

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 558 Cape Town, 5 December 2011 **No. 34817**
Kaapstad,

THE PRESIDENCY

No. 1001 5 December 2011

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

No. 16 of 2011: Science and Technology Laws Amendment Act, 2011

DIE PRESIDENSIE

Nr. 1001 5 Desember 2011

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

Nr. 16 van 2011: Wysigingswet op Wetenskap en Tegnologie, 2011

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.

*(English text signed by the President)
(Assented to 2 December 2011)*

ACT

To amend the Scientific Research Council Act, 1988, so as to amend certain definitions and insert certain new definitions; to provide for the term of office of the board members; to correct certain references; to effect certain technical corrections; to delete certain inappropriate or obsolete provisions; to amend the National Advisory Council on Innovation Act, 1997, so as to amend certain definitions and insert certain new definitions; to provide for the appointment of an independent chief executive officer; to effect certain technical corrections; to amend the National Research Foundation Act, 1998, so as to amend certain definitions and insert certain new definitions; to correct certain references; to provide for the term of office and disqualification of board members; to effect certain technical corrections; to amend the Academy of Science of South Africa Act, 2001, so as to amend and insert certain new definitions; to provide for election of certain officials of the Council and the Academy; to effect certain technical corrections; to amend the Africa Institute of South Africa Act, 2001, so as to amend certain definitions; to make provision for the term of office of the board members; to correct certain references; to effect certain technical corrections; to amend the Natural Scientific Professions Act, 2003, so as to amend certain definitions; to correct certain references; and to effect certain technical corrections; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 46 of 1988, as amended by section 1 of Act 71 of 1990 and section 1 of Act 49 of 1996

1. Section 1 of the Scientific Research Council Act, 1988, is hereby amended— 5
- (a) by the deletion of the numbering preceding and following each definition;
- (b) by the substitution for the definition of “regulation” of the following definition:
- “ ‘regulation’ means a regulation [**in force**] made in terms of this Act;”;
- (c) by the substitution for the definition of “research” of the following definition: 10
- “ ‘research’ means the augmentation and improvement of knowledge through scientific investigations and methods directed towards the scientific and technological requirements of the private and public sectors, including the solution of relevant problems in the national

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

*(Engelse teks deur die President geteken)
(Goedgekeur op 2 Desember 2011)*

WET

Tot wysiging van die Wet op die Wetenskaplike Navorsingsraad, 1988, ten einde bepaalde omskrywings te wysig en bepaalde nuwe omskrywings in te voeg; vir die ampstermyn van die raadslede voorsiening te maak; bepaalde verwysings reg te stel; sekere tegniese regstellings aan te bring; bepaalde onvanpaste of uitgediende bepalings te skrap; tot wysiging van die Wet op die Nasionale Adviesraad vir Innowering, 1997, ten einde bepaalde omskrywings te wysig en bepaalde nuwe omskrywings in te voeg; vir die aanstelling van 'n onafhanklike hoof- uitvoerende beampste voorsiening te maak; bepaalde tegniese regstellings aan te bring; tot wysiging van die Wet op Nasionale Navorsingstigting, 1998, ten einde bepaalde omskrywings te wysig en bepaalde nuwe omskrywings in te voeg; sekere verwysings reg te stel; voorsiening te maak vir die ampstermyn en diskwalifikasie van lede van die raad; bepaalde tegniese regstellings aan te bring; tot wysiging van die "Academy of Science of South Africa Act, 2001", ten einde bepaalde omskrywings te wysig en nuwe omskrywings in te voeg; vir die verkiesing van bepaalde beamptes van die Raad en die Akademie voorsiening te maak; bepaalde tegniese regstellings aan te bring; tot wysiging van die "Africa Institute of South Africa Act, 2001", ten einde sekere omskrywings te wysig; vir die ampstermyn van die raadslede voorsiening te maak; bepaalde verwysings reg te stel; bepaalde tegniese regstellings aan te bring; tot wysiging van die Wet op Natuurwetenskaplike Professies, 2003, ten einde bepaalde omskrywings te wysig; bepaalde verwysings reg te stel; en sekere tegniese regstellings aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 1 van Wet 46 van 1988, soos gewysig deur artikel 1 van Wet 71 van 1990 en artikel 1 van Wet 49 van 1996

1. Artikel 1 van die Wet op die Wetenskaplike Navorsingsraad, 1988, word hierby 5
gewysig—

- (a) deur die nommering voor en na elke omskrywing te skrap;
(b) deur die omskrywing van "hierdie Wet" deur die volgende omskrywing te vervang:

" 'hierdie Wet' ook ['n regulasie] die regulasies;";

- (c) deur die omskrywing van "navorsing" deur die volgende omskrywing te vervang:

" 'navorsing' die vermeerdering en verbetering van kennis deur middel van wetenskaplike ondersoeke en metodes gerig op die wetenskaplike en

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interest, and includes the development, acquisition, diffusion, innovation and transfer of expertise and technology;” and

- (d) by the substitution for the definition of “this Act” of the following definition:
 “ ‘this Act’ includes [**a regulation**] the regulations.”.

Amendment of section 2 of Act 46 of 1988

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2. Section 2 of the Scientific Research Council Act, 1988, is hereby amended by the addition of the following subsection after subsection (2):

“(3) The Council must comply with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999).”.

Amendment of section 4 of Act 46 of 1988, as amended by section 3 of Act 71 of 1990

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3. Section 4 of the Scientific Research Council Act, 1988, is hereby amended—

- (a) by the deletion of subsection (2); and

- (b) by the substitution for subsection (4) of the following subsection:

“(4) For the achievement of its objects contemplated in section 3, the CSIR, may in the field of research co-operate with departments of State, universities, [technikons] universities of technology, colleges, scientific institutions and other persons.”.

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Amendment of section 6 of Act 46 of 1988

4. Section 6 of the Scientific Research Council Act, 1988, is hereby amended by the substitution for subsection (3) of the following subsection:

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“(3) The Minister may, after consultation with the [**concurrence of the**] Board, determine that any property (excluding land and buildings) of the CSIR used by the CSIR in connection with the performance or exercise of the function or power transferred in terms of subsection (1), shall be transferred to the body of persons or department of State concerned.”.

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Amendment of section 7 of Act 46 of 1988, as amended by section 4 of Act 71 of 1990

5. Section 7 of the Scientific Research Council Act, 1988, is hereby amended—

- (a) by the insertion after subsection (2) of the following subsection:

“(2A) Before appointing members of the Board referred to in subsections 2(a) and (b), the Minister must appoint an independent panel which must compile a shortlist of candidates, after following a transparent nomination process.”;

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- (b) by the substitution for subsection (3) of the following subsection:

“(3) A member of the Board, excluding the president, shall hold office for a period not exceeding [**three**] four years, but shall be eligible for reappointment.”;

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- (c) by the insertion after subsection (3) of the following subsection:

“(3A) Save as provided for in subsection (3), no member may serve for more than two consecutive terms.”; and

- (d) by the substitution for subsection (5) of the following subsection:

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“(5) The members of the Board, including the [**chairman**] chairperson shall all be persons who have achieved distinction in science [**or**], industry or who have special knowledge or experience in relation to some aspect of the CSIR’s functions, including a person who has financial knowledge, and be broadly representative of the demographics of the Republic.”.

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tegnologiese behoeftes van die private en openbare sektore, met inbegrip van die oplossing van relevante probleme in nasionale belang, en sluit dit die ontwikkeling, verkryging, verspreiding, vernuwing en oordrag van kundigheid en tegnologie in;"; en

- (d) deur die omskrywing van "regulasie" deur die volgende omskrywing te vervang: 5
 "‘regulasie’ ’n regulasie ingevolge hierdie Wet [van krag] uitgevaardig;".

Wysiging van artikel 2 van Wet 46 van 1998

2. Artikel 2 van die Wet op die Wetenskaplike Navorsingsraad, 1998, word hierby 10
 gewysig deur die volgende subartikel na subartikel (2) in te voeg:

"(3) Die Raad moet aan die bepalings van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), voldoen."

Wysiging van artikel 4 van Wet 46 van 1988, soos gewysig deur artikel 3 van Wet 71 van 1990 15

3. Artikel 4 van die Wet op die Wetenskaplike Navorsingsraad, 1988, word hierby gewysig—

- (a) deur subartikel (2) te skrap; en
 (b) deur subartikel (4) deur die volgende subartikel te vervang: 20
 "(4) Ter bereiking van sy oogmerke in artikel 3 bedoel, kan die WNNR met Staatsdepartemente, universiteite, [technikons] universiteite van tegnologie, kolleges, wetenskaplike inrigtings en ander persone saamwerk op die gebied van navorsing."

Wysiging van artikel 6 van Wet 46 van 1988

4. Artikel 6 van die Wet op die Wetenskaplike Navorsingsraad, 1988, word hierby 25
 gewysig deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Die Minister kan [met die instemming van], na oorleg met die Raad, bepaal dat enige goed (uitgesonderd grond en geboue) van die WNNR wat deur die WNNR gebruik word in verband met die verrigting of uitoefening van 'n werksaamheid of bevoegdheid wat ingevolge subartikel (1) oorgedra word, aan die 30
 betrokke liggaam van persone of Staatsdepartement oorgedra word."

