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REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

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**No. 37594**

## THE PRESIDENCY

No. 321 26 April 2014

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

**Act No. 7 of 2014: Science and Technology Laws Amendment Act, 2014**

## DIE PRESIDENSIE

No. 321 26 April 2014

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

**Wet No 7 van 2014: Wysigingswet op Wetenskap en Tegnologiewette, 2014**



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

**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.

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*(English text signed by the President)*  
*(Assented to 25 April 2014)*

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# ACT

To amend the Scientific Research Council Act, 1988, the National Research Foundation Act, 1998, the Academy of Science of South Africa Act, 2001, the Natural Scientific Professions Act, 2003, the Human Sciences Research Council Act, 2008, the Technology Innovation Agency Act, 2008, and the South African National Space Agency Act, 2008, so as to harmonise the processes for the appointment of the chairpersons of the Boards of the entities reporting to the Minister; to streamline the processes for the appointment of members of the Boards and of the chief executive officers of the entities; to provide for the filling of vacancies of members of the Boards; to provide for the qualification requirements for membership of the Boards and the disqualification of members of the Boards; to provide for the extension of the term of office of members of the Boards; and to provide for the dissolution and reconstitution of the Boards; and to provide for matters connected therewith.

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

**Amendment of section 7 of Act 46 of 1988, as amended by section 4 of Act 71 of 1990 and section 5 of Act 16 of 2011**

1. Section 7 of the Scientific Research Council Act, 1988, is hereby amended— 5
- (a) by the substitution in subsection (2) for paragraph (a) of the following paragraph: 5
- “(a) a chairperson, appointed by the Minister [**after consultation with the Board**];”;
- (b) by the substitution for subsection (2A) of the following subsection: 10
- “(2A) Before appointing members of the Board referred to in **[subsections]** subsection (2)(a) and (b), the Minister must— 10
- (a) publish a notice in the *Gazette* and three newspapers, with due regard to the Use of Official Languages Act, 2012 (Act No. 12 of 2012), calling upon members of the public to nominate persons contemplated in subsection (2)(a) and (b); and 15
- (b) appoint an independent panel which must compile a shortlist of **[candidates, after following a transparent nomination process]** not more than 20 persons from the nominees referred to in paragraph (a).”;
- 20

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ]      Woorde in vet druk tussen vierkantige hakies dui skrappings uit  
          bestaande verordenings aan.
- \_\_\_\_\_      Woorde met 'n volstreep daaronder, dui invoegings in  
          bestaande verordenings aan.

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(Engelse teks deur die President geteken)  
(Goedgekeur op 25 April 2014)

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# WET

Tot wysiging van die Wet op die Wetenskaplike Navorsingsraad, 1988, die Wet op die Nasionale Navorsingstigting, 1998, die “Academy of Science of South Africa Act, 2001”, die Wet op Natuurwetenskaplike Professies, 2003, die “Human Sciences Research Council Act, 2008”, die “Technology Innovation Agency Act, 2008”, en die “South African Space Agency Act, 2008”, ten einde die prosesse vir die aanstelling van die voorsitters van die Rade van die entiteite wat aan die Minister verslag doen, te harmoniseer; die proses vir die aanstelling van die lede van die Rade en van die hoof- uitvoerende beamptes van die entiteite te rasionaliseer; voorsiening te maak vir die vul van vakatures van lede van die Rade; voorsiening te maak vir die kwalifikasievereistes vir lidmaatskap van die Rade en die onbevoegdheid van lede van die Rade; voorsiening te maak vir die verlenging van ampstermyne van lede van die Rade; en voorsiening te maak vir die ontbinding en herstigting van die Rade; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 7 van Wet 46 van 1988, soos gewysig deur artikel 4 van Wet 71 van 1990 en artikel 5 van Wet 16 van 2011**

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

(a) deur paragraaf (a) in subartikel (2) deur die volgende paragraaf te vervang:  
    “(a) ’n voorsitter, wat deur die Minister [**na oorleg met die Raad**]  
        aangestel word;”;

(b) deur subartikel (2A) deur die volgende subartikel te vervang: 10  
    “(2A) Voor aanstelling van die lede van die Raad in subartikel (2)(a)  
    en (b) bedoel, moet die Minister—

(a) ’n kennisgewing in die *Staatskoerant* en drie koerante, met  
    behoorlike inagneming van die ‘Use of Official Languages Act,  
    2012’ (Wet No. 12 van 2012), publiseer waarin lede van die publiek 15  
    genooi word om persone in subartikel (2)(a) en (b) beoog, te  
    benoem; en

(b) ’n onafhanklike paneel aanstel wat ’n kortlys van [**kandidate**]  
    hoogstens 20 persone uit die benoemdes in paragraaf (a) bedoel,

- (c) by the insertion after subsection (2A) of the following subsection:  
“(2B) If the Minister receives no nominations or an insufficient number of nominations within the period specified in the notice referred to in subsection (2A)(a), the Minister may, after consultation with the panel referred to in subsection (2A)(b), either readvertise or in any other transparent manner, appoint the required number of qualified persons.”; 5
- (d) by the insertion after subsection (3A) of the following subsection:  
“(3B) Despite subsection (3A), the Minister may, after consultation with the Board, extend the period of office of any or all of the members of the Board for a period of not more than six months or until a new Board has been appointed, whichever comes first.”; and 10
- (e) by the addition of the following subsections:  
“(8) A member of the Board ceases to hold office if—  
(a) he or she resigns; 15  
(b) the Minister terminates his or her period of office due to misconduct, incapacity, incompetence or any other reasonable ground;  
(c) he or she is absent from three consecutive meetings of the Board without the permission of the Board;  
(d) he or she is in terms of the Electoral Act, 1998, (Act No. 73 of 1998) or the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), nominated as a candidate for election as a member of Parliament, a provincial legislature or a municipal council; or 20  
(e) he or she ceases to meet the requirements for appointment as a member of the Board in terms of this Act. 25  
(9) (a) Subject to subsection (8), the Minister may, after consideration of a shortlist of candidates referred to in subsection (2A)(b) or in any other transparent manner, appoint a person who meets the requirements set out in subsection (5) in that member’s place.  
(b) A person appointed under paragraph (a) must occupy his or her office for the unexpired portion of the term of office of his or her predecessor. 30  
(10) A person may not be appointed as a member of the Board if that person—  
(a) is not a citizen or permanent resident of the Republic; 35  
(b) is an unrehabilitated insolvent;  
(c) has been convicted of—  
(i) a crime and sentenced to a term of imprisonment without the option of a fine; or  
(ii) fraud, corruption or any other crime involving dishonesty, within a period of 10 years preceding the date of nomination in terms of subsection (2A)(a); 40  
(d) has, as a result of improper conduct, been removed from a position of trust; or  
(e) is not fit and proper to hold office. 45  
(11) The Minister must, within 30 days of the appointment or reappointment of a member of the Board, submit a report to the National Assembly relating to such appointment or reappointment.”.

**Insertion of section 7A in Act 46 of 1988**

2. The following section is hereby inserted in the Scientific Research Council Act, 1988, after section 7: 50

**“Dissolution of Board**

- 7A.** (1) The Minister may dissolve the Board if—  
(a) the Board is unable to perform its duties in terms of the Act or on the grounds of mismanagement; 55  
(b) there is a total breakdown in the relationship between the Board and the Minister; or

- moet saamstel [nadat 'n deursigtige benoemingsproses gevolg is].”;
- (c) deur die volgende subartikel na subartikel (2A) in te voeg:  
“(2B) Indien die Minister geen benoemings of ’n onvoldoende getal benoemings ontvang binne die tydperk vermeld in die kennisgewing in subartikel (2A)(a) bedoel, kan die Minister, na oorleg met die paneel in subartikel (2A)(b) bedoel, heradverteer of die nodige getal gekwalifiseerde persone op enige ander deursigtige wyse aanstel.”;
- (d) deur die volgende subartikel na subartikel (3A) in te voeg:  
“(3B) Ondanks subartikel (3A), kan die Minister, na oorleg met die Raad, die ampstermyn van enige of al die lede van die Raad verleng vir ’n tydperk van hoogstens ses maande of totdat ’n nuwe Raad aangestel is, wat ook al eerste gebeur.”; en
- (e) deur die volgende subartikels by te voeg:  
“(8) ’n Lid van die Raad se ampsbekleding kom tot ’n einde indien—  
(a) hy of sy bedank;  
(b) die Minister sy of haar ampstermyn weens wangedrag, ongeskiktheid, onbevoegdheid of enige ander redelike grond beëindig;  
(c) hy of sy sonder die toestemming van die Raad van drie agtereenvolgende vergaderings van die Raad afwesig is;  
(d) hy of sy ingevolge die Kieswet, 1998 (Wet No. 73 van 1998), of die ‘Local Government: Municipal Electoral Act, 2000’ (Wet No. 27 van 2000), as ’n kandidaat benoem word vir verkiesing as ’n lid van die Parlement, ’n provinsiale wetgewer of ’n munisipale raad; of  
(e) hy of sy ophou om aan die vereistes vir aanstelling as ’n lid van die Raad ingevolge hierdie Wet te voldoen.  
(9) (a) Behoudens subartikel (8) kan die Minister, na oorweging van ’n kortlys van kandidate in subartikel (2A)(b) bedoel of op enige ander deursigtige wyse, ’n persoon wat aan die vereistes in subartikel (5) uiteengesit, voldoen, in daardie lid se plek aanstel.  
(b) ’n Persoon wat kragtens paragraaf (a) aangestel is, moet sy of haar amp vir die onverstreke gedeelte van sy of haar voorganger se ampstermyn beklee.  
(10) ’n Persoon kan nie as ’n Raadslid aangestel word nie indien daardie persoon—  
(a) nie ’n burger of permanente inwoner van die Republiek van Suid-Afrika is nie;  
(b) ’n ongerehabiliteerde insolvent is;  
(c) skuldig bevind is aan—  
(i) ’n misdaad en sonder die opsie van ’n boete tot ’n tydperk van gevangenisstraf gevonnissen is; of  
(ii) bedrog, korrupsie of enige ander misdaad wat oneerlikheid behels,  
binne ’n tydperk van 10 jaar voor die datum van benoeming ingevolge subartikel (2A)(a);  
(d) weens onbehoorlike gedrag uit ’n vertrouensposisie verwyder is; of  
(e) nie geskik en gepas is om ’n amp te beklee nie.  
(11) Die Minister moet, binne 30 dae na die aanstelling of heraanstelling van ’n lid van die Raad, ’n verslag oor die aanstelling of heraanstelling aan die Nasionale Vergadering voorlê.”.

### Invoeging van artikel 7A in Wet 46 van 1988

2. Die volgende artikel word hierby na artikel 7 in die Wet op die Wetenskaplike Navorsingsraad, 1988, ingevoeg:

#### “Ontbinding van Raad

7A. (1) Die Minister kan die Raad ontbind indien—

- (a) die Raad nie daartoe in staat is om sy pligte ingevolge die Wet te verrig nie of op grond van wanbestuur;  
(b) daar ’n totale verbrekking in die verhouding tussen die Raad en die Minister is; of

- (c) there is a breakdown in the relationship amongst the members of the Board, which renders the continued effective functioning of the Board impossible.
- (2) In exercising his or her powers in terms of this section, the Minister must comply with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- (3) Within 21 days of the dissolution of the Board, the Minister must appoint an interim Board consisting of a minimum of three persons to assume the responsibilities of the Board, until a new Board is constituted in accordance with the procedure referred to in section 7.
- (4) A new Board must be constituted within 180 days of the dissolution of the previous Board.
- (5) Any person who was a member of the Board that was dissolved in terms of this section may be reappointed to a new Board.
- (6) The Minister must, within 30 days of the dissolution of the Board, submit a report to the National Assembly, setting out the reasons for the dissolution of the Board.”.

**Amendment of section 10 of Act 46 of 1988**

3. Section 10 of the Scientific Research Council Act, 1988, is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection: 20  
“(1) The Board shall appoint a suitably skilled and qualified person as the chief executive officer of the CSIR, [who shall occupy the post of chief executive officer of the CSIR] after following a transparent and competitive selection process.”;
- (b) by the substitution for subsection (2) of the following subsection: 25  
“(2) The chief executive officer shall be [**the chairperson of the Executive Management Committee and, in collaboration with the Executive Management Committee, shall be**] responsible for the management of the affairs of the CSIR and shall report on those affairs to the Board as may be required of him or her by the Board.”; 30
- (c) by the substitution for subsection (3) of the following subsection: 30  
“(3) The chief executive officer shall be appointed for a period of not more than five years and shall be eligible for reappointment, on the conditions, including conditions relating to the payment of remuneration and allowances, that the Board, in consultation with the Minister, may determine.”; 35
- (d) by the insertion after subsection (3) of the following subsection: 40  
“(3A) The chief executive officer must enter into a performance agreement with the Board within three months of taking up his or her post.”;
- (e) by the substitution for subsection (4) of the following subsection: 45  
“(4) Whenever for any reason the chief executive officer—  
(a) is absent for a period of more than two months; [or]  
(b) is unable to carry out his or her duties[,]; or [whenever there is a vacancy in the]  
(c) ceases to hold office [of the chief executive officer],  
the Board may, [**subject to such conditions and the payment of such remuneration and allowances as it may determine,**] in consultation with the Minister, appoint [an] a senior employee of the CSIR who meets the requirements determined in terms of subsection (1) to act as chief executive officer during such absence or inability, or until a chief executive officer has been appointed in terms of subsection (1), and that other person shall, while so acting, have all the powers and perform all the duties of the chief executive officer.”; and 50
- (f) by the addition of the following subsection: 55  
“(5) If the chief executive officer is absent for a period of less than two months, he or she must, after consultation with the Board, appoint a senior employee of the CSIR to act as chief executive officer during that period.”.

