 wa 1962), pele ga go thoma ga wona gomme se ka dirwago go ya ka Molao wo, se tla tšewa se dirilwe go ya ka Molao wo. 30

(4) Mo mathomong a Molao o—

- (a) ditokelo tšohle, matlotlo, ditshwanelo le melato ya Khophereišene ye maatla a yona a lego go *Council for Scientific and Industrial Research*, (yeo elego CSIR); 35
- (b) bašomi ba Khophereišene e akantšwego karolong ya 5 ya Molao wa *Inventions Development* ba swanetše go išwa goba go romelwa go CSIR ka tsamaišo ya karolo ya 197 ya Molao wa *Labour Relations*, wa 1995 (Molao Nom. 66 wa 1995); le
- (c) sengwe le sengwe se se dirilwego ka fase ga tirelo ya Molao wa *Inventions Development Act*, 1995, pele ga ge Molao o thomišitšwe ka tsela ya tirišo ya Molao o, se swanetše go amogelwa ge se dirilwe ka tsela ya Molao o. 40

Thaetlele ye kopana le go thoma

19. Molao wo o bitšwa Molao wa Etšensi ya Kaonafatšo ya Theknolotši, 2008, gomme o tla tsenywa tirišong ka nako yeo e beilwego ke Presidente ka tsebišo ka go *Kuranta ya Mmušo*. 45