

REPUBLIC OF  
SOUTH AFRICA

REPUBLIK VAN  
SUID-AFRIKA

Vol. 582 Cape Town, 10 December 2013 **No. 37143**  
Kaapstad,

**THE PRESIDENCY**

No. 991 10 December 2013

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

**Act No. 21 of 2013: Africa Institute of South Africa Act Repeal Act, 2013**

**IHHOVISI LIKAMONGAMELI**

No. 991 10 December 2013

Ngaloku kwaziswa ukuthi uMongameli usewuvumile loMthetho nosewuzoshicilelelwaumphakathi:—

**Ino. 21 Ka 2013: Umthetho oChitha uMthetho wesiKhungu se-Afrika saseNingizimu Afrika, 2013**

\_\_\_\_\_  
(English text signed by the President)  
(Assented to 9 December 2013)  
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# ACT

**To provide for the disestablishment of the Africa Institute of South Africa; to provide for the transfer of the assets, liabilities, rights and obligations of the Institute; to repeal the Africa Institute of South Africa Act, 2001; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Definitions

1. In this Act, unless the context otherwise indicates—
  - “**Council**” means the Human Sciences Research Council established by section 2 of the repealed Human Sciences Research Council Act, 1968 (Act No. 23 of 1968), and retained by section 2 of the Human Sciences Research Council Act, 2008 (Act No. 17 of 2008);
  - “**Institute**” means the Africa Institute of South Africa established by section 2 of the Africa Institute of South Africa Act, 2001 (Act No. 68 of 2001); and
  - “**Minister**” means the Minister responsible for science and technology.

## Disestablishment of Institute

2. The Institute is hereby disestablished.

## Transitional measures, savings and dissolution of Council of Institute

3. (1) The Minister must stipulate, by notice in the *Gazette*, the date on which all assets, liabilities, rights and obligations of the Institute are transferred to the Council.  
(2) On the date contemplated in subsection (1)—
  - (a) all assets, liabilities, rights and obligations of the Institute are transferred to the Council, which acquires all such assets, liabilities, rights and obligations;
  - (b) the Council becomes the owner of all movable and immovable property owned by the Institute without formal transfer, except in the case of immovable property, and without payment of any fees, other monies or costs;
  - (c) the Council is substituted as litigating party for the Institute in all pending litigation, including arbitrations, labour disputes and mediations, as if the Council had been a litigant at the time the cause of action arose;
  - (d) the Council is substituted as contracting party for the Institute in all contracts, as if the Council had been a contracting party at the time of contracting; and

(English text signed by the President)  
(Assented to 9 December 2013)

# UMTHETHO

**Ukuhlinzekela ngokuhlakaza isiKhungo se-Afrika saseNingizimu Afrika; ukuhlinzekela ngokudlulisa izimpahla nezikweleti zaso nokuchitha uMthetho wesiKhungo se-Afrika saseNingizimu Afrika, sowe-2001, kanye nokuhlinzekela izindaba ezihambisana nawo.**

**UZOMISWA** iPhalamende laseRiphabhuliki yaseNingizimu Afrika, ngale ndlela elandelayo:—

## Izincazelo

1. Kulo Mthetho, ngaphandle uma ingqikithi ibeka ngenye indlela—
  - “**uMkhandlu**” uchaza uMkhandlu oCwaninga ngeSayensi yabaNtu osungulwe ngesigaba sesi-2 soMthetho oChithiwe woMkhandlu oCwaninga ngeSayensi yabaNtu, ka-1968 (uMthetho Wama-23 ka-1968), futhi wagcinwa esigabeni sesi-2 soMthetho woMkhandlu oCwaninga ngeSayensi yabaNtu, wezi-2008 (uMthetho We-17 wezi-2008);
  - “**isiKhungo**” sichaza isiKhungo se-Afrika saseNingizimu Afrika esisungulwe ngesigaba sesi-2 soMthetho wesiKhungo se-Afrika saseNingizimu Afrika, sowe-2001 (uMthetho Wama-68 wezi-2001); futhi
  - “**uNgqongqoshe**” uchaza uNgqongqoshe obhekele isayensi nezobuchwepheshe.