- (c) daar 'n verbodskelting is in die verhouding tussen die Raadslede, wat die voortgesette doeltreffende werking van die Raad onmoontlik maak.
- (2) In die uitoefening van sy of haar bevoegdhele ingevolge hierdie artikel, moet die Minister aan die 'Promotion of Administrative Justice Act, 2000' (Wet No. 3 van 2000), voldoen. 5
- (3) Die Minister moet, binne 21 dae na die ontbinding van die Raad, 'n tussentydse Raad bestaande uit minstens drie persone aanstel om die verantwoordelikhede van die Raad oor te neem totdat 'n nuwe Raad ooreenkomstig die prosedure in artikel 7 bedoel, saamgestel word. 10
- (4) 'n Nuwe Raad moet binne 180 dae na die ontbinding van die vorige Raad saamgestel word.
- (5) Enige persoon wat 'n lid was van die Raad wat ingevolge hierdie artikel ontbind is, kan in 'n nuwe Raad heraan gestel word.
- (6) Die Minister moet, binne 30 dae na die ontbinding van die Raad, 'n verslag aan die Nasionale Vergadering voorlê waarin die redes vir die ontbinding van die Raad uiteengesit word." 15

### Wysiging van artikel 10 van Wet 46 van 1988

3. Artikel 10 van die Wet op die Wetenskaplike Navorsingsraad, 1988, word hierby gewysig— 20
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Die Raad stel 'n persoon met gepaste vaardighede en kwalifikasies as die hoof- uitvoerende beampte van die WNNR aan, [**wat die pos van hoof- uitvoerende beampte van die WNNR beklee**] nadat 'n deursigtige en mededingende keuringsproses gevolg is.”; 25
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Die hoof- uitvoerende beampte is [**die voorsitter van die Hoofbestuursraad en is, in samewerking met die Hoofbestuursraad,**] verantwoordelik vir die bestuur van die sake van die WNNR en doen oor daardie sake aan die Raad verslag soos deur die Raad van hom of haar verlang word.”; 30
- (c) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Die hoof- uitvoerende beampte word aangestel vir 'n tydperk van hoogstens vyf jaar en kan heraan gestel word, op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging en toelaes, wat die Raad, in oorleg met die Minister, bepaal.”; 35
- (d) deur na subartikel (3) die volgende subartikel in te voeg:
- “(3A) Die hoof- uitvoerende beampte moet binne drie maande na opneem van amp, 'n prestasie-ooreenkoms met die Raad aangaan.”; 40
- (e) deur subartikel (4) deur die volgende subartikel te vervang: 40
- “(4) Wanneer die hoof- uitvoerende beampte om die een of ander rede—
- (a) vir 'n tydperk van meer as twee maande afwesig is; [of]
- (b) nie in staat is om sy of haar pligte uit te voer nie[,]; of [**wanneer die amp van hoof- uitvoerende beampte vakant is**] 45
- (c) ophou om die amp te beklee, kan die Raad, [**op die voorwaardes en onderworpe aan die besoldiging en toelaes wat hy of sy bepaal,**] in oorleg met die Minister, 'n senior werknemer van die WNNR wat aan die vereistes ingevolge subartikel (1) bepaal, voldoen, aanstel om as hoof- uitvoerende beampte waar te neem tydens sodanige afwesigheid of onvermoë, of totdat 'n hoof- uitvoerende beampte ingevolge subartikel (1) aangestel is, en terwyl hy of sy aldus waarneem, het daardie ander persoon al die bevoegdhele en verrig hy of sy al die pligte van die hoof- uitvoerende beampte.”; en 55
- (f) deur die volgende subartikel by te voeg:
- “(5) Indien die hoof- uitvoerende beampte vir 'n tydperk van minder as twee maande afwesig is, moet hy of sy, na oorleg met die Raad, 'n senior werknemer van die WNNR aanstel om tydens daardie tydperk as hoof- uitvoerende beampte waar te neem.”. 60

**Amendment of section 6 of Act 23 of 1998, as amended by section 21 of Act 16 of 2011**

4. Section 6 of the National Research Foundation Act, 1998, is hereby amended—
- (a) by the substitution in subsection (1)(a) for subparagraph (ii) of the following subparagraph: 5  
“(ii) not fewer than nine and not more than [eleven] 11 other members[,] nominated by the public and appointed by the Minister, after consultation with the Minister responsible for higher education and training; and”;
  - (b) by the addition in paragraph (a) of subsection (1) of the following 10 subparagraphs:
    - “(iii) one member appointed by the Minister, after nominations from the National Advisory Council on Innovation; and
    - (iv) one member appointed by the Minister, after nominations from the Council on Higher Education; and”;15
  - (c) by the substitution for subsection (2) of the following subsection:  
“(2) For the purposes of appointing the members of the Board referred to in subsection (1)(a), the Minister must—  
(a) publish a notice in the *Gazette* and three newspapers with due regard to the Use of Official Languages Act, 2012 (Act No. 12 of 2012), calling upon members of the public to nominate persons contemplated in subsection (1)(a)(i) and (ii); 20  
(b) by written notice, call upon the National Advisory Council on Innovation and the Council for Higher Education to nominate persons contemplated in subsection (1)(a)(iii) and (iv); and 25  
(c) appoint an independent panel which must compile a shortlist of persons from the nominees referred to in paragraph (a).”;
  - (d) by the insertion after subsection (2) of the following subsection:  
“(2A) If the Minister receives no nominations or an insufficient number of nominations within the period specified in the notice referred to in subsection (2)(a), the Minister may, after consultation with the panel referred to in subsection (2)(c), either readvertise or in any other transparent manner, appoint the required number of qualified persons.”; 30
  - (e) by the substitution for subsection (3) of the following subsection:  
“(3) The members of the Board must all be persons who have achieved distinction in the field of research, [and] technology, [research and] technology management, business[, public affairs] or civil society.”; 35
  - (f) by the substitution for subsection (4) of the following subsection:  
“(4) The members referred to in subsection (1)(a) are appointed in their personal capacities, but the Minister must ensure that they are broadly representative of [the following sectors:  
(a) **Higher education;**  
(b) **business;**  
(c) **agricultural and environment sciences;** 45  
(d) **health sciences;**  
(e) **natural sciences and engineering;**  
(f) **social sciences and humanities;**  
(g) **civil society] higher education, broad scientific disciplines, the business sector and civil society.**”;
  - (g) by the deletion of subsection (5A); 50
  - (h) by the insertion after subsection (5B) of the following subsection:  
“(5C) Despite subsection (5), the Minister may, after consultation with the Board, extend the period of office of any or all of the members of the Board for a period of not more than six months or until a new Board has been appointed, whichever comes first.”; 55
  - (i) by the substitution in subsection (6) for the words preceding paragraph (a) of the following words:  
“A member of the Board [**must vacate his or her**] ceases to hold office if—”;
- 60



**Wysiging van artikel 6 van Wet 23 van 1998, soos gewysig deur artikel 21 van Wet 16 van 2011**

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

- (a) deur subartikel (1)(a) deur die volgende subparagraaf te vervang: 5  
“(ii) minstens nege maar hoogstens [elf] 11 ander lede deur die publiek benoem en deur die Minister, na oorlegpleging met die Minister verantwoordelik vir hoër onderwys en opleiding, aangestel; en”;
- (b) deur die volgende subparagraawe in paragraaf (a) van subartikel (1) by te voeg: 10  
“(iii) een lid deur die Minister aangestel, na benoemings deur die Nasionale Adviesraad vir Innovering; en  
(iv) een lid deur die Minister aangestel, na benoemings deur die Raad vir Hoër Onderwys; en”;
- (c) deur subartikel (2) deur die volgende subartikel te vervang: 15  
“(2) Vir die doeleindes van die aanstelling van die lede van die Raad in subparagraawe (i) en (ii) van subartikel (1)(a) bedoel, moet die Minister—  
(a) ’n kennisgewing in die *Staatskoerant* en drie koerante met behoorlike inagneming van die ‘Use of Official Languages Act, 2012’ (Wet No. 12 van 2012), publiseer waarin lede van die publiek genooi word om persone in paragraaf (1)(a)(i) en (ii) beoog, te benoem; en 20  
(b) by skriftelike kennisgewing, ’n beroep op die Nasionale Adviesraad vir Innovering en die Raad vir Hoër Onderwys doen om persone in subartikel (1)(a)(iii) en (iv) beoog, te benoem; en 25  
(c) ’n onafhanklike paneel aanstel wat ’n kortlys van persone uit die benoemdes, in paragraaf (a) bedoel, moet saamstel.”;
- (d) deur na subartikel (2) die volgende subartikel in te voeg: 30  
“(2A) Indien die Minister geen benoemings nie of ’n onvoldoende getal benoemings ontvang binne die tydperk in die kennisgewing in subartikel (2)(a) bedoel, kan die Minister, na oorleg met die paneel in subartikel (2)(c) bedoel, heradverteer of die vereiste getal gekwalifiseerde persone op enige ander deursigtige wyse aanstel.”;
- (e) deur subartikel (3) deur die volgende subartikel te vervang: 35  
“(3) Die lede van die Raad moet almal vooraanstaande persone wees op die gebied van navorsing [en], tegnologie, [navorsings- en] tegnologiebestuur, sake[, **openbare aangeleenthede**] of die burgerlike gemeenskap.”;
- (f) deur subartikel (4) deur die volgende subartikel te vervang: 40  
“(4) Die lede van die Raad bedoel in subartikel (1)(a) word in hulle persoonlike hoedanighede aangestel, maar die Minister moet toesien dat hulle breedweg verteenwoordigend is van [**die volgende sektore:**  
(a) **Hoër onderwys;**  
(b) **besigheid;**  
(c) **landbou-en omgewingswetenskappe;** 45  
(d) **gesondheidswetenskappe;**  
(e) **natuurwetenskappe en ingenieurswese;**  
(f) **sosiale wetenskappe en die humaniora;**  
(g) **die burgerlike gemeenskap**] hoër onderwys, breë wetenskaplike dissiplines, die sakesektor en die burgerlike gemeenskap.”;
- (g) deur subartikel (5A) te skrap; 50
- (h) deur na subartikel (5B) die volgende subartikel in te voeg: 55  
“(5C) Ondanks subartikel (5), kan die Minister, na oorleg met die Raad, die ampstermyn van enige of al die lede van die Raad vir ’n tydperk van hoogstens ses maande verleng of totdat ’n nuwe Raad aangestel is, wat ook al eerste gebeur.”;
- (i) deur in subartikel (6) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: 60  
“ ’n Lid van die Raad [**ontruim sy of haar**] hou op om die amp te beklee indien—”;

- (j) by the substitution in subsection (6) for paragraph (b) of the following paragraph:  
“(b) the Minister terminates his or her period of office [**whenever sufficient reason exists therefor**] due to misconduct, incapacity, incompetence, or any other reasonable ground;”;
- (k) by the substitution in subsection (6) for paragraph (d) of the following paragraph:  
“(d) he or she is in terms of the Electoral Act, [**1993 (Act No. 202 of 1993)**] 1998, (Act No. 73 of 1998), or the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), nominated as a candidate for election as a member of Parliament [**or**], a provincial legislature or a municipal council; or[.]”;
- (l) by the addition in subsection (6) after paragraph (d) of the following paragraph:  
“(e) he or she ceases to meet the requirements for appointment as a member of the Board in terms of this Act.”;
- (m) by the substitution for paragraph (a) of subsection (7) of the following paragraph:  
“(7) (a) [**Subject to subsections (3) and (4), the Minister may appoint any person to fill a vacancy which occurs with regard to a member appointed by him or her**] If a member of the Board, appointed by the Minister, ceases to hold office, the Minister may—  
(i) if the appointment was made in terms of subsection (1)(a)(i) and (ii), consider the shortlist of candidates referred to in subsection (2)(c); or  
(ii) if the appointment was made in terms of subsection (1)(a)(iii) and (iv), consider the nominations received in terms of subsection (2)(b)(ii); or  
in any other transparent manner, appoint a person who meets the requirements set out in subsection (3) and (4).”;
- (n) by the substitution in subsection (9) for paragraph (c) of the following paragraph:  
“(c) has[, **after the commencement of the Constitution of the Republic of South Africa, 1996,**] been convicted of—  
(i) [**an offence, whether in the Republic or elsewhere,**] a crime and sentenced to a term of imprisonment without [**an**] the option of a fine; or  
(ii) fraud, corruption or any other crime involving dishonesty, within a period of 10 years preceding the date of nomination in terms of subsection (2)(a);”;
- (o) by the substitution in subsection (9) for paragraph (d) of the following paragraph:  
“(d) has, as a result of improper conduct, been removed from a position of trust; or”;
- (p) by the addition in subsection (9) after paragraph (d) of the following paragraph:  
“(e) is not fit and proper to hold office.”; and
- (q) by the addition of the following subsection:  
“(10) The Minister must, within 30 days of the appointment or reappointment of a member of the Board, submit a report to the National Assembly relating to such appointment or reappointment.”.