Wysiging van artikel 7 van Wet 46 van 1988, soos gewysig deur artikel 4 van Wet 71 van 1990

5. Artikel 7 van die Wet op die Wetenskaplike Navorsingsraad, 1988, word hierby 35
 gewysig—

- (a) deur die volgende subartikel na subartikel (2) in te voeg: 40
 "(2A) Voor aanstelling van die lede van die Raad in subartikel (2)(a) en (b) bedoel, moet die Minister 'n onafhanklike paneel aanstel wat 'n kortlys van kandidate moet saamstel nadat 'n deursigtige benoemingsproses gevolg is."; 40
 (b) deur subartikel (3) deur die volgende subartikel te vervang:
 "(3) 'n Lid van die Raad, met uitsondering van die president, beklee sy amp vir 'n tydperk van hoogstens [drie] vier jaar, maar kan weer aangestel word."; 45
 (c) deur die volgende subartikel na subartikel (3) in te voeg: 45
 "(3A) Buiten soos in subartikel (3) bepaal, kan geen lid meer as twee agtereenvolgende termyne dien nie."; en
 (d) deur subartikel (5) deur die volgende subartikel te vervang: 50
 "(5) Die lede van die Raad, met inbegrip van die voorsitter, moet almal persone wees wat onderskeiding in die wetenskap of die nywerheidswese behaal het of oor besondere kennis of ondervinding met betrekking tot een of ander aspek van die WNNR se werksaamhede beskik, met inbegrip van 'n persoon wat kennis van finansies het, en in die breë verteenwoordigend van die demografie van die Republiek is."

Amendment of section 11 of Act 46 of 1988

6. Section 11 of the Scientific Research Council Act, 1988, is hereby amended by the addition of the following subsection after subsection (4):

“(5) The Board must meet at least once a quarter.”

Amendment of section 15 of Act 46 of 1988

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7. Section 15 of the Scientific Research Council Act, 1988, is hereby amended—

- (a) by the deletion of paragraph (b) of subsection (1); and
- (b) by the deletion of paragraph (a) of subsection (2).

Repeal of sections 16 and 17 of Act 46 of 1988

8. Sections 16 and 17 of the Scientific Research Council Act, 1988, are hereby 10 repealed.

Amendment of section 18 of Act 46 of 1988

9. Section 18 of the Scientific Research Council Act, 1988, is hereby amended—

- (a) by the substitution for subsection (5) of the following paragraph: 15
“[(5)] (e) the procedure at meetings of the Board[,]; and”;
- (b) by the deletion of the words following subsection (5);
- (c) by the addition of the following paragraph after subsection (5):
“(f) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.”; and 20
- (d) by the re-numbering of subsections (1) to (5) as paragraphs (a) to (e), respectively.

Substitution of section 20 of Act 46 of 1988

10. The following section is hereby substituted for section 20 of the Scientific Research Council Act, 1988: 25

“Administration of Act

20. The [State] President may by proclamation in the *Gazette* assign the administration of this Act to any Minister, and may determine that any power or duty conferred or imposed by this Act on such Minister, shall be exercised or carried out by that Minister after consultation with one or more 30 other Ministers.”.

Substitution of expressions in Act 46 of 1988

11. The Scientific Research Council Act, 1988, is hereby amended by the substitution for the expressions ‘chairman’, ‘president’ and ‘Executive Management Board’, respectively, wherever they occur, of the expressions ‘chairperson’, ‘chief executive officer’ and ‘Executive Management Committee’, respectively. 35

Insertion of words in Act 46 of 1988

12. The Scientific Research Council Act, 1988, is hereby amended by the insertion of the words “or she” or “or her” after “his”, “him” or “he”, as the case may be, wherever they occur. 40

Substitution of section 24 of Act 46 of 1988

13. The following section is hereby substituted for section 24 of the Scientific Research Council Act, 1988:

Wysiging van artikel 11 van Wet 46 van 1988

6. Artikel 11 van die Wet op die Wetenskaplike Navorsingsraad, 1988, word hierby gewysig deur die volgende subartikel na subartikel (4) in te voeg:

“(5) Die Raad moet ten minste een keer ’n kwartaal vergader.”.

Wysiging van artikel 15 van Wet 46 van 1988

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7. Artikel 15 van die Wet op die Wetenskaplike Navorsingsraad, 1988, word hierby gewysig—

- (a) deur paragraaf (b) van subartikel (1) te skrap; en
- (b) deur paragraaf (a) van subartikel (2) te skrap.

Herroeping van artikels 16 en 17 van Wet 46 van 1988

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8. Artikels 16 en 17 van die Wet op die Wetenskaplike Navorsingsraad, 1988, word hierby herroep.

Wysiging van artikel 18 van Wet 46 van 1988

9. Artikel 18 van die Wet op die Wetenskaplike Navorsingsraad, 1988, word hierby gewysig—

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- (a) deur subartikel (5) deur die volgende paragraaf te vervang:

“[(5)] (e) die prosedure by vergaderings van die Raad [„]; en”;

- (b) deur die woorde wat op subartikel (5) volg te skrap;

- (c) deur die volgende paragraaf na subartikel (5) in te voeg:

“(f) enige bykomstige of insidentele uitvoerende of prosedurele aangeleentheid wat voorgeskryf moet word vir die behoorlike toepassing of uitvoering van hierdie Wet.”; en

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- (d) deur die hernommering van subartikels (1) tot (5) onderskeidelik as paragrawe (a) tot (e).

Wysiging van artikel 20 van Wet 46 van 1988

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10. Artikel 20 van die Wet op die Wetenskaplike Navorsingsraad, 1988, word hierby deur die volgende artikel vervang:

“Uitvoering van Wet

20. Die [Staatspresident] President kan by proklamasie in die *Staatskoerant* die uitvoering van hierdie Wet aan enige Minister opdra, en kan bepaal dat ’n bevoegdheid of plig by hierdie Wet aan dié Minister verleen of hom opgelê, uitgeoefen of verrig moet word deur daardie Minister na oorleg met een of meer ander Ministers.”.

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Vervanging van uitdrukkings in Wet 46 van 1988

11. Die Wet op die Wetenskaplike Navorsingsraad, 1988, word hierby gewysig deur die uitdrukkings “president” en “Uitvoerende Bestuursraad”, waar dit ook al voorkom, onderskeidelik deur “hoof- uitvoerende beampte” en “Uitvoerende Bestuurskomitee” te vervang.

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Invoeging van woorde in Wet 46 van 1988

12. Die Wet op die Wetenskaplike Navorsingsraad, 1988, word hierby gewysig deur die woorde “of sy” of “of haar” in te voeg na “hy” en “sy”, na gelang van die geval, waar dit ook al voorkom.

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Vervanging van artikel 24 van Wet 46 van 1988

13. Artikel 24 van die Wet op die Wetenskaplike Navorsingsraad, 1988, word hierby deur die volgende artikel vervang:

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“Short title and commencement

24. This Act shall be called the Scientific Research Council Act, 1988, and shall come into operation on a date to be fixed by the [State] President by proclamation in the *Gazette*.”.

Amendment of section 1 of Act 55 of 1997

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14. Section 1 of the National Advisory Council on Innovation Act, 1997, is hereby amended—

- (a) by the deletion of the numbering preceding and following each definition;
- (b) by the substitution for the definition of the “chief executive officer” of the following definition: 10
 “ ‘**chief executive officer**’ means the [Director-General of the Department] person appointed under section 11 as the chief executive officer of NACI;”;
- (c) by the substitution for the definition of “Department” of the following definition: 15
 “ ‘**Department**’ means the Department of [Arts, Culture,] Science and Technology;”;
- (d) by the substitution for the definition of “higher education sector” of the following definition: 20
 “ ‘**higher education sector**’ means universities, [technikons] universities of technology, colleges of education and other institutions which [provides] provide tertiary education, whatever their [source] sources of finance or legal status;”;
- (e) by the substitution for the definition of “innovation” of the following definition: 25
 “ ‘**innovation**’ refers to the application in practice of creative new ideas, which includes the processes by which new products and services enter the market (social or economic) and the creation of new businesses;”;
- (f) by the substitution in subsection (1) for the definition of “Minister” of the following definition: 30
 “ ‘**Minister**’ means the Minister [of Arts, Culture,] responsible for Science and Technology;”;
- (g) by the deletion of the definition of “Ministers Committee”;
- (h) by the insertion after the definition of “non-profit sector” of the following definition: 35
 “ ‘**regulation**’ means a regulation made under section 13;” and
- (i) by the substitution in subsection (1) for the definition of “this Act” of the following definition: 40
 “ ‘**this Act**’ includes [any regulation made under section 13] the regulations.”.

Amendment of section 5 of Act 55 of 1997

15. Section 5 of the National Advisory Council on Innovation Act, 1997, is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

- “(d) an officer of the Department of Trade and Industry nominated by the Minister responsible for Trade and Industry, and appointed by the Minister [with the concurrence of the Minister of Trade and Industry].”.

Amendment of section 7 of Act 55 of 1997

16. Section 7 of the National Advisory Council on Innovation Act, 1997, is hereby amended by the substitution for subsection (3) of the following subsection: 50

- “(3) A member whose period of office has expired [may be] is eligible to be reappointed for not more than two consecutive terms.”.

“Kort titel en inwerkingtreding

24. Hierdie Wet heet die Wet op die Wetenskaplike Navorsingsraad, 1988, en tree in werking op 'n datum wat die [Staatspresident] President by proklamasie in die *Staatskoerant* bepaal.”.

Wysiging van artikel 1 van Wet 55 van 1997

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14. Artikel 1 van die Wet op die Nasionale Adviesraad vir Innowering, 1997, word hierby gewysig—

- (a) deur die nommering wat elke omskrywing voorafgaan en daarop volg te skrap;
- (b) deur die omskrywing van “Departement” deur die volgende omskrywing te 10
vervang:
“‘Departement’ die Departement van [Kuns, Kultuur,] Wetenskap en Tegnologie;”;
- (c) deur die omskrywing van “hierdie Wet” in subartikel (1) deur die volgende 15
omskrywing te vervang:
“‘hierdie Wet’ ook [’n regulasie kragtens artikel 13 uitgevaardig] die regulasies;”;
- (d) deur die omskrywing van “hoër onderwyssektor” deur die volgende 20
omskrywing te vervang:
“‘hoër onderwyssektor’ universiteite, [technikons] universiteite van tegnologie, onderwyskolleges en ander instellings wat tersiêre opvoeding verskaf, ongeag hulle [bron] bronne van finansiering of regstatus;”;
- (e) deur die omskrywing van “hoof uitvoerende beampte” deur die volgende 25
omskrywing te vervang:
“‘hoof uitvoerende beampte’ die [Direkteur-generaal van die Departement] persoon kragtens artikel 11 as die hoof uitvoerende beampte van NARI aangestel;”;
- (f) deur die omskrywing van “innovering” deur die volgende omskrywing te 30
vervang:
“‘innovering’ die toepassing in die praktyk van kreatiewe nuwe idees, met inbegrip van die prosesse waardeur nuwe produkte en dienste die mark (maatskaplik of ekonomies) betree en die skepping van nuwe besighede;”;
- (g) deur in subartikel (1) die omskrywing van “Minister” deur die volgende 35
omskrywing te vervang:
“‘Minister’ die Minister [van Kuns, Kultuur,] verantwoordelik vir Wetenskap en Tegnologie;”;
- (h) deur die omskrywing van “Ministerskomitee” te skrap; en
- (i) deur na die omskrywing van “regeringsektor” die volgende omskrywing in te 40
voeg:
“‘regulasie’ ’n regulasie kragtens artikel 13 uitgevaardig;”.