## Ukuhlakaza isiKhungo

2. IsiKhungo sesihlakaziwe. 15

## Izinyathelo zesikhashana, okulondolozwe nokuchithwa koMkhandlu wesiKhungo

3. (1) UNgqongqoshe kufanele amemezele, ngesaziso kusomqulu, usuku yonke impahla, izikweleti, amalungelo nezibophezelo zesiKhungo okuzodluliselwa ngalo eMkhandlwini.
  - (2) Ngosuku oluvezwe esigatshaneni soku-(1)—
    - (a) yonke impahla, izikweleti, amalungelo nezibophezelo zesiKhungo kuzodluliselwa eMkhandlwini, ozothola yonke leyo mpahla, izikweletu, amalungelo nezibophezelo;
    - (b) uMkhandlu uzoba umnikazi wayo yonke impahla ephathekayo nengaphatheki yesiKhungo ngaphandle kokuba idluliswe ngokusemthethweni, ngaphandle kwempahla engaphatheki, futhi ungazange ukhokhe izindleko, imali noma inkokhelo;
    - (c) uMkhandlu uzogququlwa ube uhlangothi oluthatha izinyathelo zomthetho esiKhungweni kuzona zonke izinyathelo zomthetho ezingakaphothulwa, kubandakanya ukwahlulela, izingxabano zabasebenzi nokubuyisana, uMkhandlu uzosebenza sengathi ubuyingxenywe yokuthatha izinyathelo zomthetho ngesikhathi kwenzeka leso senzo;
    - (d) uMkhandlu uzogququlwa ube igatsha elinenkontileka nesiKhungo kuzona zonke izinkontileka, uMkhandlu uzosebenza sengathi ubuyingxenywe yezi-kontileka ngesikhathi uthatha inkontileka; futhi

(e) all financial instruments of the Institute existing prior to that date are deemed to have been issued by the Council.

(3) The Minister must stipulate, by notice in the *Gazette*, the date on which all employees of the Institute are transferred to the Council.

(4) (a) On the date contemplated in subsection (3) all employees of the Institute are transferred to the Council in accordance with section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995). 5

(b) From the said date all those employees are employed by the Council on the same terms and conditions of employment, including remuneration and other benefits, as those which applied to such employees' previous employment with the Institute. 10

(5) The Council of the Institute, established by section 4(1) of the Africa Institute of South Africa Act, 2001 (Act No. 68 of 2001), is hereby dissolved.

#### **Repeal of Act 68 of 2001**

4. The Africa Institute of South Africa Act, 2001 (Act No. 68 of 2001), is hereby repealed. 15

#### **Short title and commencement**

5. This Act is called the Africa Institute of South Africa Act Repeal Act, 2013, and comes into operation on a date fixed by the President by notice in the *Gazette*.

(e) konke okuthinta izimali zesiKhungo esikhona ngaphambi kwalolo suku kuzothathwa sengathi kukhishwe uMkhandlu.

(3) UNgqongqoshe kufanele amemezele, ngesaziso kuSomqulu, usuku lapho bonke abasebenzi besiKhungo bezodluliselwa eMkhandlwini.

(4) (a) Ngosuku oluvezwe esigatshaneni sesi-(3) bonke abasebenzi besiKhungo bazodluliselwa eMkhandlwini ngokulandela isigaba se-197 se-*Labour Relations Act, 1995 (Act No. 66 of 1995)*. 5

(b) Kusukela ngalolo suku bonke labo basebenzi sebeqashwe uMkhandlu ngokulandela imigomo nemibandela yokuqasha efanayo, kubandakanya amaholo nezinye izinzuzo, njengalezo ebezitholwa ilabo basebenzi ngesikhathi besaqashiwe phambilini isiKhungo. 10

(5) UMkhandlu wesiKhungo, osungulwe ngesigaba sesi-4(1) soMthetho wesiKhungo se-Afrika saseNingizimu Afrika, wezi-2001 (uMthetho wama-68 wezi-2001), uchithiwe.

#### **Ukuchithwa koMthetho wama-68 wezi-2001**

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4. Ngakho-ke uMthetho wesiKhungo se-Afrika saseNingizimu Afrika, wezi-2001 (uMthetho wama-68 wezi-2001), uyachithwa.

#### **Isihloko esifingqiwe nokuqala kwawo ukusebenza**

5. Lo Mthetho ubizwa ngokuthi uMthetho oChitha uMthetho wesiKhungo se-Afrika saseNingizimu Afrika, 2013, futhi uzoqala ukusebenza ngosuku olunqunywe uMongameli ngesaziso kuSomqulu. 20