#### Insertion of section 6A in Act 23 of 1998

5. The following section is hereby inserted in the National Research Foundation Act, 1998, after section 6:

#### “Dissolution of Board

6A. (1) The Minister may dissolve the Board if—

- (a) the Board is unable to perform its duties in terms of this Act or on the grounds of mismanagement;  
(b) there is a total breakdown in the relationship between the Board and the Minister; or

- (j) deur in subartikel (6) paragraaf (b) deur die volgende paragraaf te vervang:  
“(b) die Minister sy of haar ampstermyn weens wangedrag, onbevoegdheid, ongeskiktheid of enige ander redelike gronde beëindig [wanneer daar gegronde redes daarvoor bestaan];”;
- (k) deur in subartikel (6) paragraaf (d) deur die volgende paragraaf te vervang: 5  
“(d) hy of sy ingevolge die Kieswet, [1993 (Wet No. 202 van 1993)] 1998 (Wet No. 73 van 1998), of die ‘Local Government: Municipal Electoral Act, 2000’ (Wet No. 27 van 2000), as ’n kandidaat vir verkiesing as ’n lid van die Parlement [of], van ’n provinsiale wetgewer of van ’n munisipale raad genomineer word; of”;
- (l) deur in subartikel (6) die volgende paragraaf na paragraaf (d) in te voeg: 10  
“(e) hy of sy nie meer aan die vereistes vir aanstelling as ’n lid van die Raad ingevolge hierdie Wet voldoen nie.”;
- (m) deur paragraaf (a) van subartikel (7) deur die volgende paragraaf te vervang: 15  
“(7) (a) [Die Minister kan, behoudens subartikels (3) en (4), enige persoon aanstel in ’n vakature wat ontstaan het ten opsigte van ’n lid deur hom of haar aangestel] Indien ’n lid van die Raad, deur die Minister aangestel, ophou om die amp te beklee, kan die Minister—  
(i) indien die aanstelling ingevolge subartikel (1)(a)(i) en (ii) gedoen is, die kortlys van kandidate in subartikel (2)(c) bedoel, oorweeg; of 20  
(ii) indien die aanstelling ingevolge subartikel (1)(a)(iii) en (iv) gedoen is, die benoemings ingevolge subartikel (2)(b)(ii) ontvang, oorweeg,  
of op enige ander deursigtige wyse, ’n persoon aanstel wat aan die vereistes in subartikels (3) en (4) uiteengesit, voldoen.”; 25
- (n) deur in subartikel (9) paragraaf (c) deur die volgende paragraaf te vervang: 30  
“(c) [na die inwerkingtreeding van die Grondwet van die Republiek van Suid-Afrika, 1996,] skuldig bevind is aan—  
(i) [’n misdryf, hetsy in die Republiek of elders,] ’n misdaad en tot ’n tydperk van gevangenisstraf sonder die opsie van ’n boete gevonnissen is; of 30  
(ii) bedrog, korrupsie of enige ander misdaad wat oneerlikheid behels,  
binne ’n tydperk van 10 jaar voor die datum van benoeming ingevolge subartikel (2)(a);”;
- (o) deur in subartikel (9) paragraaf (d) deur die volgende paragraaf te vervang: 35  
“(d) as gevolg van onbehoorlike gedrag, uit ’n vertrouensposisie verwyder is; of”;
- (p) deur in subartikel (9) die volgende paragraaf na paragraaf (d) in te voeg: 40  
“(e) nie geskik en gepas is om die amp te beklee nie.”; en
- (q) deur die volgende subartikel by te voeg: 40  
“(10) Die Minister moet, binne 30 dae na die aanstelling of heraanstelling van ’n lid van die Raad, ’n verslag oor die aanstelling of heraanstelling aan die Nasionale Vergadering voorlê.”.

**Invoeging van artikel 6A in Wet 23 van 1998** 45

5. Die volgende artikel word hierby na artikel 6 in die Wet op die Nasionale Navorsingstigting, 1998, ingevoeg:

**“Ontbinding van Raad**

- 6A.** (1) Die Minister kan die Raad ontbind indien— 50  
(a) die Raad nie daartoe in staat is om sy pligte ingevolge die Wet te verrig nie of op grond van wanbestuur;  
(b) daar ’n totale verbrekking in die verhouding tussen die Raad en die Minister is; of

- (c) there is a breakdown in the relationship amongst the members of the Board, which renders the continued effective functioning of the Board impossible.
- (2) In exercising his or her powers in terms of this section, the Minister must comply with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- (3) Within 21 days of the dissolution of the Board, the Minister must appoint an interim Board consisting of a minimum of three persons, to assume the responsibilities of the Board, until a new Board is constituted, in accordance with the procedure referred to in section 6.
- (4) A new Board must be constituted within 180 days of the dissolution of the previous Board.
- (5) Any person who was a member of the Board that was dissolved in terms of this section may be reappointed to a new Board.
- (6) The Minister must, within 30 days of the dissolution of the Board, submit a report to the National Assembly, setting out the reasons for the dissolution of the Board.”.

**Amendment of section 10 of Act 23 of 1998, as amended by section 22 of Act 16 of 2011**

6. Section 10 of the National Research Foundation Act, 1998, is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:  
“(1) The Board must appoint a suitably skilled and qualified person as the chief executive officer [for] of the Foundation, after following a transparent and competitive [nomination] selection process.”;
  - (b) by the substitution for subsection (3) of the following subsection:  
“(3) The chief executive officer must be appointed or reappointed for such period, but not exceeding five years, and subject to such conditions, including conditions relating to the payment of remuneration and allowances, as the Board may, **[subject to section 13(2)]** in consultation with the Minister, determine.”;
  - (c) by the insertion after subsection (3) of the following subsection:  
“(3A) The chief executive officer must enter into a performance agreement with the Board within three months of taking up his or her post.”;
  - (d) by the substitution in subsection (4) for paragraph (a) of the following paragraph:  
“(a) Whenever the chief executive officer—
    - (i) is absent for a period of more than two months; [or]
    - (ii) is unable to carry out his or her duties[,]; or [whenever there is a vacancy in the]
    - (iii) ceases to hold office[ of the chief executive officer], the Board may appoint any senior person in the service of the Foundation, in consultation with the Minister, who meets the requirements determined in terms of subsection (1) to act as chief executive officer.”;
  - (e) by the addition of the following subsection:  
“(5) If the chief executive officer is absent for a period of less than two months, he or she must, after consultation with the Board, appoint any senior person in the service of the Foundation to act as chief executive officer during that period.”.

**Amendment of section 23 of Act 23 of 1998**

7. Section 23 of the National Research Foundation Act, 1998, is hereby amended—
- (a) by the insertion before the words preceding paragraph (a) of “(1)”;
  - (b) by the deletion of paragraph (a); and
  - (c) by the addition of the following subsection:  
“(2) Regulations made in terms of subsection (1)(d) must be submitted to Parliament at least 30 days before promulgation.”.

- (c) daar 'n verbroekeling is in die verhouding tussen die Raadslede, wat die voortgesette doeltreffende werking van die Raad onmoontlik maak.
- (2) By die uitoefening van sy of haar bevoegdhede ingevolge hierdie artikel, moet die Minister voldoen aan die 'Promotion of Administrative Justice Act, 2000' (Wet No. 3 van 2000). 5
- (3) Binne 21 dae na die ontbinding van die Raad, moet die Minister 'n tussentydse Raad bestaande uit minstens drie persone aanstel om die verantwoordelikhede van die Raad op te neem, totdat 'n nuwe Raad ooreenkomstig die prosedure in artikel 6 bedoel, saamgestel is. 10
- (4) 'n Nuwe raad moet binne 180 dae na die ontbinding van die vorige Raad saamgestel word.
- (5) Enige persoon wat 'n lid van die Raad was wat ingevolge hierdie artikel ontbind is, kan in 'n nuwe Raad aangestel word.
- (6) Die Minister moet, binne 30 dae na die ontbinding van die Raad, 'n verslag aan die Nasionale Vergadering voorlê waarin die redes vir ontbinding van die Raad uiteengesit word." 15

#### Wysiging van artikel 10 van Wet 23 van 1998, soos gewysig deur artikel 22 van Wet 16 van 2011

6. Artikel 10 van die Wet op die Nasionale Navorsingsraad, 1998, word hierby gewysig— 20

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Die Raad stel 'n persoon met gepaste vaardighede en kwalifikasies as hoof- uitvoerende beampte [vir] van die Stigting aan, nadat 'n deursigtige en mededingende [nomineringsproses] keuringsproses gevolg is.”; 25
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Die hoof- uitvoerende beampte word aangestel of heraangestel vir die tydperk, maar hoogstens vyf jaar, en onderworpe aan die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging en toelaes wat die Raad, [behoudens artikel 13(2)] in oorleg met die Minister, bepaal.”; 30
- (c) deur die volgende subartikel na subartikel (3) in te voeg:
- “(3A) Die hoof- uitvoerende beampte moet binne drie maande nadat hy of sy die amp opgeneem het, 'n prestasie-ooreenkoms met die Raad aangaan.”; 35
- (d) deur paragraaf (a) in subartikel (4) deur die volgende paragraaf te vervang:
- “(a) Wanneer die hoof- uitvoerende beampte—
- (i) vir 'n tydperk van meer as twee maande afwesig is; [of]
- (ii) nie in staat is om sy of haar pligte uit te voer nie[,] of 40
- (iii) [wanneer] ophou om die amp [van hoof- uitvoerende beampte vakant is] te beklee,
- kan die Raad, in oorleg met die Minister, 'n senior werknemer van die Stigting wat aan die vereistes ingevolge subartikel (1) bepaal, voldoen, aanstel om as hoof- uitvoerende beampte waar te neem.”; 45
- en
- (e) deur die volgende subartikel by te voeg:
- “(5) Indien die hoof- uitvoerende beampte vir 'n tydperk van minder as twee maande afwesig is, moet hy of sy, na oorleg met die Raad, 'n senior persoon in diens van die Stigting aanstel om in daardie tydperk as hoof- uitvoerende beampte waar te neem.”. 50

#### Wysiging van artikel 23 van Wet 23 van 1998

7. Artikel 23 van die Wet op die Nasionale Navorsingsraad, 1998, word hierby gewysig—

- (a) deur “(1)” in te voeg voor die woorde wat paragraaf (a) voorafgaan; 55
- (b) deur paragraaf (a) te skrap; en
- (c) deur die volgende subartikel by te voeg:
- “(2) Regulasies ingevolge subartikel (1)(d) uitgevaardig moet ten minste 30 dae voor uitvaardiging aan die Parlement voorgelê word.”.

**Amendment of section 7 of Act 67 of 2001, as amended by section 29 of Act 16 of 2011**

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

- (a) by the substitution for paragraph (c) in subsection (1) of the following paragraph: 5  
“(c) has been convicted of [**an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and was**]—  
(i) a crime and sentenced to a term of imprisonment without [an] the option of a fine[, or, in the case of fraud, to a fine or imprisonment]; or 10  
(ii) fraud, corruption or any other crime involving dishonesty, within a period of 10 years preceding the date of nomination in terms of section 6;”; 15
- (b) by the substitution in subsection (1) for paragraph (d) of the following paragraph:  
“(d) has, as a result of improper conduct, been removed from [**an office**] a position of trust[.]; or”; 15
- (c) by the addition to subsection (1) of the following paragraph: 20  
“(e) is not fit and proper to hold office.”; 20
- (d) by the substitution for the words preceding paragraph (a) of subsection (2) for the following words:  
“A member of the Council [**must vacate**] ceases to hold office if the member—”; 25
- (e) by the insertion after subsection (2A) of the following subsection:  
“(2B) Despite subsection (2A), the Minister may, after consultation with the Council, extend the period of office of any or all of the members of the Council for a period of not more than six months or until a new Council has been appointed, whichever comes first.”; 30
- (f) by the substitution for subsection (5) of the following subsection:  
“(5) If [**the office of**] a member of the Council [**becomes vacant**] ceases to hold office before the expiration of the term of office of that member, the Minister must, within 60 days and subject to subsection (1), appoint a person nominated by the Council to fill the vacancy for the unexpired portion of the period for which [**the**] that member who has vacated office was appointed.”; and 35
- (g) by the deletion of subsection (5A) and the addition of the following subsection:  
“(6) The Minister must, within 30 days of the appointment or reappointment of a member of the Council, submit a report to the National Assembly relating to such appointment or reappointment.”. 40

**Amendment of section 3 of Act 27 of 2003, as amended by section 53 of Act 16 of 2011**

9. Section 3 of the Natural Scientific Professions Act, 2003, is hereby amended— 45

- (a) by the substitution in subsection (1) for paragraph (b) of the following paragraph:  
“(b) not fewer than four and not more than six must have scientific qualifications and be [**professional natural scientists or certified natural scientists who are**] in the service of the state, each 50  
nominated by his or her Director-General or chief executive officer of the organ of state concerned”; and
- (b) by the addition of the following subsection:  
“(3) The Minister must, within 30 days of the appointment or reappointment of a member of the Council, submit a report to the National Assembly relating to such appointment or reappointment.” 55

**Ukuchibiyela isigaba sesi-7 soMthetho wama-67 wezi-2001, njengoba uchitshielwe ngesigaba sama-29 soMthetho we-16 wezi-2011**

**8.** Ngakho-ke isigaba sesi-7 se-*Academy of Science of South Africa Act, 2001*, sichitshielwe—

- (a) ngokufaka endaweni yendima (c) esigatshaneni soku-(1) le ndima elandelayo: 5  
“(c) elahlwe icala [**icala eRiphabhuliki, okungelona icala elenziwa ngaphambi komhlaka 27 Epreli 1994 elihambisana nezinjongo zepolitiki, futhi**]—  
(i) icala futhi wagwetshwa isikhathi sokuboshwa wangalitholi ithuba lokukhokha inhlawulo [, nima, uma kuyicala lokukhwabanisa, wakhokha inhlawulo noma waboshwa]; noma  
(ii) inkohlakalo, ukukhwabanisa noma elinye icala eliphathelene nokungethembeki, ingakapheli iminyaka eyi-10 ngaphambi kosuku lokuphakanyiswa kwamagama ngokwemigomo yesigaba sesi-6;” 10 15
- (b) ngokufaka endaweni yesigatshana soku-(1) endimeni (d) le ndima elandelayo:  
“(d) ngesizathu sokungaziphathi kahle, wakhishwa [**ehhovisi**] esikhundleni [.]; noma”;
- (c) ngokwengeza isigatshana soku-(1) sale ndima elandelayo: 20  
“(e) engafanele ukuba sesikhundleni.”;
- (d) ngokufaka endaweni yamagama andulela indima (a) yesigatshana soku-(2) lawa magama alandelayo:  
“Ilungu loMkhandlu [**kufanele lishiye**] lingasaba esikhundleni uma lelo lungu—”; 25
- (e) ngokushutheka ngemuva kwesigatshana sesi-(2A) lesi sigatshana esilandelayo:  
“(2B) Nakuba kunesigatshana sesi-(2A), uNgqongqoshe ngemuva kokuxoxisana noMkhandlu, anganweba isikhathi sokubamba isikhundla selungu noma sawo wonke amalungu oMkhandlu isikhathi esingadlulile izinyanga eziyisithupha noma kuze kuqokwe uMkhandlu omusha, noma okuphi okungenzeka kuqala.”; 30
- (f) ngokufaka endaweni yesigatshana sesi-(5) lesi sigatshana esilandelayo:  
“(5) Uma [**isikhundla**] ilungu loMkhandlu [**sivela**] liyeka ukubamba isikhundla ngaphambi kokuba kuphele isikhathi sokubamba leso sikhundla salelo longu, uNgqongqoshe zingakapheli izinsuku ezingama-60 futhi ngokulandela isigatshana soku-(1), kufanele aqoke umuntu ophakanyiswe uMkhandlu ukuba avale leso sikhala kuleso sikhathi esisasele lapho [**le**] lelo lungu lishiye khona isikhundla elaqokelwa sona.”; futhi 35 40
- (g) ngokususa isigatshana sesi-(5A) nokwengeza lesi sigatshana esilandelayo:  
“(6) UNgqongqoshe kufanele zingakapheli izinsuku ezingama-30 kuqokwe noma kuqokwe kabusha ilungu loMkhandlu, athumele umbiko eSigungwini sikaZwelonke omayelana nokuqokwa noma nokuqokwa kabusha.” 45