Wysiging van artikel 5 van Wet 55 van 1997

15. Artikel 5 van die Wet op die Nasionale Adviesraad vir Innowering, 1997, word hierby gewysig deur in subartikel (1) paragraaf (d) deur die volgende paragraaf te 45
vervang:

- “(d) ’n beampte van die Departement van Handel en Nywerheid benoem deur die 50
Minister verantwoordelik vir Handel en Nywerheid, en aangestel deur die Minister [met die instemming van die Minister van Handel en Nywerheid].”.

Wysiging van artikel 7 van Wet 55 van 1997

16. Artikel 7 van die Wet op die Nasionale Adviesraad vir Innowering, 1997, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

- “(3) ’n Lid wie se ampstermyn verstryk het, kan weer aangestel word vir nie 55
meer nie as twee opeenvolgende termyne.”.

Amendment of section 9 of Act 55 of 1997

17. Section 9 of the National Advisory Council on Innovation Act, 1997, is hereby amended by the insertion of the following subsection after subsection (1):

“(1A) NACI must meet at least once a quarter.”

Amendment of section 11 of Act 55 of 1997

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18. Section 11 of the National Advisory Council on Innovation Act, 1997, is hereby amended by the insertion after subsection (1) of the following subsection:

“(1A) The Minister must appoint a suitably qualified person as a chief executive officer of NACI.”

Amendment of section 1 of Act 23 of 1998

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19. Section 1 of the National Research Foundation Act, 1998, is hereby amended—

- (a) by the deletion of the numbering preceding and following each definition;
 (b) by the insertion after the definition of “chairperson” of the following definition:

“‘chief executive officer’ means the person appointed as the chief executive officer of the Foundation under section 10;” 15

- (c) by the substitution for the definition of “Minister” of the following definition:
 “‘Minister’ means the Minister [of Arts, Culture, Science and Technology] responsible for science and technology;”

- (d) by the deletion of the definition of “president”; 20

- (e) by the substitution for the definition of “research institution” of the following definition:

“‘research institution’ means any organisation practising research, as recognised by the [Board,] Minister with primary emphasis on institutions in the [tertiary] public higher education sector;” 25

- (f) by the substitution for the definition of “science” of the following definition:
 “‘science’ [includes the natural sciences, engineering sciences, medical sciences, agricultural sciences, social sciences, and humanities] includes any system of knowledge attained by verifiable means and the organised body of knowledge humans have gained by research;” 30

- (g) by the substitution for the definition of “this Act” of the following definition:
 “‘this Act’ includes [a regulation] the regulations;”

Amendment of section 4 of Act 23 of 1998

20. Section 4 of the National Research Foundation Act, 1998, is hereby amended by the substitution in subsection (3) for paragraph (b) of the following paragraph: 35

“(b) advise the Minister and, if so required, the Minister [of Education] responsible for higher education and training through the Minister, [in] with regard to research relating to its object.”

Amendment of section 6 of Act 23 of 1998

21. Section 6 of the National Research Foundation Act, 1998, is hereby amended— 40

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

“(ii) not fewer than nine and not more than eleven other members, appointed by the Minister, after consultation with the Minister [of Education] responsible for higher education and training; and” 45

- (b) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) [Tertiary] Higher education;”

Wysiging van artikel 9 van Wet 55 van 1997

17. Artikel 9 van die Wet op die Nasionale Adviesraad vir Innowering, 1997, word hierby gewysig deur die volgende subartikel na subartikel (1) in te voeg:

“(1A) NARI moet ten minste een keer ’n kwartaal vergader.”.

Wysiging van artikel 11 van Wet 55 van 1997

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18. Artikel 11 van die Wet op die Nasionale Adviesraad vir Innowering, 1997, word hierby gewysig deur die volgende subartikel na subartikel (1) in te voeg:

“(1A) Die Minister moet ’n geskik gekwalifiseerde persoon as hoof uitvoerende beampte van NARI aanstel.”.

Wysiging van artikel 1 van Wet 23 van 1998

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19. Artikel 1 van die Wet op Nasionale Navorsingstigting, 1998, word hierby gewysig—

- (a) deur die nommering wat elke omskrywing voorafgaan en daarop volg te skrap;
- (b) deur die omskrywing van “hierdie Wet” deur die volgende omskrywing te vervang: 15
“‘hierdie Wet’ ook [’n regulasie] die regulasies;”;
- (c) deur die volgende omskrywing na die omskrywing van “hierdie Wet” in te voeg: 20
“‘hoof- uitvoerende beampte’ die persoon kragtens artikel 10 as die hoof- uitvoerende beampte van die Stigting aangestel;”;
- (d) deur die omskrywing van “Minister” deur die volgende omskrywing te vervang: 25
“‘Minister’ die Minister [van Kuns, Kultuur, Wetenskap en Tegnologie] verantwoordelik vir wetenskap en tegnologie;”;
- (e) deur die omskrywing van “navorsingsinstelling” deur die volgende omskrywing te vervang: 30
“‘navorsingsinstelling’ ’n organisasie wat navorsing doen, soos deur die [Raad] Minister erken, met die primêre klem op instellings in die [tersiêre] openbare hoër onderwyssektor;”;
- (f) deur die omskrywing van “president” te skrap; en
- (g) deur die omskrywing van “wetenskap” deur die volgende omskrywing te vervang: 35
“‘wetenskap’ [ook die natuurwetenskappe, ingenieurswetenskappe, mediese wetenskappe, landbouwetenskappe, sosiale wetenskappe en humaniora] ook enige kennisstelsel wat volgens verifieerbare metodes verwerf is en die georganiseerde versameling van kennis wat die mensdom deur navorsing verwerf het.”.

Wysiging van artikel 4 van Wet 23 van 1998

20. Artikel 4 van die Wet op Nasionale Navorsingstigting, 1998, word hierby gewysig 40
deur in subartikel (3) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) die Minister en, indien aldus vereis, die Minister [van Onderwys] verantwoordelik vir hoër onderwys en opleiding deur die Minister, van raad dien ten opsigte van navorsing wat met sy oogmerk verband hou.”.

Wysiging van artikel 6 van 23 van 1998

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21. Artikel 6 van die Wet op Nasionale Navorsingstigting, 1998, word hierby gewysig—

- (a) deur subparagraaf (ii) van subartikel (1)(a) deur die volgende subparagraaf te vervang: 50
“(ii) minstens nege maar hoogstens elf ander lede deur die Minister, na oorlegpleging met die Minister [van Onderwys] verantwoordelik vir hoër onderwys en opleiding, aangestel; en”;
- (b) deur in subartikel (4) paragraaf (a) deur die volgende paragraaf te vervang:
“(a) [Tersiêre] Hoër onderwys;”;

- (c) by the substitution for subsection (5) of the following subsection:
 “(5) The Board must be reconstituted every [three] four years in accordance with the process referred to in subsection (2).”;
- (d) by the insertion after subsection (5) of the following subsections:
 “(5A) To ensure continuity in the leadership of the Board, at least one third of the Board must at all times consist of re-appointed members. 5
 (5B) A member may not serve more than two consecutive terms.”; and
- (e) by the addition of the following subsection after subsection (8):
 “(9) A person may not be appointed as a member of the Board if that person— 10
 (a) is not a citizen or permanent resident of the Republic;
 (b) is an unrehabilitated insolvent;
 (c) has, after the commencement of the Constitution of the Republic of South Africa, 1996, been convicted of an offence, whether in the Republic or elsewhere, and sentenced to imprisonment without an option of a fine.”. 15

Amendment of section 10 of Act 23 of 1998

22. Section 10 of the National Research Foundation Act, 1998, is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) The Board must appoint a chief executive officer for the Foundation, [who will also be the president of the Foundation. The appointment must be made] after following a transparent and competitive nomination process.”. 20

Repeal of section 22 of Act 23 of 1998

23. Section 22 of the National Research Foundation Act, 1998, is hereby repealed.

Substitution of expression in Act 23 of 1998

24. The National Research Foundation Act, 1998, is hereby amended by the substitution for the expression “president”, wherever it occurs, of the expression “chief executive officer”, except where it refers to the President of the Republic or the president of the FRD. 25

Amendment of section 1 of Act 67 of 2001

25. Section 1 of the Academy of Science of South Africa Act, 2001, is hereby amended— 30

- (a) by the insertion after the definition of “financial year” of the following definition:
 “‘Member’ means an elected member of the Academy;”; and 35
 (b) by the substitution for the definition of “Minister” of the following definition:
 “‘Minister’ means the [cabinet member] Minister responsible for [Arts, Culture, Science and Technology] science and technology;”.