**Wysiging van artikel 3 van Wet 27 van 2003, soos gewysig deur artikel 53 van Wet 16 van 2011**

**9.** Artikel 3 van die Wet op Natuurwetenskaplike Professions, 2003, word hierby gewysig—

- (a) deur in subartikel (1) paragraaf (b) deur die volgende paragraaf te vervang: 50  
“(b) minstens vier en hoogstens ses [**professionele natuurwetenskaplikes of gesertifiseerde natuurwetenskaplikes**] wetenskaplike kwalifikasies het en 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; en”; en 55
- (b) deur die volgende subartikel by te voeg:  
“(3) Die Minister moet, binne 30 dae na die aanstelling of heraanstelling van ’n lid van die Raad, ’n verslag oor die aanstelling of heraanstelling aan die Nasionale Vergadering voorlê.”

**Amendment of section 4 of Act 27 of 2003**

10. Section 4 of the Natural Scientific Professions Act, 2003, is hereby amended—
- (a) by the substitution for subsection (2) of the following subsection:

“(2) When any nomination in terms of section 3(1)(c) becomes necessary, the Minister must—

    - (a) **[invite the public by]** publish a notice in the *Gazette* and three newspapers**[in at least one leading newspaper in each province]**, with due regard to the Use of Official Languages Act, 2012 (Act No. 12 of 2012), to nominate persons within a period of 30 days from the date of the notice; and
    - (b) appoint an independent panel to compile a shortlist of not more than 10 persons from the nominees referred to in paragraph (a).”;
  - (b) by the deletion of subsections (3) and (4);
  - (c) by the substitution for subsection (5) of the following subsection:

“(5) If the Minister receives no nominations or an insufficient number of nominations within the period specified in the invitation, the Minister may, after consultation with the panel referred to in subsection (2)(b), either readvertise or in any other transparent manner, appoint the required number of qualified persons **[who qualify to be appointed in terms of this Act]**.”; and
  - (d) by the addition of the following subsection:

“(8) The Minister must, within 30 days of the appointment or reappointed of a member of the Council, submit a report to the National Assembly relating to such appointment or reappointment.”.

**Amendment of section 5 of Act 27 of 2003**

11. Section 5 of the Natural Scientific Professions Act, 2003, is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:

“(1) The term of office for members of the Council is four years**[, but members continue in office until the succeeding Council is properly constituted]**.”;
  - (b) by the substitution for subsection (3) of the following subsection:

“(3) Despite subsection (1), the Minister may, after consultation with the Council [—  
(a)], extend the period of office of any **[member]** or all of the members of the Council for a period of not more than six months **[, but he or she may only extend the period of office twice; and**  
**(b) terminate the period of office of any member of the Council]** or until a new Council has been appointed, whichever comes first.”; and
  - (c) by the substitution for subsection (4) of the following subsection:

“(4) The Minister **[may only act in terms of subsection (3) (b) if a new Council has been appointed in terms of section 4]** must, within 30 days of the appointment or reappointment of a member of the Council, submit a report to the National Assembly relating to such appointment or reappointment.”.

**Amendment of section 6 of Act 27 of 2003, as amended by section 54 of Act 16 of 2011**

12. Section 6 of the Natural Scientific Professions Act, 2003, is hereby amended—
- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) is not a **[South African]** citizen or a permanent resident of the Republic.”;
  - (b) by the substitution in subsection (1) for paragraph (c) 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—



### Wysiging van artikel 4 van Wet 27 van 2003

10. Artikel 4 van die Wet op Natuurwetenskaplike Professies, 2003, word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang: 5  
“(2) Wanneer ’n benoeming ingevolge artikel 3(1)(c) nodig word[,]—  
(a) **[nooi]** moet die Minister **[die publiek by]** ’n kennisgewing in die *Staatskoerant* en **[in minstens een toonaangewende koerant in elke provinsie]** drie koerante publiseer, met behoorlike inagneming van die ‘Use of Official Languages Act, 2012’ (Wet No. 12 van 2012), om binne ’n tydperk van 30 dae vanaf die datum van die kennisgewing persone te benoem; en 10  
(b) moet die Minister ’n onafhanklike paneel aanstel om ’n kortlys van hoogstens 10 persone uit die benoemdes, in paragraaf (a) bedoel, saam te stel.”;
- (b) deur subartikels (3) en (4) te skrap; 15
- (c) deur subartikel (5) deur die volgende subartikel te vervang:  
“(5) Indien die Minister geen benoemings of ’n onvoldoende getal benoemings binne die tydperk vermeld in die uitnodiging ontvang, kan die Minister, na oorleg met die paneel in subartikel (2)(b) bedoel, heradverteer of[, ] die nodige getal gekwalifiseerde persone op enige ander deursigtige wyse aanstel **[wat ingevolge hierdie Wet vir aanstelling bevoeg is]**.”; en 20
- (d) deur die volgende subartikel by te voeg:  
“(8) Die Minister moet, binne 30 dae na die aanstelling of heraanstelling van ’n lid van die Raad, ’n verslag oor die aanstelling of heraanstelling aan die Nasionale Vergadering voorlê.”. 25

### Wysiging van artikel 5 van Wet 27 van 2003

11. Artikel 5 van die Wet op Natuurwetenskaplike Professies, 2003, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang: 30  
“(1) Die ampstermyn van lede van die Raad is vier jaar[, **maar lede bly in hulle amp aan totdat die volgende Raad behoorlik saamgestel is]**.”;
- (b) deur subartikel (3) deur die volgende subartikel te vervang: 35  
“(3) Ondanks subartikel (1) kan die Minister by kennisgewing in die *Staatskoerant*, na oorleg met die Raad [—  
(a)]<sub>2</sub> die ampstermyn van ’n lid of al die lede van die Raad met ’n tydperk van hoogstens ses maande verleng[, **maar hy of sy mag die ampstermyn hoogstens twee keer verleng; en**  
(b) **die ampstermyn van ’n lid van die Raad beëindig]** of totdat ’n nuwe Raad aangestel is, watter ook al eerste gebeur.”; en 40
- (c) deur subartikel (4) deur die volgende subartikel te vervang:  
“(4) Die Minister **[mag slegs ingevolge subartikel (3)(b) handel indien ’n nuwe Raad ingevolge artikel 4 aangestel is]** moet, binne 30 dae na die aanstelling of heraanstelling van ’n lid van die Raad, ’n verslag oor die aanstelling of heraanstelling aan die Nasionale Vergadering voorlê.”. 45

### Wysiging van artikel 6 van Wet 27 van 2003, soos gewysig deur artikel 54 van Wet 16 van 2011

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

- (a) deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:  
“(a) nie ’n **[Suid-Afrikaanse]** burger of permanent in die Republiek woonagtig is nie;”;
- (b) deur in subartikel (1) paragraaf (c) deur die volgende paragraaf te vervang: 55  
“(c) **[ná die inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet 200 van 1993), aan ’n misdad in Bylae 1 tot die Strafproseswet, 1977 (Wet No. 51 van 1977,**

- (i) 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 a term of imprisonment without the option of a fine; or
- (ii) fraud, corruption or any other crime involving dishonesty, within a period of 10 years preceding the date of nomination in terms of section 4(2)(a);”;
- (c) by the substitution in subsection (1) for paragraph (d) of the following paragraph:  
“(d) has, as a result of improper conduct been removed from [**an office**] a position of trust;”;
- (d) by the substitution in subsection (1) for paragraph (f) of the following paragraph:  
“(f) is not, in the case of a person referred to in section 3(1)(a) [**or (b)**], a registered person; or”;
- (e) by the addition in subsection (1) of the following paragraph:  
“(g) is not fit and proper to hold office.”;
- (f) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:  
“A member of the Council [**must vacate his or her**] ceases to hold office if he or she—”;
- (g) by the deletion of subsection (3);
- (h) by the substitution in subsection (4) for paragraph (a) of the following paragraph:  
“(a) If a member of the Council [**dies or vacates his or her**] ceases to hold office before the expiration of his or her term of office, the Minister may, [**after consultation with the Council and**] subject to subsection (1), appoint after consideration of a shortlist of candidates referred to in section 4(2)(b) or in any other transparent manner, a person who meets the requirements for appointment in the relevant category in terms of section 3 to fill the vacancy for the unexpired portion of the period for which that member was appointed.”; and
- (i) by the addition of the following subsection:  
“(5) The Minister must, within 30 days of the appointment or reappointment of a member of the Council, submit a report to the National Assembly relating to such appointment or reappointment.”.

**Insertion of section 7A in Act 27 of 2003**

13. The following section is hereby inserted in the Natural Scientific Professions Act, 2003, after section 7:

**“Dissolution of Council**

**7A.** (1) The Minister may dissolve the Council if—

- (a) the Council is unable to perform its duties in terms of this Act or on the grounds of mismanagement;
  - (b) there is a total breakdown in the relationship between the Council and the Minister; or
  - (c) there is a breakdown in the relationship amongst the members of the Council, which renders the continued effective functioning of the Council impossible.
- (2) In exercising his or her powers in terms of this section, the Minister must comply with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- (3) Within 21 days of the dissolution of the Council, the Minister must appoint an interim Council consisting of a minimum of three persons who are professional or certificated natural scientists, to assume the responsibilities of the Council, until a new Council is constituted in accordance with the procedure referred to in section 4.
- (4) A new Council must be constituted within 180 days of the dissolution of the previous Council.
- (5) Any person who was a member of the Council that was dissolved in terms of this section may be re-appointed to a new Council.

- bepaal] skuldig bevind is[, hetsy binne die Republiek of elders,]**  
**aan—**
- (i) 'n misdryf en gevonnissen is [**tot gevangenisstraf**] vir 'n tydperk van gevangenisstraf sonder die opsie van 'n boete; of
- (ii) bedrog, korrupsie of enige ander misdryf wat oneerlikheid behels, 5  
binne 'n tydperk van 10 jaar voor die datum van benoeming ingevolge artikel 4(2)(a);”;
- (c) deur in subartikel (1) paragraaf (d) deur die volgende paragraaf te vervang: 10  
“(d) as gevolg van onbehoorlike gedrag uit 'n [**vertrouensamp**] vertrouensposisie ontslaan is;”;
- (d) deur in subartikel (1) paragraaf (f) deur die volgende paragraaf te vervang:  
“(f) in die geval van 'n persoon in artikel 3(1)(a) [**of (b)**] bedoel, nie 'n geregistreerde persoon is nie; of”;
- (e) deur die volgende paragraaf in subartikel (1) by te voeg: 15  
“(g) nie geskik en gepas is om 'n amp te beklee nie.”;
- (f) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:  
“'n Lid van die Raad [**moet sy of haar amp ontruim**] hou op om die amp te beklee indien hy of sy—”;
- (g) deur subartikel (3) te skrap;
- (h) deur in subartikel (4) paragraaf (a) deur die volgende paragraaf te vervang: 25  
“(a) Indien 'n lid van die Raad [**te sterwe kom of sy of haar amp ontruim**] voor die verstryking van sy of haar ampstermyn ophou om die amp te beklee, kan die Minister, [na oorleg met die Raad en] behoudens subartikel (1), na oorweging van 'n kortlys van kandidate in artikel 4(2)(b) bedoel of op enige ander deursigtige wyse, iemand aanstel wat aan die vereistes vir aanstelling in die tersaaklike kategorie ingevolge artikel 3 kwalifiseer om die vakature te vul vir die oorblywende deel van die termyn waarvoor daardie lid aangestel was.”;
- (i) deur die volgende subartikel by te voeg: 30  
“(5) Die Minister moet, binne 30 dae na die aanstelling of heraanstelling van 'n lid van die Raad, 'n verslag oor die aanstelling of heraanstelling aan die Nasionale Vergadering voorlê.”.

**Invoeging van artikel 7A in Wet 27 van 2003** 35

13. Die volgende artikel word hierby na artikel 7 in die Wet op Natuurwetenskaplike Professions, 2003, ingevoeg:

**“Ontbinding van Raad**

- 7A.** (1) Die Minister kan die Raad ontbind indien—
- (a) die Raad nie daartoe in staat is om sy pligte ingevolge die Wet te verrig nie of op grond van wanbestuur; 40
- (b) daar 'n totale verbrokkeling in die verhouding tussen die Raad en die Minister is; of
- (c) daar 'n verbrokkeling is in die verhouding tussen die Raadslede, wat die voortgesette doeltreffende werking van die Raad onmoontlik maak. 45
- (2) By die uitoefening van sy of haar bevoegdhede ingevolge hierdie artikel, moet die Minister voldoen aan die ‘Promotion of Administrative Justice Act, 2000’ (Wet No. 3 van 2000).
- (3) Binne 21 dae na die ontbinding van die Raad, moet die Minister 'n tussentydse Raad bestaande uit minstens drie persone aanstel wat professionele of gesertifiseerde natuurwetenskaplikes is, om die verantwoordelikhede van die Raad op te neem, totdat 'n nuwe Raad ooreenkomstig die prosedure in artikel 4 bedoel, saamgestel word. 50
- (4) 'n Nuwe Raad moet binne 180 dae na die ontbinding van die vorige Raad saamgestel word. 55
- (5) Enige persoon wat 'n lid van die Raad was wat ingevolge hierdie artikel ontbind is, kan in 'n nuwe Raad aangestel word.

(6) The Minister must, within 30 days of the dissolution of the Board, submit a report to the National Assembly, setting out the reasons for the dissolution of the Board.”.

**Amendment of section 8 of Act 27 of 2003**

14. Section 8 of the Natural Scientific Professions Act, 2003, is hereby amended— 5
- (a) by the substitution for subsection (1) of the following subsection: 5
- “(1) The Council **[may]** must appoint a suitably skilled and qualified person as a chief executive officer and such other officials as it may deem necessary to carry out its functions, on such conditions, including the payment of remuneration and **[a honorarium]** allowance, as **[it]** the Council [may determine], in consultation with the Minister, may determine.”;
- (b) by the insertion after subsection (1) of the following subsection: 10
- “(1A) The appointment of the Chief Executive Officer must be made after following a transparent and competitive selection process.”;
- (c) by the addition of the following subsections: 15
- “(3) The Chief Executive Officer is appointed for a term not exceeding five years and is eligible for reappointment, subject to such conditions relating to remuneration and allowances as the Council may, in consultation with the Minister, determine. 20
- (4) The chief executive officer must enter into a performance agreement with the Council within three months of taking up his or her post.
- (5) Whenever for any reason the chief executive officer— 25
- (a) is absent for a period of more than two months;
- (b) is unable to carry out his or her duties; or
- (c) ceases to hold office, 30
- the Council may, with the approval of the Minister, appoint any senior person in the service of the Council who meets the requirements determined in terms of subsection (1) to act as chief executive officer.
- (6) If the chief executive officer is absent for a period of less than two months, he or she must, after consultation with the Council, appoint a senior person in the service of the Council to act as chief executive officer during that period.
- (7) An acting chief executive officer may exercise all the powers and may perform all the duties of the chief executive officer.” 35

**Amendment of section 5 of Act 17 of 2008**

15. Section 5 of the Human Sciences Research Council Act, 2008, is hereby amended—
- (a) by the substitution for paragraph (a) in subsection (3) of the following paragraph: 40
- “(a) publishing a notice in the *Government Gazette* and **[two]** three national newspapers [circulating in the Republic], with due regard to the Use of Official Languages Act, 2012 (Act No. 12 of 2012), calling upon members of the public to nominate persons contemplated in subsections (2)(a) and (b);” 45
- (b) by the substitution in subsection (3) for paragraph (b) of the following paragraph: 50
- “(b) appointing **[a]** an independent panel to compile a shortlist of not more than twenty (20) persons from the nominees referred to in paragraph (a); and”;
- (c) by the substitution in subsection (3) for paragraph (c) of the following paragraph: 55
- “(c) the chairperson of the panel has submitted a short-list of candidates together with their curriculum vitae to the Minister **[who must submit it to the National Assembly for approval; and]**.”;
- (d) by the deletion in subsection (3) of paragraph (d);
- (e) by the insertion after subsection (3) of the following subsection: 60
- “(3A) If the Minister receives no nominations or an insufficient number of nominations within the period specified in the notice referred”

(6) Die Minister moet, binne 30 dae na die aanstelling of heraanstelling van 'n lid van die Raad, 'n verslag oor die redes vir die ontbinding van die Raad aan die Nasionale Vergadering voorlê.”.

### Wysiging van artikel 8 van Wet 27 van 2003

14. Artikel 8 van die Wet op Natuurwetenskaplike Professies, 2003, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Die Raad **[kan] moet** 'n hoof- uitvoerende beampte met gepaste vaardighede en kwalifikasies en die ander amptenare aanstel wat hy nodig ag vir die verrigting van sy werksaamhede, op die voorwaardes, met inbegrip van die betaling van besoldiging en 'n **[honorarium] toelaag** wat **[hy]** die Raad, in oorleg met die Minister, bepaal.”;
- (b) deur die volgende subartikel na subartikel (1) in te voeg:
- “(1A) Die aanstelling van die hoof- uitvoerende beampte moet gedoen word nadat 'n deursigtige en mededingende keuringsproses gevolg is.”;
- en
- (c) deur die volgende subartikels by te voeg:
- “(3) Die hoof- uitvoerende beampte word vir 'n tydperk van hoogstens vyf jaar aangestel en kan heraan gestel word, behoudens sodanige voorwaardes aangaande besoldiging en toelaes wat die Raad, in oorleg met die Minister, bepaal.
- (4) Die hoof- uitvoerende beampte moet binne drie maande na opneming van amp, 'n prestasie-ooreenkoms met die Raad aangaan.
- (5) Wanneer die hoof- uitvoerende beampte om enige rede—
- (a) vir 'n tydperk van meer as twee maande afwesig is;
- (b) nie in staat is om sy of haar pligte uit te voer nie; of
- (c) ophou om die amp te beklee,
- kan die Raad, met die goedkeuring van die Minister, 'n senior werknemer van die Raad wat aan die vereistes ingevolge subartikel (1) bepaal voldoen, aanstel om as hoof- uitvoerende beampte waar te neem.
- (6) Indien die hoof- uitvoerende beampte vir 'n tydperk van minder as twee maande afwesig is, moet hy of sy, na oorleg met die Raad, 'n senior persoon in diens van die Raad aanstel om tydens daardie tydperk as hoof- uitvoerende beampte waar te neem.
- (7) 'n Waarnemende hoof- uitvoerende beampte kan al die bevoegdhede en pligte van die hoof- uitvoerende beampte uitoefen en verrig.”.

### Ukuchibiyela isigaba sesi-5 soMthetho wesi-17 wezi-2008

15. Ngakho-ke isigaba sesi-5 se-*Human Sciences Research Council Act*, 2008, sichitshiyelwe—

- (a) ngokufaka endaweni yendima (a) esigatshaneni sesi-(3) le ndima elandelayo:
- “(a) ukushicilela isaziso kuSomqulu kaHulumeni kanye nakumaphaphandaba **[amabili] amathathu** kazwelonke **[atholakala eRiphabhuliki]**, mayelana ne-*Use of Official Languages Act*, 2012 (Act No. 12 of 2012), kucelwa amalungu omphakathi ukuba aphakamise amagama abantu abavezwe esigatshaneni sesi-(2)(a) no-(b);”;
- (b) ngokufaka endaweni yesigatshana sesi-(3) endimeni (b) le ndima elandelayo:
- “(b) ukuqoka iphaneli **ezimele** ezohlenganisa uhlu oluhlungiwe lwabantu abangadlulile kuma-(20) kulabo abaphakanyisiwe abavezwe endimeni (a); **futhi**”;
- (c) ngokufaka endaweni yesigatshana sesi-(3) sendima (c) le ndima elandelayo:
- “(c) usihlalo wephaneli esethumele uhlu oluhlungiwe lwamagama abantu oluhambisana neminingwane yabo kuNgqongqoshe **[okufanele aluthumele eSigungwini sikaZwelonke ukuze lugunyazwe; futhi]**.”;
- (d) ngokususa isigatshana sesi-(3) sendima (d);
- (e) ngokushutheka ngemuva kwesigatshana sesi-(3) lesi sigatshana esilandelayo:
- “(3A) Uma uNgqongqoshe engawatholi amagama abantu abaphakanyisiwe noma ethola inani lamagama aphakanyisiwe elinganele

- to in subsection (3)(a), the Minister may, after consultation with the panel referred to in subsection (3)(b), either readvertise or in any other transparent manner, appoint the required number of qualified persons.”;
- (f) by the substitution in subsection (4) for paragraph (b) of the following paragraph: 5  
“(b) are citizens or permanent residents of **[or have the right of permanent residence in]** the Republic, with the exception of the distinguished representative of the social science research community in the rest of Africa contemplated in subsection (5)(b)[.]; and”;
- (g) by the addition to subsection (4) of the following paragraph: 10  
“(c) are fit and proper to hold office.”;
- (h) by the substitution in subsection (6) for paragraph (d) of the following paragraph:  
“(d) the member is convicted of— 15  
(i) **[an offence]** a crime and sentenced to a term of imprisonment without the option of a fine; or  
(ii) fraud, corruption or any other crime involving dishonesty.”;
- (i) by the substitution in subsection (6) for paragraph (g) of the following paragraph:  
“(g) the member ceases to be a citizen or a permanent resident of **[to have the right of permanent resident in]** the Republic, except for the distinguished representative of the social science research community in the rest of Africa contemplated in subsection (5)(b); or”;
- (j) by the substitution in subsection (7) for paragraph (a) of the following paragraph: 25  
“(a) The Minister may, after consultation with the Board, remove a member of the Board from office due to misconduct, incapacity, incompetence or on any other reasonable grounds.”;
- (k) by the deletion of paragraph (b) of subsection (7); 30  
(l) by the deletion of subsection (8);  
(m) by the substitution for subsection (9) of the following subsection:  
“(9) If a member of the Board ceases to hold office or is removed from office in terms of subsection (7), the Minister may **[subject to subsection (3)]** after consideration of a shortlist of candidates referred to in subsection (3)(b) or in any other transparent manner, appoint a person who meets the requirements set out in section 4 in that member’s place for the remaining part of the term of office.”; 35
- (n) by the substitution for subsection (11) of the following subsection:  
“(11) No member may serve for more than two consecutive terms **[except that if all the members’ term lapse at the same time the Minister may extend the terms of two members for one more term to ensure continuity]**.”; and 40
- (o) by the addition of the following subsections:  
“(12) Despite subsection (11), the Minister may, after consultation with the Board, extend the period of office of any or all of the members of the Board for a period of not more than six months or until a new Board has been appointed, whichever comes first. 45  
(13) The Minister must, within 30 days of the appointment or reappointment of a member of the Board, submit a report to the National Assembly relating to such appointment or reappointment.”. 50

#### Insertion of section 9A in Act 17 of 2008

16. The following section is hereby inserted in the Human Sciences Research Council Act, 2008, after section 9:

#### “Dissolution of Board 55

- 9A.** (1) The Minister may dissolve the Board if—  
(a) the Board is unable to perform its duties in terms of this Act or on the grounds of mismanagement;

- esikhathini esivezwe ngesaziso esigatshaneni sesi-(3)(a), uNgqongqoshe ngemuva kokuxoxisana nephaneli evezwe esigatshaneni sesi-(3)(b), angaphinda akhiphe esinye isaziso noma asebenzise enye indlela evulelekile, ukuqoka inani elidingekayo labantu abafanele.”;
- (f) ngokufaka endaweni yesigatshana sesi-(4) endimeni (b) le ndima elandelayo: 5  
“(b) bengabahlali noma bengabahlali ngokugcwele [noma benelungelo lokuba abahlali ngokugcwele] eRiphabhuliki, ngaphandle kwalabo abakhethekile abamele ucwaningo lwenhlalakahle yabantu e-Afrika yonkana abavezwe esigatshaneni sesi-(5)(b)[.]; futhi”;
- (g) ngokwengeza isigatshana sesi-(4) sale ndima elandelayo: 10  
“(c) befanele ukuba sesikhundleni.”;
- (h) ngokufaka endaweni yesigatshana sesi-(6) endimeni (d) le ndima elandelayo: 15  
“(d) ilungu lilahlwe icala—  
(i) [icala] icala futhi laboshwe isikhathi sokuhlala ejele langanikezwa ithuba lokukhokha inhlawulo; noma 15  
(ii) lenkohlakalo, ukukhwabanisa noma elinye icala elihambisana nokungethembeki;”;
- (i) ngokufaka endaweni yesigatshana sesi-(6) sendima (g) le ndima elandelayo: 20  
“(g) ilungu liyeka ukuba umhlali noma umhlali ngokugcwele [onelungelo lokuba isakhamuzi ngokugcwele] eRiphabhuliki, ngaphandle kwalabo abakhethekile abamele ucwaningo lwenhlalakahle yabantu e-Afrika yonkana abavezwe esigatshaneni sesi (5)(b); or”;
- (j) ngokufaka endaweni yesigatshana sesi-(7) endimeni (a) le ndima elandelayo: 25  
“(a) UNgqongqoshe ngemuva kokuxoxisana neBhodi, angakhipha ilungu leBhodi esikhundleni ngoba lingaziphethe kahle, lingakwazi ukusebenza, lihluleka ukusebenza noma ngezinye izizathu.”;
- (k) ngokususa indima (b) yesigatshana sesi-(7);
- (l) ngokususa isigatshana sesi-(8);
- (m) ngokufaka endaweni yesigatshana sesi-(9) lesi sigatshana esilandelayo; 30  
“(9) Uma ilungu leBhodi liyeka ukubamba isikhundla noma likhishwa esikhundleni ngokwemigomo yesigatshana sesi-(7), uNgqongqoshe [ngokulandela isigatshana sesi-(3)] ngemuva kokucubungula uhlu oluhlungiwe oluvezwe esigatshaneni sesi-(3)(b) noma enye indlela evulelekile, angaqoka umuntu ohambisana nezimfanelo ezivezwe esigabeni sesi-4 esikhundleni salelo lungu ukuba asebenze lesi sikhathi esisasele saleso sikhundla.”;
- (n) ngokufaka endaweni yesigatshana se-(11) lesi sigatshana esilandelayo: 40  
“(11) Alikho ilungu elizosebenza imikhawu edlulile kwemibili ilandelana [ngaphandle uma isikhathi sokusebenza kwawo wonke amalungu siphela ngesikhathi esifanayo uNgqongqoshe anganweba isikhathi samalungu amabili umkhawulo owodwa ukuqikelela ukuqhubeka kwemisebenzi].”; futhi
- (o) ngokwengeza lezi zigatshana ezilandelayo: 45  
“(12) Nakuba kunesigatshana se-(11), uNgqongqoshe, ngemuva kokuxoxisana neBhodi, anganweba isikhathi selungu noma sawo wonke amalungu eBhodi isikhathi esingadlulile izinyanga eziyisithupha noma kuze kuqokwe iBhodi elisha, noma okuphi okungenzeka kuqala.  
(13) UNgqongqoshe, zingakapheli izinsuku ezingama-30 kuqokwe noma kuqokwe kabusha ilungu leBhodi, kufanele athumelele iSigungu sikaZwelonke umbiko omayelana nalabo abaqokwe noma abaqokwe kabusha.”. 50