Substitution of section 2 of Act 67 of 2001

26. The following section is hereby substituted for section 2 of the Academy of Science of South Africa Act, 2001: 40

“Establishment of Academy

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

(2) The Academy must comply with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999). 45

- (c) deur subartikel (5) deur die volgende subartikel te vervang:
“(5) Die Raad word elke [**drie**] vier jaar heraan gestel ooreenkomstig die proses bedoel in subartikel (2).”;
- (d) deur die volgende subartikels na subartikel (5) in te voeg:
“(5A) Ten einde kontinuïteit van leierskap van die Raad te verseker, moet ten minste een derde van die Raad te alle tye uit heraangestelde lede bestaan. 5
(5B) ’n Lid kan nie meer as twee agtereenvolgende termynne dien nie.”; en
- (e) deur die volgende subartikel na subartikel (8) in te voeg: 10
“(9) ’n Persoon kan nie as ’n lid van die Raad aangestel word nie indien daardie persoon—
(a) nie ’n burger of ’n permanente inwoner van die Republiek is nie;
(b) ’n ongerehabiliteerde insolvent is;
(c) na die inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1996, skuldig bevind is aan ’n misdryf, hetsy in die Republiek of elders, en tot gevangenisstraf sonder die opsie van ’n boete gevonnissen is.”. 15

Wysiging van artikel 10 van Wet 23 van 1998

22. Artikel 10 van die Wet op Nasionale Navorsingstigting, 1998, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 20
“(1) Die Raad stel ’n hoof- uitvoerende beampte vir die Stigting aan, [wat ook die president van die Stigting is. Die aanstelling moet gedoen word] nadat ’n deursigtige en mededingende nomineringsproses gevolg is.”.

Herroeping van artikel 22 van Wet 23 van 1998

23. Artikel 22 van die Wet op Nasionale Navorsingstigting, 1998, word hierby herroep. 25

Vervanging van uitdrukking in Wet 23 van 1998

24. Die Wet op Nasionale Navorsingstigting, 1998, word hierby gewysig deur die uitdrukking “president”, waar dit ook al voorkom, deur die uitdrukking “hoof- uitvoerende beampte” te vervang, buiten waar dit na die President van die Republiek of die president van die SNO verwys. 30

Wysiging van artikel 1 van Wet 67 van 2001

25. Ngakho-ke isigaba soku-1 soMthetho weziKhungo zoCwaningo kwezeSayensi eNingizimu Afrika, wezi-2001, sichtshiyelwe— 35
(a) ngokushutheka ngemuva kwencazelo “unyaka wezimali” le ncazelo elandelayo:
“**‘iLungu’** lichaza ilungu eliqokwe isiKhungo;”; futhi
(b) ngokufaka endaweni yencazelo “kaNgqongqoshe” le ncazelo elandelayo:
“**‘uNgqongqoshe’** uchaza [ilungu lekhabinethi] uNgqongqoshe obhekele [ezoBuciko, iSayensi noBuchwepheshe] isayensi nezobuchwepheshe;”. 40

Vervanging van artikel 2 van Wet 67 van 2001

26. Ngakho-ke lesi sigaba esilandelayo sifakwe endaweni yesigaba sesi-2 soMthetho weziKhungo zoCwaningo kwezeSayensi eNingizimu Afrika, wezi-2001: 45
“**Ukusungulwa kwesiKhungo**

2. (1) Ngakho-ke kusungulwe igatsha elingamangalela noma limangalelwe elizokwaziwa njengesiKhungo seSayensi yaseNingizimu Afrika.
(2) Lesi siKhungo kufanele silandela imibandela ye-Public Finance Management Act, 1999 (Act No. 1 of 1999).”. 50

Amendment of section 5 of Act 67 of 2001

27. Section 5 of the Academy of Science of South Africa Act, 2001, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection: 5
 “(1) There is only one category of members of the Academy, but a **[member] Member** may become an *emeritus [member] Member* from the beginning of the year in which the **[member] Member** turns 70 years of age.”;
- (b) by the substitution for subsection (4) of the following subsection: 10
 “(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] Members**, at least two of whom have personal knowledge and understanding of the scientific work and significant contribution to science of the candidate.”;
- (c) by the substitution for subsection (8) of the following subsection: 15
 “(8) **[All existing members] 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.”;
- (d) by the substitution for subsection (11) of the following subsection: 20
 “(11) Every person who is elected a **[member] Member** of the Academy must **[attend an annual general meeting of the Academy to] sign the register of [members] Members and [to] subscribe to the following obligation, within a year of election:**
[(a)“ (a) I (full names) hereby promise to promote the 25
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 30
standing orders of the Academy for as long as I remain a [member] Member thereof.”;
- (e) by the substitution for subsection (12) of the following subsection: 35
 “(12) A **[member] Member** of the Academy is, subject to subsection (9), **[obliged] eligible** to take part in the elections of new **[members] Members** of the Academy and the members of the Council.”; and
- (f) by the substitution for subsection (13) of the following subsection: 40
 “(13) An unsuccessful candidate or a Member who had his or her membership terminated may appeal to the Council in the prescribed manner.”.

Amendment of section 6 of Act 67 of 2001

28. Section 6 of the Academy of Science of South Africa Act, 2001, is hereby amended—

- (a) by the substitution for subsection (4) of the following subsection: 45
 “(4) The members of the Council, except the member contemplated in subsection (3)(f), are elected by **[members] Members** of the Academy from their number and appointed by the Minister.”;
- (b) by the insertion of the following subsections after subsection (4): 50
 “(4A) The chairperson of the Council must be elected by secret ballot by the Council from among its members, at its first meeting, after nomination of Council members for election as president with the support of at least two members of the Council.
 (4B) The vice-presidents, the treasurer and the general secretary of the Academy must be elected by the Council by secret ballot from among its members at its first meeting, after nominations in each case by at least two members of the Council.” 55
- (c) by the substitution for paragraph (a) of subsection (6) of the following paragraph: 60
 “(a) The Council **[meets] must meet at least once a quarter** at such times and places as the **[president] chairperson** may direct in writing.”.

Wysiging van artikel 5 van Wet 67 van 2001

27. Ngakho-ke isigaba sesi-5 soMthetho weziKhungo zoCwaningo kwezeSayensi eNingizimu Afrika, wezi-2001, sichtshtiyelwe—

- (a) ngokufaka endaweni yesigatshana soku-(1) isigatshana esilandelayo: 5
 “(1) Kunomkhakha owodwa wamalungu esiKhungo, kodwa [ilungu] iLungu lingaba iLungu eselathatha umhlalaphansi [ilungu] kusukela kuqala unyaka lapho iLungu [ilungu] liqeda iminyaka engama-70.”;
- (b) ngokufaka endaweni yesigatshana sesi-(4) isigatshana esilandelayo: 10
 “(4) Abangenele ukuba ngamalungu esiKhungo bayaphakanyiswa futhi kwenziwe izincomookungenani kanye ngonyakangesitifiketi esi-nqunyiwe esisayindwe ngamaLungu [ngamalungu] asukela kwamane, amabili kuwona anolwazi futhi aqonda ubuchwepheshe bomsebenzi kanye neqhaza lesayensi elizobanjwa ilungu elikhethiwe.”;
- (c) ngokufaka endaweni yesigatshana sesi-(8) isigatshana esilandelayo: 15
 “(8) [Wonke amalungu asasebenza] amaLungu asasebenza esi-Khungo kuzofanele avotele asebenzise iphepha lokuvota ukuvotela lelo lungu elikhethiwe eligunyazwe uMkhandlu noma angavoti.”;
- (d) ngokufaka endaweni yesigatshana se-(11) isigatshana esilandelayo: 20
 “(11) Noma ubani oqokiwe ukuba abe [ilungu] iLungu lesiKhungo kufanele [athamele umhlangano wonyaka ojwayelekile wesiKhungo] asayinde iregista [yamalungu] yamaLungu futhi alandele izibophezelo ezilandelayo, ungakapheli unyaka eqokiwe:
 [(a)““(a) I (amagama agcwele) ngithembise ukukhuthaza inhlalakahle yaseNingizimu Afrika ngezesayensi futhi ngikhuthaza izinjongo zesiKhungo seSayensi nezobuchwepheshe eNingizimu Afrika njengoba kusemandleni ami; futhi
 (b) Kufanele ngilandele umthethosisekelo onqunyiwe kanye nemi-yalelo enqunyiwe yesiKhungo inqobo nje uma [ngiseyilungu] iLungu laso.””]; 25 30
- (e) ngokufaka endaweni yesigatshana se-(12) isigatshana esilandelayo: 35
 “(12) [ilungu] iLungu lesiKhungo lilandela isigatshanba sesi-(9), [libophezelekile] kufanele libe ingxenye uma kukhethwa [amalungu] amaLungu amasha esiKhungo kanye namalungu oMkhandlu.”; futhi
- (f) ngokufaka endaweni yesigatshana se-(13) isigatshana esilandelayo: 35
 “(13) Ilungu elikhethiwe eliphumelele noma iLungu okumiswe ubulungu balo lingafaka isicelo sokubuyekeza eMkhandlwini ngendlela enqunyiwe.”.

Wysiging van artikel 6 van Wet 67 van 2001

28. Ngakho-ke isigaba sesi-6 soMthetho weziKhungo zoCwaningo kwezeSayensi eNingizimu Afrika, wezi-2001, sichtshtiyelwe—

- (a) ngokufaka endaweni yesigatshana sesi-(4) isigatshana esilandelayo: 45
 “(4) Amalungu oMkhandlu ngaphandle kwelungu elivezwe esigatshanelelani sesi-(3)(f), aqokwa [amalungu] amaLungu esiKhungo ngenani lawo futhi aqokwa uNgqongqoshe.”;
- (b) ngokushutheka izigatshana ezilandelayo ngemuva kwesigatshana sesi-(4): 50
 “(4A) Usihlalo woMkhandlu kufanele aqokwe nghephepha lokuvota eliyimfihlo uMkhandlu kumalungu awo, futhi emhlanganweni wawo wokuqala ngemuva kokuba kokuqokwa kwamalungu oMkhandlu azokhethwa njengomongameli asekwengamalungu amabili oMkhandlu. 50
 (4B) Amaphini omongameli, umgcinimafa kanye nonobhala jikelele besiKhungo kufanele baqokwe uMkhandlu ngephepha lokuvota eliyimfihlo kumalungu awo emhlanganweni wawo wokuqala, ngemuva kokuphakanyiswa kwamagama kulokhu ngakunye okungenani ngama-lungu amabili oMkhandlu.”; futhi 55
- (c) ngokufaka endaweni yendima (a) isigatshana sesi-(6) sale ndima elandelayo: 55
 “(a) uMkhandlu [uyahlangana] kufanele uhlalange okungenani kanye ngekota ngalezo zikhathi nasezindaweni ezinganqunywa [umongameli] usihlalo ngokubhalwe phansi.”.