#### Ukushutheka isigaba se-9A eMthethweni we-17 wezi-2008

16. Ngakho-ke lesi sigaba esilandelayo sishuthekwe ku-*Human Sciences Research Council Act, 2008*, ngemuva kwesigaba sesi-9: 55

#### “Ukuchithwa kweBhodi

- 9A.** (1) Ungqongqoshe angachitha iBhodi uma—  
(a) iBhodi lingakwazi ukuqhuba imisebenzi yalo ngokwemigomo yoMthetho noma kunezizathu zokungasingathi ngendlela;

- (b) there is a total breakdown in the relationship between the Board and the Minister; or
  - (c) there is a breakdown in the relationship amongst the members of the Board, which renders the continued effective functioning of the Board impossible. 5
- (2) In exercising his or her powers in terms of this section, the Minister must comply with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- (3) Within 21 days of the dissolution of the Board, the Minister must appoint an interim Board, consisting of a minimum of three persons, to assume the responsibilities of the Board, until a new Board is constituted in accordance with the procedure referred to in section 5(3). 10
- (4) A new Board must be constituted within 180 days of the dissolution of the previous Board.
- (5) Any person who was a member of the Board that was dissolved in terms of this section may be reappointed to a new Board. 15
- (6) The Minister must, within 30 days of the dissolution of the Board, submit a report to the National Assembly, setting out the reasons for the dissolution of the Board.”.

**Amendment of section 10 of Act 17 of 2008** 20

17. Section 10 of the Human Sciences Research Council Act, 2008, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:  
“(1) The Board must appoint a suitable skilled and qualified person as the chief executive officer.”; 25
- (b) by the insertion after subsection (1) of the following subsection:  
“(1A) The appointment of the chief executive officer must be made after following a transparent and competitive selection process.”;
- (c) by the substitution for subsection (4) of the following subsection:  
“(4) The chief executive officer holds office for a term not exceeding five years and is eligible for reappointment, on such conditions relating to payment of remuneration and allowances as the Board, subject to section 11(2), may determine, in consultation with the Minister.”; and 30
- (d) by the substitution for subsection (6) of the following subsection:  
“(6) Whenever for any reason the chief executive officer— 35  
(a) is absent for a period of more than two months; [or]  
(b) is unable to carry out his or her duties[,]; or  
(c) [whenever there is a vacancy in the] ceases to hold office [of the chief executive officer],  
the Board may, [with the approval of] in consultation with the Minister, 40  
appoint [a] any senior person in the service of the Council who meets the requirements contemplated in subsection (1) (a) to act as chief executive officer.”.

**Amendment of section 17 of Act 17 of 2008**

18. Section 17 of the Human Sciences Research Council Act, 2008, is hereby amended— 45

- (a) by the current section, becoming subsection (1);
- (b) by the insertion at the end of paragraph (a) of subsection (1) of “and” after “,”;
- (c) by the deletion of paragraph (b) of subsection (1); and 50
- (d) by the addition of the following subsection:  
“(2) Regulations made in terms of subsection (1) must be submitted to Parliament at least 30 days before their promulgation.”.

**Amendment of section 5 of Act 26 of 2008**

19. Section 5 of the Technology Innovation Agency Act, 2008, is hereby amended— 55

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



- (b) uma kushabalele ubudlelwane phakathi kweBhodi noNgqongqoshe; noma
- (c) kushabalale ubudlelwane phakathi kwamalungu eBhodi, okwenze kungabibikho ukusebenzisana.
- (2) Uma esebenzisa amandla akhe ngokwemigomo yalesi sigaba, uNgqongqoshe kufanele alandele i-*Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)*. 5
- (3) Zingakapheli izinsuku eziyi-21 kushatshalaliswe iBhodi, uNgqongqoshe kufaneleaqoek aqoke iBhodi lesikhashana, libe nabantu abasuka kwabathathu elizoqhuba imisebenzi yeBhodi, kuze kuqokwe iBhodi elisha, ngokulandela inqubo evezwe esigabeni sesi-5(3). 10
- (4) IBhodi elisha kufanele liqokwe zingakapheli izinsuku eziyi-180 kuchithwe iBhodi laphambilini.
- (5) Umuntu owayeyilungu leBhodi elachithwa ngokwemigomo yalesi sigaba angaphinda aqokwe eBhodini elisha. 15
- (6) UNgqongqoshe kufanele zingakapheli izinsuku ezingama-30 kuchithwe iBhodi, athumele umbiko eSigungwini sikaZwelonke, oveza izizathu zokuchithwa kweBhodi.”.

#### Ukuchibiyela isigaba se-10 soMthetho we-17 wezi-2008

17. Ngakho-ke isigaba se-10 se-*Human Sciences Research Council Act, 2008*, sichitshiyelwe— 20

- (a) ngokufaka endaweni yesigatshana soku-(1) lesi sigatshana esilandelayo:  
“(1) IBhodi kufanele liqoke umuntu ofanele onekhono futhi onolwazi lomsebenzi ukuba aphe umphathi omkhulu.”;
- (b) ngokushutheka ngemuva kwesigatshana soku-(1) lesi sigatshana esilandelayo: 25  
“(1A) Ukuqokwa komphathi omkhulu kufanele kwenziwe ngendlela evulelekile futhi enohlelo lokuqhubelana.”;
- (c) ngokufaka endaweni yesigatshana sesi-(4) lesi sigatshana esilandelayo: 30  
“(4) Umpathi omkhulu uzoba sesikhundleni isikhathi esiyiminyaka emihlanu futhi angaphinda aqokwe futhi, ngemibandela ehambisana nenkokhelo nezibonelelo ezinganqunywa iBhodi ngokulandela isigaba se-11(2), ngokuxhumana noNgqongqoshe.”; futhi
- (d) ngokufaka endaweni yesigatshana sesi-(6) lesi sigatshana esilandelayo: 35  
“(6) Noma nini uma umphathi omkhulu—  
(a) engekho isikhathi esingadlulile izinyanga ezimbili; [noma]  
(b) engakwazi ukuqhuba imisebenzi yakhe [,]; noma  
(c) [uma kunesikhala] eshiya isikhundla [sokuba umphathi omkhulu],  
iBhodi, [ngokugunyazwa] ngokuxhumana noNgqongqoshe, lingaqoka umuntu osesikhundleni esiphezulu osebenzela uMkhandlu onezimfanelo ezivezwe esigatshaneni soku-(1)(a) ukuba abe umphathi omkhulu.”.

#### Ukuchibiyela isigaba se-17 soMthetho we-17 wezi-2008

18. Ngakho-ke isigaba se-17 se-*Human Sciences Research Council Act, 2008*, sichitshiyelwe— 45

- (a) ngalesi sigaba, saba isigatshana soku-(1);
- (b) ngokushutheka ekupheleni kwendima (a) yesigatshana soku-(1) igama “kanye” ngemuva “;”;
- (c) ngokususa indima (b) yesigatshana soku-(1); futhi
- (d) ngokwengeza isigatshana esilandelayo: 50  
“(2) Izimiselo zomthetho ezimiseliwe ngokwemigomo yesigatshana soku-(1) kufanele zithunyelwe ePhalamende okungenani zingakapheli izinsuku ezingama-30 ngaphambi kokuba zimenyezelwe.”.

#### Ukuchibiyela isigaba sesi-5 soMthetho wama-26 wezi-2008

19. Ngakho-ke isigaba sesi-5 se-*Technology Innovation Agency Act, 2008*, sichitshiyelwe— 55

- (a) ngokufaka endaweni yesigatshana sesi-(4) lesi sigatshana esilandelayo:

- “(4) **[The]** Before appointing members of the Board referred to in subsection 1(a) and (b), the Minister must—
- (a) publish a notice in the *Gazette* and three national newspapers, with due regard to the Use of Official Languages Act, 2012 (Act No. 12 of 2012), calling upon members of the public to nominate persons contemplated in subsection (1)(a) and (b); and
  - (b) appoint **[a]** an independent 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]** not more than 20 persons from the nominees referred to in paragraph (a).”;
- (b) by the insertion after subsection (4) of the following subsection:  
“(4A) If the Minister receives no nominations or an insufficient number of nominations within the period specified in the notice referred to in subsection (4)(a), the Minister may, after consultation with the panel referred to in subsection (4)(b), either readvertise or in any other transparent manner, appoint the required number of qualified persons.”;
- (c) by the substitution for subsection (5) of the following subsection:  
“(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.”;
- (d) by the deletion of subsections (6) and (7); and
- (e) by the addition of the following subsections:  
“(8) The Board must be constituted in a manner that is broadly representative of the demographics of the country.  
(9) The Minister must, within 30 days of the appointment or reappointment of a member of the Board, submit a report to the National Assembly relating to such appointment or reappointment.”.

**Amendment of section 7 of Act 26 of 2008**

- 20.** Section 7 of the Technology Innovation Agency Act, 2008, is hereby amended—
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:  
“The Minister may, after consultation with **[the members of]** the Board, remove a member of the Board from office on account of—”;
  - (b) by the substitution in subsection (1) for the full stop at the end of paragraph (c) of the expression “; or”;
  - (c) by the addition in subsection (1) of the following paragraph:  
“(d) any other reasonable ground.”;
  - (d) by the substitution for subsection (2) of the following subsection:  
“(2) If a member of the Board ceases to hold office or is removed from office in terms of subsection (1), the Minister may, after consideration of the shortlist compiled by the panel referred to in section 5(4)(b) or in any other transparent manner, 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.”;
  - (e) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:  
“The member ceases to hold **[must vacate his or her]** office if—”;
  - (f) the addition of the following subsection:  
“(4) The Minister must, within 30 days, report on any decision taken in terms of this section, as well as confirm compliance with the requirements set out in this section, to the National Assembly.”.

“(4) Ngaphambi kokuqokwa kwamalungu eBhodi avezwe esigatshaneni soku-1(a) no-(b), uNgqongqoshe kufanele—

(a) ashicilele isaziso kuSomqulu nakumaphephandaba amabili kazwelonke aseRiphabhuliki kucelwa amalungu omphakathi ukuba aphakamise amagama abantu abavezwe esigasthaneni soku-(1)(a) no (b); futhi

(b) aqoke iphaneli ezimele okufanele lihlanganise uhlu lwabahlungiwe [abangaba amalungu eBhodi, futhi lolo luhlu oluhlungiwe kufanele lwenziwe ngemuva kohlelo lokuphakanyiswa kwamagama bantu oluvulelekile futhi olunomqhudelwano] lwabantu abangadlulile kuma-20 kulabo abaphakanyisiwe abavezwe endimeni (a).”;

(b) ngokushutheka ngemuva kwesigatshana sesi-(4) isigatshana esilandelayo:  
“(4A) Uma uNgqongqoshe angawatholi amagama abaphakanyisiwe noma ethola inani elinganele esikhathini esivezwe ngesaziso esivezwe esigatshaneni sesi-(4)(a), uNgqongqoshe ngemuva kokuxoxisana nephaneli evezwe esigatshaneni sesi-(4)(b), angakhangisa kabusha noma asebenzise enye indlela evulelekile, ukuqoka inani labantu elifanele futhi elinolwazi lomsebenzi.”;

(c) ngokufaka endaweni yesigatshana sesi-(5) lesi sigatshana esilandelayo:  
“(5) Amalungu eBhodi avezwe esigatshaneni soku-(1)(a) no-(b) aqokwa uNgqongqoshe[, ngokuxoxisana neSigungu sikaZwelonke,] ngokolwazi lwawo nolwazi lomsebenzi kwezobuchwepheshe, ukuphathwa kwezobuchwepheshe, ulwazi lokuqamba impahla nokudayiswa kwayo namakhono ezamabhizinisi, uma kuhlanganiswa, kuzokwazi ukuwasiza ukuhlangabezana nezinjongo zoPhiko.”;

(d) ngokususa isigatshana sesi-(6) nesesesi-(7); futhi

(e) ngokwengeza lezi zigatshana ezilandelayo:  
“(8) Ibhodi kufanele liqokwe ngendlela emele ngokubanzi zonke izakhamuzi zezwe.  
(9) UNgqongqoshe kufanele zingakapheli izinsuku ezingama-30 eqoke noma eqoke kabusha ilungu leBhodi, kufanele athumele umbiko eSigungwini sikaZwelonke ohambisana nokuqokwa noma nokuqokwa kabusha.”.

#### Ukuchibiyela isigaba sesi-7 soMthetho wama-26 wezi-2008 35

20. Ngakho-ke isigaba sesi-7 se-Technology Innovation Agency Act, 2008, sichitshiyelwe—

(a) ngokufaka endaweni yesigatshana soku-(1) emagameni andulela indima (a) lawa magama alandelayo:  
“uNgqongqoshe ngemuva kokuxoxisana [namalungu] neBhodi, angachitha iBhodi uma—”;

(b) ngokufaka endaweni yesigatshana soku-(1) ungqi ekupheleni kwendima (c) yegama “; noma”;

(c) ngokwengeza isigatshana soku-(1) sale ndima elandelayo:  
“(d) ezinye izizathu ezizwakalayo.”;

(d) ngokufaka endaweni yesigatshana sesi-(2) lesi sigatshana esilandelayo:  
“(2) Uma ilungu leBhodi liyeka esikhundleni ngokwemigomo yesigatshana soku-(1), uNgqongqoshe ngemuva kokucubungula uhlu oluhlungiwe oluhlenganiswe iphaneli oluvezwe esigabeni sesi-5(4)(b) noma ngenye indlela evulelekile, angaqoka umuntu ohambisana nenqubo evezwe esigabeni sesi-5(5) esikhundleni salelo lungu leso sikhathi esisasele kuleso sikhundla.”;

(e) ngokufaka endaweni yesigatshana sesi-(3) emagameni andulela indima (a) lawa magama alandelayo:  
“Ilungu liyeka esikhundleni [kufanele lishiye] umsebenzi uma—”;

(f) ngokwengeza lesi sigatshana esilandelayo:  
“(4) UNgqongqoshe zingakapheli izinsuku ezingama-30 kufanele abike ngesinqumo esithathiwe ngokwemigomo yalesi sigaba, futhi aqikelele ukulandelwa kwezimfanelo zalesi sigaba, eSigungwini sikaZwelonke.”.

**Amendment of section 8 of Act 26 of 2008**

21. Section 8 of the Technology Innovation Agency Act, 2008, is hereby amended—

- (a) by the deletion of subsection (2); and
- (b) by the addition of the following subsections:

“(4) Despite subsection (1), the Minister may, after consultation with the Board, extend the period of office of any or all of the members of the Board for a period of not more than six months or until a new Board has been appointed, whichever comes first. 5

(5) The Minister must, within 30 days of the appointment or reappointment of a member of the Board, submit a report to the National Assembly relating to such appointment or reappointment.”. 10

**Insertion of section 10A in Act 26 of 2008**

22. The following section is hereby inserted in the Technology Innovation Agency Act, 2008, after section 10:

**“Dissolution of Board 15**

**10A.** (1) The Minister may dissolve the Board if—

- (a) the Board is unable to perform its duties in terms of this Act or on the grounds of mismanagement;
- (b) there is a total breakdown in the relationship between the Board and the Minister; or
- (c) there is a breakdown in the relationship amongst the members of the Board, which renders the continued effective functioning of the Board impossible. 20

(2) In exercising his or her powers in terms of this section, the Minister must comply with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000). 25

(3) Within 21 days of the dissolution of the Board, the Minister must appoint an interim Board, consisting of a minimum of three persons, to assume the responsibilities of the Board, consisting of a minimum of three persons, to assume the responsibilities of the Board, until a new Board is constituted in accordance with the procedure referred to in section 5(4). 30

(4) A new Board must be constituted within 180 days of the dissolution of the previous Board.

(5) Any person who was a member of the Board that was dissolved in terms of this section may be reappointed to a new Board. 35

(6) The Minister must, within 30 days of the dissolution of the Board, submit a report to the National Assembly, setting out the reasons for the dissolution of the Board.”.

**Amendment of section 11 of Act 26 of 2008**

23. Section 11 of the Technology Innovation Agency Act, 2008, is hereby amended— 40

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

“(1) The [Minister] Board 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.”; and 45

- (b) by the deletion of subsection (6);

- (c) by the substitution for subsection (7) of the following subsection:

“(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].”; 50

- (d) by the substitution for subsection (9) of the following subsection:

“(9) Whenever for any reason the Chief Executive Officer—

**Ukuchibiyela isigaba sesi-8 soMthetho wama-26 wezi-2008**

21. Ngakho-ke isigaba sesi-8 se-*Technology Innovation Agency Act*, 2008, sichitshiyelwe—

- (a) ngokususa isigatshana sesi-(2); futhi  
(b) ngokwengeza lezi zigatshana ezilandelayo: 5

“(4) Nakuba kunesigatshana soku-(1), uNgqongqoshe ngemuva kokuxoxisana neBhodi, anganweba isikhathi sokuba sesikhundleni kunoma eliphi ilungu noma kumalungu onke eBhodi isikhathi esingadlulile izinyanga eziyisithupha noma kuze kuqokwe iBhodi elisha, noma okuphi okuzokwenzeka kuqala. 10

(5) UNgqongqoshe zingakapheli izinsuku ezingama-30 kufanele aqoke noma aqoke kabusha ilungu leBhodi, futhi athumele umbiko eSigungwini sikaZwelonke ohambisana nokuqokwa noma nokuqokwa kabusha.”.

**Ukushutheka isigaba se-10A soMthetho wama-26 wezi-2008** 15

22. Ngakho-ke lesi sigaba esilandelayo sishuthekwe ku-*Technology Innovation Agency Act*, 2008, ngemuva kwesigaba se-10:

**“Ukuchithwa kweBhodi**

**10A.** (1) UNgqongqoshe angachitha iBhodi uma—

- (a) iBhodi lingakwazi ukuqhuba imisebenzi yalo ngokwemigomo yoMthetho noma kunezizathu zokungasingathi ngendlela; 20

(b) uma kushabalele ukudlelwane phakathi kweBhodi noNgqongqoshe; noma

(c) kushabalale ubudlelwane phakathi kwamalungu eBhodi, okwenze kungabibikho ukusebenzisana. 25

(2) Uma esebenzisa amandla akhe ngokwemigomo yalesi sigaba, uNgqongqoshe kufanele alandele i-*Promotion of Administrative Justice Act*, 2000 (*Act No. 3 of 2000*).

(3) Zingakapheli izinsuku eziyi-21 kushatshalaliswe iBhodi, uNgqongqoshe kufaneleaqoek aqoke iBhodi lesikhashana, libe nabantu abasuka kwabathathu elizoqhuba imisebenzi yeBhodi, kuze kuqokwe iBhodi elisha, ngokulandela inqubo evezwe esigabeni sesi-5(4). 30

(4) IBhodi elisha kufanele liqokwe zingakapheli izinsuku eziyi-180 kuchithwe iBhodi laphambilini.

(5) Umuntu owayeyilungu leBhodi elachithwa ngokwemigomo yalesi sigaba angaphinda aqokwe eBhodini elisha. 35

(6) UNggqongqoshe kufanele zingakapheli izinsuku ezingama-30 kuchithwe ibhodi, athumele umbiko esiGungwini SikaZwelonke, obeka izizathu zokucithwa kweBhodi.”.

**Ukuchibiyela isigaba se-11 soMthetho wama-26 wezi-2008** 40

23. Ngakho-ke isigaba se-11 se-*Technology Innovation Agency Act*, 2008, sichitshiyelwe—

- (a) ngokufaka endaweni yesigatshana soku-(1) lesi sigatshana esilandelayo:

“(1) [UNgqongqoshe] iBhodi kufanele [ngezincomo zeBhodi] liqoke umuntu ofanele futhi onolwazi neziqo ukuba abe uMphathi oMkhulu [okufanele abhekana nokusingatha izindaba] woPhiko.”; futhi 45

- (b) ngokususa isigatshana sesi-(6);

- (c) ngokufaka endaweni yesigatshana sesi-(7) lesi sigatshana esilandelayo:

“(7) Umphathi oMkhulu ubamba isikhundla ngaleyo migomo nemibandela, kubandakanya naleyo ehambisana nomholo nezibonelelo, [uNgqongqoshe, ngemuva kokubheka izincomo] zeBhodi [kanye], ngokuxoxisana noNgqongqoshe [weziziMali], angazinquma [ngokubhalwe phansi].”; 50

- (d) ngokufaka endaweni yesigatshana sesi-(9) lesi sigatshana esilandelayo:

“(9) Noma nini uma kunesizathu uMphathi oMkhulu— 55

- (a) is absent from office for a period of more than two months[, or];  
(b) is unable to carry out his or her duties; or [whenever there is a vacancy in the]  
(c) ceases to hold office [of the Chief Executive Officer],  
the [Minister] Board may, with the concurrence of the [Board] Minister, 5  
appoint any senior person in the service of the Agency 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.”; and 10
- (e) by the addition of the following subsection:  
“(9A) If the chief executive officer is absent for a period of less than  
two months, he or she must, after consultation with the Board, appoint  
any senior person in the service of the Agency to act as Chief Executive  
Officer during that period.”. 15

#### Amendment of section 7 of Act 36 of 2008

24. Section 7 of the South African National Space Agency Act, 2008, is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (a) of the following  
paragraph: 20  
“(a) publishing a notice in the *Gazette* and [two] three national  
newspapers, with due regard to the Use of Official Languages Act,  
2012 (Act No. 12 of 2012), [circulating in the Republic] calling  
upon members of the public to nominate persons contemplated in  
section 6(2)(a) and (b);”;
- (b) by the substitution in subsection (1) for paragraph (b) of the following  
paragraph: 25  
“(b) appointing [a] an independent panel of experts to compile a  
short-list of not more than thirty (30) persons from the nominees  
referred to in paragraph (a); and”;
- (c) by the substitution in subsection (1) for paragraph (c) of the following  
paragraph: 30  
“(c) the chairperson of the panel has submitted [a] the short-list of  
candidates together with their curriculum vitae to the Minister [who  
must submit it to the National Assembly for approval; and].”;
- (d) by the deletion of paragraph (d) of subsection (1);
- (e) by the deletion of subsection (2);
- (f) by the substitution for subsection (3) of the following subsection: 35  
“(3) If the shortlist compiled in terms of subsection (2) does not  
contain suitable persons or the required number of suitable persons, the  
Minister may [call for further nominations in the manner set out in  
subsection (1)], after consultation with the panel referred to in  
subsection (1)(b), either readvertise or in any other transparent manner,  
appoint the required number of persons who qualify to be appointed.”;
- (g) by the substitution in subsection (4) for paragraph (a) of the following  
paragraph: 45  
“(a) consist of persons who are citizens [of the Republic or have the  
right of] or permanent [residence in] residents of the Republic and  
have distinguished themselves in the field of the space science and  
technology sector or possess the relevant qualifications, experience 50  
or skills in relation to some aspect of the functions of the Agency;”;
- (h) by the insertion of “and” at the end of paragraph (c) of subsection (4) and the  
addition of the following paragraph: 55  
“(d) be broadly representative of the demographics of the Republic.”;  
and
- (i) by the addition of the following subsection:  
“(5) The Minister must, within 30 days of the appointment or  
reappointment of a member of the Board, submit a report to the National  
Assembly relating to such appointment or reappointment.”.

- (a) engekho emsebenzini isikhathi esidlule izinyanga ezimbili[, **noma**];
- (b) engakwazi ukuqhuba imisebenzi yakhe; noma [**noma nini uma kunesikhala**]
- (c) eshiya isikhundla [**sokuba uMphathi omkhulu**], iBhodi 5  
[**uNgqongqoshe**], ngokuvumelana [**neBhodi**] noNgqongqoshe, angaqoka umuntu osesikhundleni esiphezulu osebenzela uPhiko onezimfanelo ezihambisana nezinquniwe ngokwemigomo yesigatshana soku-(1) ukuba asebenze njengoMphathi omkhulu, uMphathi oMkhulu aze akwazi ukuqhuba imisebenzi noma kuze 10  
kuvalwe isikhala soMphathi oMkhulu.”; futhi
- (e) ngokwengeza lesi sigatshana esilandelayo:  
“(9A) Uma uMphathi oMkhulu engekho emsebenzini isikhathi esingadlulile izinyanga ezimbili, kufanele ngemuva kokuxoxisana neBhodi, aqoke umuntu osesikhundleni esiphezulu osebenzela uphiko 15  
ukuba abambe njengoMphathi oMkhulu ngaleso sikhathi.”.

#### Ukuchibiyela isigaba sesi-7 soMthetho wama-36 wezi-2008

24. Ngakho-ke isigaba sesi-7 se-South African National Space Agency Act, 2008, sichitshiyelwe—

- (a) ngokufaka endaweni yesigatshana soku-(1) sendima (a) le ndima elandelayo: 20  
“(a) shicilela ngesaziso kuSomqulu futhi kumaphephandaba [**amabili**] amathathu kazwelonke, mayelana ne-Use of Official Languages Act, 2012 (Act No. 12 of 2012), [atholakala eRiphabhuliki] ecela amalungu omphakathi ukuba aphakamise abantu abavezwe esigabeni sesi-6(2)(a) no (b);”;
- (b) ngokufaka endaweni yesigatshana soku-(1) sendima (b) le ndima elandelayo: 25  
“(b) ukuqoka iphaneli ezimele yongoti ukuba ihlanganise uhlu oluhlungiwe lwabantu abangadlulile kuma-(30) kulaba abaphakanyisiwe abavezwe endimeni (a); futhi”;
- (c) ngokufaka endaweni yesigatshana soku-(1) sendima (c) le ndima elandelayo: 30  
“(c) usihlalo wephaneli esethumele uhlu oluhlungiwe oluhambisana neminingwane yabo kuNgqongqoshe [**okufanele aluthumele eSigungwini sikaZwelonke ukuze lugunyazwe; futhi**].”;
- (d) ngokususa indima (d) yesigatshana soku-(1);
- (e) ngokususa isigatshana sesi-(2); 35
- (f) ngokufaka endaweni yesigatshana sesi-(3) lesi sigatshana esilandelayo:  
“(3) Uma uhlu oluhlungiwe ngokwemigomo yesigatshana sesi-(2) lungenabo abantu abafanele noma inani elanene labantu abadingekayo, uNgqongqoshe [**ucela ukuba kuphakanyiswe futhi amanye amagama ngendlela evezwe esigatshaneni soku-(1)**], ngemuva kokuxoxisana 40  
nepaneli evezwe esigatshaneni soku-(1)(b), angakhangisa kabusha noma asebenzise enye indlela evulelekile, ukuqoka inani labantu abadingekayo abafanele ukuba baqokwe.”;
- (g) ngokufaka endaweni yesigatshana sesi-(4) sendima (a) le ndima elandelayo: 45  
“(a) liba nabantu abangabahlali [**baseRiphabhuliki noma abanelungelo**] noma ngokugcwele [**abangabahlali**] abahlala eRiphabhuliki futhi abanolwazi olukhethekile emkhakheni wesayensi nasemkhakhethi wezobuchwepheshe noma abaneziqo ezifanele, ulwazi lomsebenzi noma ulwazi oluhambisana nemisebenzi yoPhiko;”;
- (h) ngokushutheka “kanye” ekupheleni kwendima (c) yesigatshana sesi-(4) futhi ngokwengeza le ndima elandelayo:  
“(d) limele abantu baseRiphabhuliki bonkana.”; futhi
- (i) ngokwengeza lesi sigatshana esilandelayo: 55  
“(5) UNgqongqoshe zingakapheli izinsuku ezingama-30 eqoke noma eqoke kabusha ilungu leBhodi, kufanele athumele umbiko eSigungwini sikaZwelonke omayelana nokuqokwa noma nokuqoka kabusha kwelungu.”.