Amendment of section 7 of Act 67 of 2001

29. Section 7 of the Academy of Science of South Africa Act, 2001, is hereby amended—

- (a) by the deletion in subsection (2) of paragraph (b);
- (b) by the substitution for paragraph (f) of subsection (2) of the following paragraph: 5
 “(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**], and such finding has been confirmed at the annual general meeting.”; 10
- (c) by the deletion of paragraph (g) of subsection (2);
- (d) by the insertion after subsection (2) of the following subsection: 15
 “(2A) The Council must be reconstituted every four years, and a member of the Council may not serve for more than two consecutive terms.”;
- (e) by the substitution for subsection (3) of the following subsection: 20
 “(3) Any member of the Council wishing to resign his or her membership must tender his or her resignation in writing to the [president] chairperson of the Council.”;
- (f) by the substitution for subsection (4) of the following subsection: 25
 “(4) Membership [lapses] of the Council terminates if subscription fees, as prescribed, have not been paid within [three months after they become due] the prescribed period.”; and
- (g) by the insertion after subsection (5) of the following subsection: 25
 “(5A) For the sake of continuity, at least one third of the Council must at all times consist of re-appointed members.”.

Amendment of section 8 of Act 67 of 2001

30. Section 8 of the Academy of Science of South Africa Act, 2001, is hereby amended by the substitution for subsection (2) of the following subsection: 30

- “(2) A committee referred to in subsection (1) consists of such number of members of the Academy and employees of the Academy, if any, and other persons as the Council may deem necessary, and the Council may at any time dissolve or reconstitute a committee.”. 35

Repeal of section 9 of Act 67 of 2001

31. Section 9 of the Academy of Science of South Africa Act, 2001, is hereby repealed.

Amendment of section 10 of Act 67 of 2001

32. Section 10 of the Academy of Science of South Africa Act, 2001, is hereby amended by the substitution for paragraph (b) of the following paragraph: 40

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

Amendment of section 11 of Act 67 of 2001 45

33. Section 11 of the Academy of Science of South Africa Act, 2001, is hereby amended—

- (a) by the substitution for paragraphs (c) and (d) of subsection (1) of the following paragraphs, respectively: 50
 “(c) interest on investments; [and] 50

Wysiging van artikel 7 van Wet 67 van 2001

29. Ngakho-ke isigaba sesi-7 soMthetho weziKhungo zoCwaningo kwezeSayensi eNingizimu Afrika, wezi-2001, sichitshiyelwe—

- (a) ngokususa indima (b) yesigatshana sesi-(2);
- (b) ngokufaka endaweni yendima (f) yesigatshana sesi-(2) le ndima elandelayo: 5
 “(f) etholwe enecala lokungaziphathi kahle ngemuva kokulalelwa kwesenzo esingabeka isiKhungo ehlazweni [, **kodwa ilungu ngeke lisuke esikhundleni kuze kubanjwe umhlangano olandelayo wonyaka ojwayelekile lapho kufanele kuvezwe ezindabeni ezizodingidwa ukususwa esikhundleni**], futhi lesi sinqumo sesi-qinisekisiwe emhlanganweni ojwayelekile wonyaka.”;
- (c) ngokususa indima (g) yesigatshana sesi-(2);
- (d) ngokushutheka ngemuva kwesigatshana sesi-(2) lesi sigatshana esilandelayo: 15
 “(2A) UMkhandlu kufanele wakhiwe kabusha njalo eminyakeni emine, futhi ilungu loMkhandlu ngeke lisebenze izikhawu ezimbili zilandelana.”;
- (e) ngokufaka endaweni yesigatshana sesi-(3) lesi sigatshana esilandelayo: 20
 “(3) Ilungu loMkhandlu elifisa ukusula ukuba ilungu kufanele lihambise incwadi yokusula ebhaliwe [**kumongameli**] kusihlalo woMkhandlu.”;
- (f) ngokufaka endaweni yesigatshana sesi-(4) isigatshana esilandelayo: 25
 “(4) Ubulungu [buyaphela] boMkhandlu buyaphela uma imali okufanele ikhokhwe, ngendlela enqunyiwe ingakakhokhwa singakapheli [**izinyanga ezintathu esikhathini obekufanele ikhokhwe ngaso**] isikhathi esinqunyiwe.”; futhi
- (g) ngokushutheka ngemuva kwesigatshana sesi-(5) isigatshana esilandelayo: 30
 “(5A) Ukuze uqhubeke, okungenani ingxenye yokukodwa kokuthathu eMkhandlini ngaso sonke isikhathi yakhiwe amalungu aqokwe kabusha.”.

Wysiging van artikel 8 van Wet 67 van 2001 30

30. Ngakho-ke isigaba sesi-8 soMthetho weziKhungo zoCwaningo kwezeSayensi eNingizimu Afrika, wezi-2001, sichitshiyelwe ngokufaka endaweni yesigatshana sesi-(2) lesi sigatshana esilandelayo:

- “(2) Ikomidi elishiwo esigatshaneni soku-(1) lakhiwo inani lamalungu esiKhungo kanye nabasebenzi besiKhungo, kanye nabanye abantu uMkhandlu obona befanele, futhi uMkhandlu nomanini ungasusa noma uqoke kabusha ikomidi.”.

Herroeping van artikel 9 van Wet 67 van 2001

31. Ngakho-ke isigaba sesi-9 soMthetho weziKhungo zoCwaningo kwezeSayensi eNingizimu Afrika, wezi-2001, sichithiwe. 40

Wysiging van artikel 10 van Wet 67 van 2001

32. Ngakho-ke isigaba se-10 soMthetho weziKhungo zoCwaningo kwezeSayensi eNingizimu Afrika, wezi-2001, sichitshiyelwe ngokufaka endaweni yendima (b) le ndima elandelayo:

- “(b) [**uMkhandlu**] isiKhungo kufanele sikhokhele bonke abasebenzi izinkokhelo, izibonelelo, imixhaso nezinye izinzuzo ngemali yaso enganqunywa uMkhandlu.”.

Wysiging van artikel 11 van Wet 67 van 2001

33. Ngakho-ke isigaba se-11 soMthetho weziKhungo zoCwaningo kwezeSayensi eNingizimu Afrika, wezi-2001, sichitshiyelwe— 50

- (a) ngokufaka endaweni yezindima (c) no-(d) yesigatshana soku-(1) lezi zindima ezilandelayo, ngokulandelana:
- “(c) inzuzo yemali etshaliwe; [**kanye**]

- (d) income derived under this Act from any other source; and”; and
 (b) by the addition of the following paragraph after subsection (1)(d):
“(e) money appropriated by Parliament to support particular activities of the Academy.”.

Amendment of section 12 of Act 67 of 2001

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34. Section 12 of the Academy of Science of South Africa Act, 2001, is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:
 “(2) The financial statements must be submitted to [**members**]
Members within six months of the end of the financial year.”; and 10
 (b) by the addition of the following subsections after subsection (2):
 “(3) The Academy must submit to the Minister the financial
 statements referred to in subsection (1) and such other particulars as the
 Minister may require within six months of the end of the financial year.
 (4) The Minister must table the financial report referred to in 15
subsection (3) in Parliament.”.

Amendment of section 13 of Act 67 of 2001

35. Section 13 of the Academy of Science of South Africa Act, 2001, is hereby amended—

- (a) by the substitution for the heading of the section of the following heading: 20
 “Functions of [**Academy**] Council”;
 (b) by the substitution for subsection (1) of the following subsection:
 “(1) In order to achieve [**its**] the objectives of the Academy the
Council may—”;
 (c) by the substitution for paragraph (h) of subsection (1) of the following 25
 paragraph:
 “(h) invest [**its**] funds of the Academy on such security as it may from
 time to time determine;”; and
 (d) by the substitution in subsection (2) for the words preceding paragraph (a) of 30
 the following words:
 “The [**Academy**] Council must—”.

Amendment of section 14 of Act 67 of 2001

36. Section 14 of the Academy of Science of South Africa Act, 2001, is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) The Academy may, subject to legislation and other formal agreements 35
 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.”.

Amendment of section 16 of Act 67 of 2001

37. Section 16 of the Academy of Science of South Africa Act, 2001, is hereby 40
 amended by the substitution for the words preceding paragraph (a) of the following
 words:

- “The Minister may in consultation with the [**Academy**] Council make regulations
 regarding—”.

Amendment of section 1 of Act 68 of 2001

45

38. Section 1 of the Africa Institute of South Africa Act, 2001 (Act No. 68 of 2001),
 is hereby amended—

- (a) by the substitution for the definition of “Department” of the following
 definition:
 “ ‘**Department**’ means the Department of [**Arts, Culture,**] Science and 50
 Technology;”; and
 (b) by the substitution for the definition of “Minister” of the following definition:

- (d) nemali engenile etholwe ngaphansi kwalo Mthetho etholakele ngezinye izindlela; futhi”;
- (b) ngokwengeza indima elandelayo ngemuva kwesigatshana soku-(1)(d):
 “(e) imali eyabiwe iPhalamende ukweseka imisebenzi ethile yesi-Khungo.”.

5

Wysiging van artikel 12 van Wet 67 van 2001

34. Ngakho-ke isigaba se-12 soMthetho weziKhungo zoCwaningo kwezeSayensi eNingizimu Afrika, wezi-2001, sichitshiyelwe—

- (a) ngokufaka endaweni yesigatshana sesi-(2) lesi sigatshana esilandelayo:
 “(2) Izitatimende zezimali kufanele zihanjiswe [kumalungu] kuma-Lungu zingakapheli izinyanga eziyisithupha kuphele unyaka wezimali.”; futhi
- (b) ngokwengeza izigatshana ezilandelayo ngemuva kwesigatshana sesi-(2):
 “(3) IsiKhungo kufanele sihambise kuNgqongqoshe izitatimende zezimali ezishiwo esigatshaneni soku-(1) kanye neminye imininingwane engacelwa uNgqongqoshe zingakapheli izinyanga eziyisithupha kuphele unyaka wezimali.
 (4) UNgqongqoshe kufanele athule umbiko wezimali oshiwo esigatshaneni sesi-(3) ePhalamende.”.

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Wysiging van artikel 13 van Wet 67 van 2001

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35. Ngakho-ke isigaba se-13 soMthetho weziKhungo zoCwaningo kwezeSayensi eNingizimu Afrika, wezi-2001, sichitshiyelwe—

- (a) ngokufaka endaweni yesihloko sesigaba lesi sihloko esilandelayo:
 “Imisebenzi [yesiKhungo] yoMkhandlu”;
- (b) ngokufaka endaweni yesigatshana soku-(1) isigatshana esilandelayo:
 “(1) Ukuze sizuze izinjongo [zaso] zesiKhungo uMkhandlu unga—”;
- (c) ngokufaka endaweni yendima (h) yesigatshana soku-(1) le ndima elandelayo:
 “(h) sitshale imali [yaso] yesiKhungo kulezo zibambiso esingazinquma ngokuhamba kwesikhathi”; futhi
- (d) ngokufaka endaweni yesigatshana sesi-(2) emagameni andulela indima (a) lawa magama alandelayo:
 “[isiKhungo] uMkhandlu kufanele—”.

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Wysiging van artikel 14 van Wet 67 van 2001

36. Ngakho-ke isigaba se-14 soMthetho weziKhungo zoCwaningo kwezeSayensi eNingizimu Afrika, wezi-2001, sichitshiyelwe ngokufaka endaweni yesigatshana soku-(1) lezi sigatshana ezilandelayo:

- “(1) IsiKhungo, ngokomthetho oshayiwe kanye nezinye izivumelwano ezimayelana nokusebenzisana namazwe omhlaba futhi ukuze sizuze izinjongo zaso, singanikezela ngokweseka okufanele kubahlali baseNingizimu Afrika kunoma eyiphi indawo engaphandle kweRiphabhuliki.”.

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Wysiging van artikel 16 van Wet 67 van 2001

37. Ngakho-ke isigaba se-16 soMthetho weziKhungo zoCwaningo kwezeSayensi eNingizimu Afrika, wezi-2001, sichitshiyelwe ngokufaka endaweni yamagama andulela indima (a) lawa magama alandelayo:

- “UNgqongqoshe ngokuxoxisana [nesiKhungo] noMkhandlu wenza izimiso zomthetho ezimayelana noku—”.

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Wysiging van artikel 1 van Wet 68 van 2001

38. Ngakho-ke isigaba soku-1 soMthetho wesiGungu se-Afrika eNingizimu Afrika, wezi-2001, sichitshiyelwe—

- (a) ngokufaka endaweni yencazelo “uMnyango” le ncazelo elandelayo:
 “‘uMnyango’ uchaza uMnyango [wezoBuciko, Amasiko,] wezeSayensi nobuChwepheshe”; futhi
- (b) ngokufaka endaweni yencazelo “kaNgqongqoshe” le ncazelo elandelayo:

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“**‘Minister’** means the Minister [of Arts, Culture, Science and Technology] responsible for science and technology;”.

Substitution of section 2 of Act 68 of 2001

39. The following section is hereby substituted for section 2 of the Africa Institute of South Africa Act, 2001: 5

“Establishment of Institute

2. (1) A juristic person known as the Africa Institute of South Africa is hereby established.

(2) The Institute must comply with the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999).” 10

Amendment of section 4 of Act 68 of 2001

40. Section 4 of the Africa Institute of South Africa Act, 2001, is hereby amended—

(a) by the substitution for paragraphs (a) and (b) of subsection (6) of the following paragraphs, respectively:

“(a) is appointed for a period of [~~three~~] four years, unless a shorter 15 period is prescribed; and

(b) whose period of office has expired, may be re-appointed for a further term not exceeding four years.”; and

(b) by the substitution for subsection (8) of the following subsection:

“(8) A member of the Council who is not in the full-time employ of the 20 State may receive out of the funds of the [~~Council~~] Institute, in respect of his or her functions as member, the allowances [~~which the Minister, in consultation with the Minister of Finance, determines~~] prescribed by the National Treasury.”.

Amendment of section 6 of Act 68 of 2001

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41. Section 6 of the Africa Institute of South Africa Act, 2001, is hereby amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“The Council must, in line with [~~its~~] the objectives of the Institute—”.

Amendment of section 8 of Act 68 of 2001

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42. Section 8 of the Africa Institute of South Africa Act, 2001, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Council must meet at least [~~three times a year~~] once a quarter, and meetings shall be held at such times and places as the chairperson may determine by notice in writing to the other members.”. 35

Amendment of section 10 of Act 68 of 2001

43. Section 10 of the Africa Institute of South Africa Act, 2001, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) A committee referred to in subsection (1) may consist of such number of 40 members of the Council and employees of the [~~Council~~] Institute, if any, as the Council may deem necessary, and the Council may at any time dissolve or reconstitute any such committee.”.

Substitution of section 12 of Act 68 of 2001

44. The following section is hereby substituted for section 12 of the Africa Institute of South Africa Act, 2001: 45

“ ‘uNgqongqoshe’ uchaza uNgqongqoshe [wezoBuciko, namaSiko, iSayensi nobuChwepheshe] obhekeleisayensi nobuchwepheshe;”.

Vervanging van artikel 2 van Wet 68 van 2001

39. Ngakho-ke lesi sigaba esilandelayo sifakwe endaweni yesigaba sesi-2 soMthetho wesiGungu se-Afrika eNingizimu Afrika, wezi-2001: 5

“Ukusungulwa kweNhlango

2. (1) Ngakho-ke sekusungulwe igatsha elingamangalela futhi limangalelwe alaziwa njengeNhlango yase-Afrika yaseNingizimu Afrika.

(2) Inhlango kufanele ilandele imibandela ye-Public Finance Management Act, 1999 (Act No. 1 of 1999).” 10

Wysiging van artikel 4 van Wet 68 van 2001

40. Ngakho-ke isigaba sesi-4 soMthetho wesiGungu se-Afrika eNingizimu Afrika, wezi-2001, sichitshiyelwe—

(a) ngokufaka endaweni yendima (a) no-(b) yesigatshana sesi-(6) lezi zindima ezilandelayo ngokulandelayo: 15

“(a) uqokelwa isikhathi esiyiminyaka [emithathu] emine, ngaphandle uma kunqunywe isikhathi esifishane; futhi

(b) osephelelwe isikhathi sokusebenza, angaqokwa kabusha omunye umkhawulo ongadlulile iminyaka emine.”; futhi

(b) ngokufaka endaweni yesigatshana sesi-(8) lesi sigatshana esilandelayo: 20

“(8) ilungu loMkhandlu elingasebenzi ngokugcwele kuHulumeni lingathola emalini [yoMkhandlu] yeNhlango, kuleyo misebenzi yalo njengelungu, izibonelelo [uNgqongqoshe, ngokuxoxisana noNgqongqoshe weziMali, abayinqumile] ezinqunywe isiKhwama seziMali zoMbuso.”. 25

Wysiging van artikel 6 van Wet 68 van 2001

41. Ngakho-ke isigaba sesi-6 soMthetho wesiGungu se-Afrika eNingizimu Afrika, wezi-2001, sichibiyelwe ngokufaka endaweni yesigatshana sesi-(2) lesi sigatshana esilandelayo:

“UMkhandlu ngokuhambisana nezinjongo [zayo] zeNhlango—”. 30

Wysiging van artikel 8 van Wet 68 van 2001

42. Ngakho-ke isigaba sesi-8 soMthetho wesiGungu se-Afrika eNingizimu Afrika, wezi-2001, sichitshiyelwe ngokufaka endaweni yesigatshana soku-(1) lesi sigatshana esilandelayo:

“(1) UMkhandlu kufanele uhlangene okungenani [kathathu ngonyaka] kanye ngekota, futhi nemihlangano ibanjwe ngalezo zikhathi nasezindaweni ezinganqunywa amalungu ngesaziso esibhalwe phansi.”. 35

Wysiging van artikel 10 van Wet 68 van 2001

43. Ngakho-ke isigaba se-10 soMthetho wesiGungu se-Afrika eNingizimu Afrika, wezi-2001, sichitshiyelwe ngokufaka endaweni yesigatshana sesi-(2) lesi sigatshana esilandelayo: 40

“(2) IKomidi eliveziwe esigatshaneni soku-(1) kufanele lakhiwo ilawo malungu oMkhandlu kanye nabasebenzi [boMkhandlu] beNhlango, uma bekhona ngendlela uMkhandlu obona ngayo, futhi uMkhandlu noma nini ungashatshabalisa noma wakhe kabusha lelo komidi.”. 45

Vervanging van artikel 12 van Wet 68 van 2001

44. Ngakho-ke lesi sigaba esilandelayo sesigaba se-12 sifakwe endaweni yoMthetho wesiGungu se-Afrika eNingizimu Afrika, wezi-2001:

“CEO

12. (1) The Council must, in consultation with the Minister, appoint a full-time CEO for the [Council] Institute.