**Amendment of section 8 of Act 36 of 2008**

25. Section 8 of the South African National Space Agency Act, 2008, is hereby amended—

- (a) by the substitution for paragraph (c) in subsection (1) of the following paragraph: 5  
“(c) has been convicted of—
  - (i) **[an offence in the Republic or elsewhere] a crime and [was] sentenced to a term of imprisonment without the option of a fine[, other than an offence committed prior to 27 April 1994 associated with a political objective for which amnesty was granted by the Truth and Reconciliation Commission];** or 10
  - (ii) fraud, corruption or any other crime involving dishonesty, within a period of 10 years preceding the date of nomination in terms of section 7(1)(a);” 15
- (b) by the substitution in subsection (1) for paragraph (e) of the following paragraph:  
“(e) is not a citizen **[of, or does not have the right of] or a permanent resident of [residence in,] the Republic; [or]”;**
- (c) by the substitution in subsection (1) for the full stop at the end of paragraph (f) 20  
of the expression “; or”;
- (d) by the addition to subsection (1) of the following paragraph:  
“(g) is not fit and proper to hold office.”;
- (e) by the addition of “or” at the end of paragraph (a) of subsection (2) and the 25  
substitution for paragraph (d) of the following paragraph:  
“(d) for any other **[sound and compelling reason] reasonable ground.”;**
- (f) by the deletion of subsection (3);
- (g) by the deletion of subsection (4);
- (h) by the insertion after subsection (5) of the following subsection: 30  
“(5A) Despite subsection (5), the Minister may, after consultation with the Board, extend the period of office of any or all of the members of the Board for a period of not more than six months or until a new Board has been appointed, whichever comes first.”;
- (i) by the substitution for subsection (7) of the following subsection: 35  
“(7) If a member of the Board **[dies, resigns by written notice to the Minister or is removed from office] ceases to hold office**, the Minister may **[having followed the procedure contemplated in section 7],** after consideration of the shortlist compiled by the panel referred to in section 7(1)(b) or in any other transparent manner, appoint a person who meets the requirements set out in subsection 7(4) in that vacancy for the remaining part of the term of office.”; and 40
- (j) by the addition of the following subsection: 45  
“(8) The Minister must, within 30 days of the appointment or reappointment of a member of the Board, submit a report to the National Assembly relating to such appointment or reappointment.”.

**Insertion of section 13A in Act 36 of 2008**

26. The following section is hereby inserted in the South African National Space Agency Act, 2008, after section 13:

**“Dissolution of Board**

- 13A.** (1) The Minister may dissolve the Board if— 50
- (a) the Board is unable to perform its duties in terms of this Act;
  - (b) there is a total breakdown in the relationship between the Board and the Minister; or
  - (c) there is a breakdown in the relationship amongst the members of the Board, which renders the continued effective functioning of the Board impossible. 55



### Ukuchibiyela isigaba sesi-8 soMthetho wama-36 wezi-2008

25. Ngakho-ke isigaba sesi-8 se-South African National Space Agency Act, 2008, sichitshiyelwe—

- (a) ngokufaka endaweni yendima (c) esigatshaneni soku-(1) le ndima elandelayo: 5  
“(c) elahlwe—  
(i) [icala eRiphabhuliki noma kwenye indawo] icala futhi 10  
wagwetshwa isikhathi sokuboshwa wanganikezwa ithuba  
lokukhokha inhlawulo[, okungelona icala elenziwa  
ngaphambi komhlaka 27 Epreli 1994 elihambisana  
nezinjongo zepolitiki elakhishelwa ushwele iKhomishana  
yezamaQiniso nokuBuyisana]; noma  
(ii) lokukhohlakala, ukukhwabanisa noma elinye icala elihamba-  
mbisana nokungathembeki, ingakapheli iminyaka eyishumi  
ukwandulela usuku lokuphakanyiswa kwamagama abantu  
ngokwemigo yesigaba sesi-7(1)(a);” 15
- (b) ngokufaka endaweni yesigatshana soku-(1) sendima (e) le ndima elandelayo:  
“(e) engeyena umhlali [uma, noma engenalo ilungelo] noma umhlali  
ohlala ngokugcwele [ohlala,] eRiphabhuliki; [noma]”; 20
- (c) ngokufaka endaweni yesigatshana soku-(1) ungqi ekupheleni kwendima (f)  
egameni “; noma”; 20
- (d) ngokwengeza isigatshana soku-(1) sale ndima elandelayo:  
“(g) engafanele ukungena esikhundleni.”;
- (e) ngokwengeza “noma” ekupheleni kwendima (a) yesigatshana sesi-(2) futhi  
ngokufaka endaweni yendima (d) le ndima elandelayo:  
“(d) ngezinye izizathu [eziphusile futhi eziphoqayo] izizathu 25  
ezizwakalayo.”;
- (f) ngokususa isigatshana sesi-(3);  
(g) ngokususa isigatshana sesi-(4);  
(h) ngokushutheka ngemuva kwesigatshana sesi-(5) isigatshana esilandelayo:  
“(5A) Nakuba kunesigatshana sesi-(5), uNgqongqoshe ngemuva 30  
kokuxoxisana neBhodi, banganweba isikhathi sokuba sesikhundleni  
selungu noma samalungu onke eBhodi isikhathi esingadlulile izinyanga  
eziyisithupha noma kuze kuqokwe iBhodi elisha, noma okuphi  
okuyokwenzeka kuqala.”;
- (i) ngokufaka endaweni yesigatshana sesi-(7) lesi sigatshana esilandelayo: 35  
“(7) Uma ilungu leBhodi [lidlula emhlabeni, lisula ngokubhalela  
uNgqongqoshe isaziso noma likhishwa esikhundleni] lishiya  
isikhundla, uNgqongqoshe [ngokulandela inqubo evezwe esigabeni  
sesi-7], ngemuva kokucubungula uhlu lwabahlungiwe oluhlangukane  
iphaneli oluvezwe esigabeni sesi-7(1)(b) noma ngenye indlela 40  
evulelekile, angaqoka umuntu ohambisana nezimfanelo ezivezwe  
esigatshaneni sesi-7(4) kuleso sikhala leso sikhathi esisasele kuleso  
sikhundla.”; futhi
- (j) ngokwengeza lesi sigatshana esilandelayo:  
“(8) UNgqongqoshe zingakapheli izinsuku ezingama-30 eqoke noma 45  
eqoke kabusha ilungu leBhodi, angathumela umbiko eSigungwini  
sikaZwelonke ohambisana nokuqokwa noma ukuqokwa kabusha.”.

### Ukushutheka isigaba se-13A soMthetho wama-36 wezi-2008

26. Ngakho-ke lesi sigaba esilandelayo sishuthekwe ku-South African National Space Agency Act, 2008, ngemuva kwesigaba se-13: 50

#### “Ukuchithwa kweBhodi

13A. (1) UNgqongqoshe angachitha iBhodi uma—

- (a) iBhodi lingakwazi ukuqhuba imisebenzi yalo ngokwemigomo  
yoMthetho noma kunezizathu zokungasingathi ngendlela; 55  
(b) uma kushabalele ubudlelwane phakathi kweBhodi noNgqongqoshe;  
noma  
(c) kushabalale ubudlelwane phakathi kwamalungu eBhodi, okwenze  
kungabibikho ukusebenzisana.

(2) In exercising his or her powers in terms of this section, the Minister must comply with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

(3) Within 21 days of the dissolution of the Board, the Minister must appoint an interim Board, consisting of a minimum of three persons, to assume the responsibilities of the Board, until a new Board is constituted in accordance with the procedure referred to in section 7(1).

(4) A new Board must be constituted within 180 days of the dissolution of the previous Board.

(5) Any person who was a member of the Board that was dissolved in terms of this section may be reappointed to a new Board.

(6) The Minister must, within 30 days of the dissolution of the Board, submit a report to the National Assembly, setting out the reasons for the dissolution of the Board.”.

**Amendment of section 14 of Act 36 of 2008**

**27.** Section 14 of the South African National Space Agency Act, 2008, is hereby amended—

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

“(1) The Board must **[, with the approval of the Minister,]** appoint a suitably skilled and qualified person as the Chief Executive Officer.”;

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

“(3) The Chief Executive Officer is appointed for a term not exceeding five years and is eligible for reappointment, subject to such conditions relating to remuneration and allowances as the Board may, in consultation with the Minister, determine.”;

(c) by the deletion of subsection (6);

(d) by the substitution for subsections (7), (8) and (9) of the following subsections:

“(7) The Chief Executive Officer must report to the Board **[on matters that may adversely affect the functioning of the Agency]**.

(8) If the Chief Executive Officer—

(a) is absent for a period of more than two months; **[or ]**

(b) is unable to carry out her or his duties[,]; or

(c) ceases to hold office **[of the Chief Executive Officer]**,

the Board may, with the concurrence of the Minister, appoint any senior person in the service of the Agency who meets the requirements determined in 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 Chief Executive Officer is filled.

(9) If the Chief Executive Officer is absent for a period of less than two months he or she must, after consultation with the Board **[may, without the concurrence of the Minister]**, appoint any senior person in service of the Agency to act as Chief Executive Officer.”; and

(e) by the deletion of subsection (11).

**Short title**

**28.** This Act is called the Science and Technology Laws Amendment Act, 2014.

(2) Uma esebenzisa amandla akhe ngokwemigomo yalesi sigaba, uNgqongqoshe kufanele alandele *i-Promotion of Administrative Justice Act, 2000* (Act No. 3 of 2000).

(3) Zingakapheli izinsuku eziyi-21 kushatshalaliswe iBhodi, uNgqongqoshe kufanele aqoke iBhodi lesikhashana, libe nabantu abasuka kwabathathu elizoqhuba imisebenzi yeBhodi, kuze kuqokwe iBhodi elisha, ngokulandela inqubo evezwe esigabeni sesi-7(1).

(4) IBhodi elisha kufanele liqokwe zingakapheli izinsuku eziyi-180 kuchithwe iBhodi laphambilini.

(5) Umuntu owayeyilungu leBhodi elachithwa ngokwemigomo yalesi sigaba angaphinda aqokwe eBhodini elisha.

(6) UNgqongqoshe zingakapheli izinsuku ezingama-30 kuchithwe iBhodi, kufanele athumele umbiko eSigungwini sikaZwelonke, oveza izizathu zokuchithwa kweBhodi.”.

#### Ukuchibiyela isigaba se-14 soMthetho wama-36 wezi-2008

27. Ngakho-ke isigaba se-14 se-*South African National Space Agency Act, 2008*, sichitshiyelwe—

(a) ngokufaka endaweni yesigatshana soku-(1) lesi sigatshana esilandelayo:

“(1) IBhodi kufanele [**ngokugunyazwa uNgqongqoshe,**] liqoke umuntu ofanele futhi onekhono neziqu ukuba abe uMphathi oMkhulu.”; futhi

(b) ngokufaka endaweni yesigatshana sesi-(3) lesi sigatshana esilandelayo:

“(3) Umphathi oMkhulu uqokwa isikhathi esingadlulile eminyakeni emihlanu futhi angaphinda aqokwe, ngokulandela leyo mibandela ehambisana nomholi nezibonelelo ezinganqunywa iBhodi, ngokuxoxisana noNgqongqoshe.”;

(c) ngokususa isigatshana sesi-(6);

(d) ngokufaka endaweni yesigatshana sesi-(7), (8) nesesi-(9) lesi sigatshana esilandelayo:

“(7) UMphathi oMkhulu kufanele abikele iBhodi [**ngezindaba ezingachaphazela kakhulu ukusebenza koPhiko.**]

(8) Uma uMphathi oMkhulu—

(a) engekho isikhathi esidlulile izinyanga ezimbili; [**noma**]

(b) ehluleka ukuqhuba imisebenzi yakhe[,]; noma

(c) eshiya isikhundla [**sokuba uMphathi oMkhulu,**]

iBhodi ngokuvumelana noNgqongqoshe, lingaqoka umuntu osesikhundleni esiphezulu osebenzela uPhiko onezimfanelo ezihambisana nezinqunywe ngokwemigomo yesigatshana soku-(1) ukuba abambe njengoMphathi oMkhulu, uMphathi oMkhulu aze akwazi ukuqala imisebenzii noma kuze kugcwaliswe isikhala soMphathi omkhulu.

(9) Uma uMphathi oMkhulu engekho isikhathi esingaphansi kwezinyanga ezimbili noma ngemuva kokuxoxisana neBhodi, [**ngaphandle kokuvumelana noNgqongqoshe anga,**] kufanele aqoke umuntu osesikhundleni esiphezulu osebenzela uPhiko ukuba abe uMphathi oMkhulu.”; futhi

(e) ngokususa isigatshana se-(11).

#### Kort titel

28. Hierdie Wet heet die Wysigingswet op Wetenskap- en Tegnologiewette, 2014.