(2) The CEO shall be responsible for the management of the affairs of the [Council] Institute and must report to the Council on those affairs as often as may be required by the Council. 5

(3) The CEO must be appointed for a maximum period of five years and subject to such conditions, including conditions relating to the payment of remuneration and allowances, as the Council may, subject to section 14[(1)(b)], determine, and may be reappointed for a similar period on the expiry of his or her period of office. 10

(4) Whenever the CEO is absent for any reason for a period exceeding two months, or unable to carry out his or her duties, or whenever [there is a vacancy in the office of] the position of the CEO is vacant, 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) and with the concurrence of the Minister, appoint an [employee of the Council to act as] acting CEO during such absence or inability, or until a CEO 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 CEO: Provided that where the CEO is absent for a period of less than two months the Council may, without the concurrence of the Minister, appoint an acting CEO.”. 15 20

Repeal of section 13 of Act 68 of 2001

45. Section 13 of the Africa Institute of South Africa Act, 2001, is hereby repealed. 25

Amendment of section 14 of Act 68 of 2001

46. Section 14 of the Africa Institute of South Africa Act, 2001, is hereby amended—

(a) by the substitution for paragraph (b) of the following paragraph:

“(b) must out of [its own] the funds of the Institute, pay to its members 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; and”;

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

“(c) 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 the rights, privileges and benefits of such an employee, by virtue of his or her conditions of service as an employee of the [Council] Institute, are not adversely affected by such secondment.”. 30 35 40

Amendment of section 15 of Act 68 of 2001

47. Section 15 of the Africa Institute of South Africa Act, 2001, is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 45

“The funds of the [Council] Institute consist of—”;

(b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) money paid to the [Council] Institute by users of its services;”;

(c) by the substitution for paragraph (a) of subsection (2) of the following paragraph: 50

“(a) any money contemplated in subsection (1)(a) in accordance with the statement of its estimated income and expenditure referred to in

“i-CEO

12. (1) UMkhandlu kufanele uxoxisane noNgqongqoshe mayelana nokuqoka ngokugcwele i-CEO [**yoMkhandlu**] yeNhlango.

(2) I-CEO kufanele ibhekele ukuphathwa kwezindaba [**zoMkhandlu**] zeNhlango futhi kufanele ibike eMkhandlwini ngalezo zindaba ngezikhathi ezifanele ngendlela ecelwe uMkhandlu. 5

(3) I-CEO kufanele iqokelwe isikhathi esingadlulile eminyakeni emihlanu futhi kulandelwe leyo mibandela, ebandakanya imibandela ehambisana nokukhokhwa kwamaholo nezibonelelo, ezinganqunywa uMkhandlu ngokulandela isigaba se-14[(1)](b), futhi ingaphinda iqokelwe isikhathi esifanayo uma sekuphele isikhathi sayo sokuhlala esikhundleni. 10

(4) Uma i-CEO ingekho ngezizathu ezithile isikhathi esidlulile ezinyangeni ezimbili, noma ingakwazi ukuqhuba imisebenzi yayo, noma ngabe [**kunesikhala somsebenzi**] isikhundla se-CEO singenamuntu, uMkhandlu ngokwale mibandela nokukhokhwa kwamaholo nezibonelelo ongazinquma ngendlela eveziwe esigatshaneni sesi-(3) futhi ngokuxoxisana noNgqongqoshe, ungaqoka [**umsebenzi woMkhandlu ukuba asebenze njenge**] i-CEO esabambile ngesikhathi i-CEO ingekho noma ingakwazi ukwenza imisebenzi, noma kuze kuqokwe i-CEO ngokwemigomo yesigatshana soku-(1), futhi lowo msebenzi kufanele ngesikhathi esabambile abe nawo wonke amandla futhi aqhube yonke imisebenzi ye-CEO: Inqobo nje uma i-CEO ingekho isikhathi esingaphansi kwezinyanga ezimbili, uMkhandlu ngaphandle kokuxoxisana noNgqongqoshe ungaqoka ibamba le-CEO.” 15 20

Herroeping van artikel 13 van Wet 68 van 2001

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45. Ngakho-ke isigaba se-13 soMthetho wesiGungu se-Afrika eNingizimu Afrika, wezi-2001, sichithiwe.

Wysiging van artikel 14 van Wet 68 van 2001

46. Ngakho-ke isigaba se-14 soMthetho wesiGungu se-Afrika eNingizimu Afrika, wezi-2001, sichitshiyelwe— 30

(a) ngokufaka endaweni yendima (b) le ndima elandelayo:

“(b) ngemali [**yaso**] yeNhlango, ikhokhele amalungu ayo leyo mihlo, izibonelelo nemixhaso kanye nezinye izinzuzo ezinganqunywa uMkhandlu ngokulandela indlela egunyazelwe leyo njongo uNgqongqoshe ngokuxoxisana noNgqongqoshe weziMali;futhi”; 35 kanye

(b) nokufaka endaweni yendima (c) le ndima elandelayo:

“(c) may, ngaleyo mibandela ebona ifanele futhi uma umsebenzi evumelana nayo, iphakamise umsebenzi, emsebenzini othile noma esikhathini esithile ukuba asebenzele umnyango wombuso, inhlangano noma isikhungo eRiphabhuliki ngemibandela yamalungelo, izimfanelo nezinzuzo zalowo msebenzi, ngesizathu semibandela yokusebenza njengomsebenzi [**woMkhandlu**] weNhlango, akachaphazelwa ilokhu kuphakanyiswa kwalowo muntu.” 40

Wysiging van artikel 15 van Wet 68 van 2001

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47. Ngakho-ke isigaba-15 soMthetho wesiGungu se-Afrika eNingizimu Afrika, wezi-2001, sichitshiyelwe—

(a) ngokufaka endaweni yesigatshana soku-(1) emagameni andulela indima (a) lawa magama alandelayo:

“Isikhwama semali [**yoMkhandlu**] yeNhlango sihlanganisa—”; 50

(b) ngokufaka endaweni yendima (b) yesigatshana soku-(1) le ndima elandelayo: “(b) imali ekhokhelwa [**uMkhandlu**] iNhlango abantu abayisebenzisayo;”;

(c) ngokufaka endaweni yendima (a) yesigatshana sesi-(2) le ndima elandelayo:

“(a) imali eveziwe esigatshaneni soku-(1)(a) ngendlela efanayo neyemitatimende semali engenayo eqaguliwe kanye nezindleko ezishiwo 55

- subsection (3), as approved by the Minister: Provided that, subject to subsection (1)(a), the Council may utilise any amount or portion of any amount required to be so utilised for a particular or any other purpose in connection with a specified matter: Provided further that the Council, with the approval of the Minister, may utilise any balance of such money of the [Council] Institute remaining at the end of the financial year for any expenses in connection with the performance of its functions; and.”;
- (d) by the substitution for paragraph (a) of subsection (3) of the following paragraph:
- “(a) in each financial year, at such time as the Minister may direct, submit a statement of the [Council’s] Institute’s estimated income and expenditure during the following financial year, and the [Council] Institute may also during the course of a financial year submit supplementary statements of the [Council] Institute’s estimated expenditure for that financial year to the Minister for approval, to be granted with the concurrence of the Minister of Finance; and.”; and
- (e) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:
- “The [Council] Institute may—”.

Amendment of section 16 of Act 68 of 2001

48. Section 16 of the Africa Institute of South Africa Act, 2001, is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) The Auditor-General must audit the accounts and balance sheet of the [Council] Institute.”;
- (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
- “(a) furnish the Minister with such information as he or she may call for in connection with the activities and financial position of the [Council] Institute; and”;
- (c) by the substitution for subsection (3) of the following subsection:
- “(3) The Minister must table the report referred to in subsection (2)(b) in Parliament [within 14 days after receipt thereof if Parliament is in session or, if Parliament is not in session, within 14 days after commencement of its next session].”.

Repeal of section 17 of Act 68 of 2001

49. Section 17 of the Africa Institute of South Africa Act, 2001, is hereby repealed.

Amendment of section 18 of Act 68 of 2001

50. Section 18 of the Africa Institute of South Africa Act, 2001, is hereby amended—
- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- “(a) delegate to the chairperson of the Council, CEO or any other employee of the [Council] Institute, any power conferred upon the Council by or under this Act, on such conditions as the Council may determine; or”;
- (b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- “(b) authorise the chairperson of the Council, CEO or any other employee of the [Council] Institute to perform any duty assigned to the Council by or under this Act.”; and
- (c) by the substitution for paragraphs (a) and (b) of subsection (2) of the following paragraphs, respectively:
- “(a) delegate any power conferred upon him or her by or under this Act to an employee of the [Council] Institute; or

- esigatshaneni sesi-(3), njengoba kugunyazwe uNgqongqoshe: Inqobo nje uma ngokwesigatshana soku-(1)(a), uMkhandlu ungasebenzisa noma esiphi isamba noma ingxenye yesamba okufanele sisetshenziswe ngenjongo ethile noma enye injongo ehambisana nodaba oluthile: Inqobo nje uma futhi uMkhandlu ugunyazwe uNgqongqoshe, ungasebenzisa isamba saleyo mali esele [yoMkhandlu] yeNhlango esasele ekupheleni konyaka wezimali kulezo zondlelo ezihambisana nokuqhuba imisebenzi; futhi.”;
- (d) ngokufaka endaweni yendima (a) yesigatshana sesi-(3) le ndima elandelayo: “(a) onyakeni ngamunye wezimali, ngesikhathi esikhishwe uNgqongqoshe ungahambisa isitatimende [soMkhandlu] seNhlango semali engenayo eqaguliwe ngonyaka olandelayo wezimali, futhi [uMkhandlu] iNhlango ingaphinde ihambise ezinye izitatimende kulowo nyaka wezimali [kuMkhandlu] eNhlango zezindleko esziqaguliwe zalowo nyaka wezimali kuNgqongqoshe ukuze azigunyaze, lokhu kuzovunyelwana ngakho ngokuxoxisana noNgqongqoshe weziMali; futhi.”; kanye
- (e) nokufaka endaweni yesigatshana sesi-(4) kumagama andulela indima (a) lawa magama alandelayo: “[uMkhandlu] iNhlango inga—”.

Wysiging van artikel 16 van Wet 68 van 2001

48. Ngakho-ke isigaba se-16 soMthetho wesiGungu se-Afrika eNingizimu Afrika, wezi-2001, isichitshiyelwe—

- (a) ngokufaka endaweni yesigatshana soku-(1) lesi sigatshana esilandelayo: “(1) UMhlozimabhuku-Jikelele kufanele ahlole ama-akhawunti kanye nesitatimende ngesimo sezimlai [zoMkhandlu] zeNhlango.”;
- (b) ngokufaka endaweni yendima (a) yesigatshana sesi-(2) le ndima elandelayo: “(a) unikeze uNgqongqoshe le mininingwane uma eyidinga mayelana nemisebenzi kanye nesimo sezimlai [zoMkhandlu] zeNhlango; futhi”; kanye
- (c) nokufaka endaweni yesigatshana sesi-(3) lesi sigatshana esilandelayo: “(3) UNgqongqoshe kufanele thule umbiko ovezwe esigatshaneni sesi-(2)(b) ePhalamende [zingakapheli izinsuku eziyi-14 ngemuva kokuwuthola uma iphalamende lisebenza noma, uma iphalamende livalile, zingakapheli izinsuku eziyi-14 ngemuva kokuqala uku-sebenza ngesikhathi esilandelayo].”.

Herroeping van artikel 17 van Wet 68 van 2001

49. Ngakho-ke isigaba se-17 soMthetho wesiGungu se-Afrika eNingizimu Afrika, wezi-2001 sichithiwe.

Wysiging van artikel 18 van Wet 68 van 2001

50. Ngakho-ke isigaba se-18 soMthetho wesiGungu se-Afrika eNingizimu Afrika, wezi-2001, sichitshiyelwe—

- (a) ngokufaka endaweni yendima (a) yesigatshana soku-(1) le ndima elandelayo: “(a) udlulisele amandla athweswe uMkhandlu ngaphansi kwalo Mthetho kusihlalo woMkhandlu, i-CEO noma omuphi umsebenzi [woMkhandlu] weNhlango, ngaleyo mibandela enganqunywa uMkhandlu; noma”;
- (b) ngokufaka endaweni yendima (b) yesigatshana soku-(1) le ndima elandelayo: “(b) ugunyaze usihlalo woMkhandlu, i-CEO noma omunye umsebenzi [woMkhandlu] weNhlango ukuba aqhube umsebenzi enikezwe yoMkhandlu ngalo Mthetho noma ngaphansi kwalo Mthetho.”; futhi
- (c) ngokufaka endaweni yendima (a) no-(b) yesigatshana sesi-(2) lezi zindima ezilandelayo ngokulandelana: “(a) anikezele ngamandla athweswe wona ngalo noma ngaphansi kwalo Mthetho kumsebenzi [woMkhandlu] weNhlango; noma

- (b) authorise an employee of the [Council] Institute to perform any duty assigned to him or her by or under this Act.”.

Repeal of section 19 of Act 68 of 2001

51. Section 19 of the Africa Institute of South Africa Act, 2001, is hereby repealed.

Amendment of section 1 of Act 27 of 2003

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52. Section 1 of the Natural Scientific Professions Act, 2003, is hereby amended by the substitution for the definition of “Minister” of the following definition:

“ ‘Minister’ means the Minister [of Arts, Culture, Science and Technology] responsible for science and technology;”.

Amendment of section 3 of Act 27 of 2003

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53. Section 3 of the Natural Scientific Professions Act, 2003, is hereby amended—

(a) by the substitution for subparagraphs (ii) and (iii) of subsection (1)(a) of the following subparagraphs:

“(ii) represent the categories of registered persons mentioned in section 18; [and] 15

(iii) fairly represent the different categories in the natural scientific professions; and”;

(b) by the addition in subsection (1)(a) of the following subparagraph:

“(iv) broadly represent the demographics of the Republic.”; and

(c) by the substitution for paragraph (b) of subsection (1) of the following 20 paragraph:

“(b) not fewer than four and not more than six must be professional natural scientists or certified natural scientists who are in the service of the State, each nominated by his or her Director-General or chief executive officer of the organ of state concerned: Provided that at least one of the persons so nominated must be in the service of the Department and one in the service of the Department of Higher Education and Training; and”.

Amendment of section 6 of Act 27 of 2003

54. Section 6 of the Natural Scientific Professions Act, 2003, is hereby amended— 30

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

“(c) after the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), has been convicted of [an offence] a crime specified in Schedule 1 to the Criminal Procedure Act, 1977 (Act No. 51 of 1977), whether in the Republic or elsewhere, and sentenced to imprisonment [for a period exceeding three months, or to a] without the option of a fine [as alternative thereto];”;

(b) by the substitution for paragraph (b) of subsection (2) of the following paragraph: 40

“(b) resigns by written notice addressed to the [chief executive officer] president of the Council;”;

(c) by the substitution for paragraphs (d), (e) and (f) of subsection (2) of the following paragraphs, respectively: 45

“(d) has without leave of the Council, been absent from more than [two] three consecutive meetings of the Council;

(e) was appointed in terms of section 3(1)(a) and is no longer a member of the body that nominated him or her;

(f) was appointed in terms of section 3(1)(b) and ceases to be employed by the State; or”.

(b) agunyaze umsebenzi [woMkhandlu] weNhlango ukuba aqhube imisebenzi anikezwe yona ngalo noma ngaphansi kwalo Mthetho.”.

Herroeping van artikel 19 van Wet 68 van 2001

51. Ngakho-ke isigaba se-19 soMthetho wesiGungu se-Afrika eNingizimu Afrika, wezi-2001, sichithiwe. 5

Wysiging van artikel 1 van Wet 27 van 2003

52. Artikel 1 van die Wet op Natuurwetenskaplike Professies, 2003, word hierby gewysig deur die omskrywing van “Minister” deur die volgende omskrywing te vervang:

“ ‘Minister’ die Minister [van Kuns, Kultuur, Wetenskap en Tegnologie] 10
verantwoordelik vir wetenskap en tegnologie;”.

Wysiging van artikel 3 van Wet 27 van 2003

53. Artikel 3 van die Wet op Natuurwetenskaplike Professies, 2003, word hierby gewysig—

(a) deur in subartikel (1)(a) subparagrafe (ii) en (iii) deur die volgende 15
subparagrafe te vervang:

“(ii) die kategorieë geregistreerde persone genoem in artikel 18
verteenwoordig; [en]

(iii) die onderskeie kategorieë in die natuurwetenskaplike professies
redelik verteenwoordig; en”; 20

(b) deur die volgende subparagraaf by subartikel (1)(a) te voeg:

“(iv) in die breë verteenwoordigend van die demografie van die
Republiek.”; en

(c) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) minstens vier en hoogstens ses professionele natuurwetenskaplikes 25
of gesertifiseerde natuurwetenskaplikes in diens van die Staat is wat
elk deur sy of haar Direkteur-generaal of die hoof- uitvoerende
beampte van die betrokke staatsorgaan benoem is: Met dien
verstande dat minstens een persoon aldus benoem, in diens van die
Departement en een in diens van die Departement van Hoër 30
Onderwys en Opleiding is; en”.

Wysiging van artikel 6 van Wet 27 van 2003

54. Artikel 6 van die Wet op Natuurwetenskaplike Professies, 2003, word hierby gewysig—

(a) deur in subartikel (1) paragraaf (c) deur die volgende paragraaf te vervang: 35

“(c) ná die inwerkingtreding van die Grondwet van die Republiek van
Suid-Afrika, 1993 (Wet No. 200 van 1993), aan ’n [misdryf]
misdad in Bylae 1 tot die Strafproseswet, 1977 (Wet No. 51 van
1977, bepaal skuldig bevind is, hetsy binne die Republiek of elders,
en gevonnissen tot gevangenisstraf [van ’n tydperk van langer as 40
drie maande of tot] sonder die opsie van ’n boete [as alternatief
vir sodanige gevangenisstraf];”;

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

“(b) by skriftelike kennisgewing gerig aan [die hoof- uitvoerende
beampte] president van die Raad bedank;”;

(c) deur in subartikel (2) paragrafe (d), (e) en (f) onderskeidelik deur die
volgende paragrafe te vervang:

“(d) sonder verloop van die Raad van meer as [twee] drie agtereen-
volgende vergaderings van die Raad afwesig was;

(e) ingevolge artikel 3(1)(a) aangestel is en nie meer ’n lid is van die 50
liggaam wat hom of haar benoem het nie;

(f) ingevolge artikel 3(1)(b) aangestel is en ophou om in diens van die
Staat te wees; of”.

Amendment of section 20 of Act 27 of 2003

55. Section 20 of the Natural Scientific Professions Act, 2003, is hereby amended by the substitution for subparagraph (i) of subsection (4)(a) of the following subparagraph:

“(i) if, after the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), the applicant has been convicted of **[an offence] a crime specified in Schedule 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), whether [either] in the Republic or elsewhere, and sentenced to imprisonment [for a period exceeding three months, or to a] without an option of a fine [as alternative thereto];”** 5

Short title

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56. This Act is called the Science and Technology Laws Amendment Act, 2011.

Wysiging van artikel 20 van Wet 27 van 2003

55. Artikel 20 van die Wet op Natuurwetenskaplike Professies, 2003, word hierby gewysig deur in subartikel (4)(a) subparagraaf (i) deur die volgende subparagraaf te vervang:

“(i) indien die aansoeker ná die inwerkingtrede van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), hetsy in die Republiek of elders skuldig bevind is aan ’n [misdryf] misdaad in Bylae 1 tot die Strafproseswet, 1977 (Wet No. 51 van 1977) gespesifiseer, en gevonnissen is tot gevangenisstraf [vir ’n tydperk van langer as drie maande of tot] sonder die opsie van ’n boete [as alternatief vir sodanige gevangenisstraf];”.

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Kort titel

56. Hierdie Wet heet die Wysigingswet op Wette op Wetenskap en Tegnologie, 2011.