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STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 908. 25 Maart 1992

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

No. 33 van 1992: Wysigingswet op Kulturele Instellings (Volksraad), 1992.

No. 908. 25 March 1992

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

No. 33 of 1992: Cultural Institutions Amendment Act (House of Assembly), 1992.

ALGEMENE VERDUIDELIKENDE NOTA:

Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Wet op Kulturele Instellings (Volksraad), 1989, ten einde 'n sekere teksverandering aan te bring; 'n raad te magtig om werknemers aan te stel en hul diensvoorwaardes vas te stel; sekere aangeleenthede betreffende 'n raad verder te reël; en die instandhouding en ontwikkeling van onroerende goed van, en die oordrag van roerende goed aan, 'n verklaarde instelling verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Maart 1992.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Vervanging van artikel 2 van Wet 66 van 1989

1. Artikel 2 van die Wet op Kulturele Instellings (Volksraad), 1989 (hierna die Hoofwet genoem), word hierby deur die volgende artikel vervang:

“Toepassing van Wet

2. Die bepalings van hierdie Wet is, behoudens die bepalings van item 3 van Bylae 1 by die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), van toepassing met betrekking tot aangeleenthede in hierdie Wet bedoel, en wel ten opsigte van persone wat lede is van die bevolkingsgroep [uit] waaruit lede [waarvan] van die Volksraad [bestaan] gekies word."

Vervanging van artikel 6 van Wet 66 van 1989

2. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Besoldiging en ander diensvoorwaardes van persone in diens van 15
verklaarde instellings**

6. (1) 'n Raad kan die persone wat hy nodig ag, aanstel om die werksaamhede van die betrokke verklaarde instelling te verrig.

(2) Die bepaling van die bescldiging en ander diensvoorwaardes van persone wat kragtens subartikel (1) aangestel word, geskied ooreenkomstig 'n skema wat die Minister met die instemming van die Minister van Begroting goedkeur.

(3) 'n Skema vermeld in subartikel (2) kan van tyd tot tyd gewysig word met die goedkeuring van die Minister, verleen met die instemming van die Minister van Begroting.

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(HOUSE OF ASSEMBLY), 1992

Act No. 33, 1992

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.

ACT

To amend the Cultural Institutions Act (House of Assembly), 1989, so as to effect a certain textual alteration; to empower a council to appoint employees and determine their conditions of service; to further regulate certain matters regarding a council; and to further regulate the maintenance and development of immovable property of, and the transfer of movable property to, a declared institution; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 16 March 1992.)*

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Substitution of section 2 of Act 66 of 1989

1. The following section is hereby substituted for section 2 of the Cultural Institutions Act (House of Assembly), 1989 (hereinafter referred to as the principal Act):

“Application of Act

2. The provisions of this Act shall, subject to the provisions of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), apply in relation to matters referred to in this Act, and in respect of persons who are members of the population group **[members]** out of which members of **[comprise]** the House of Assembly are elected.”.

Substitution of section 6 of Act 66 of 1989

2. The following section is hereby substituted for section 6 of the principal Act:

“Remuneration and other conditions of service of persons employed by declared institutions

6. (1) A council may appoint such persons as it may deem necessary to perform the functions of the declared institution concerned.
- (2) The determination of the remuneration and other conditions of service of persons appointed under subsection (1) shall be in accordance with a scheme approved by the Minister with the concurrence of the Minister of the Budget.
- (3) A scheme mentioned in subsection (2) may from time to time be amended with the approval of the Minister, granted with the concurrence of the Minister of the Budget.

(4) Iemand wat onmiddellik voor die datum van inwerkingtreding van die Wysigingswet op Kulturele Instellings (Volksraad), 1992, in diens van 'n verklaarde instelling was, word geag op genoemde datum kragtens subartikel (1) aangestel te wees as 'n werknemer van dié instelling: Met dien verstande dat die besoldiging en ander diensvoorwaardes van so 'n werknemer nie minder gunstig mag wees nie as die besoldiging en diensvoorwaardes waarop hy onmiddellik voor genoemde datum geregtig was.

(5) Indien 'n persoon wat kragtens subartikel (1) aangestel is of geag word aldus aangestel te wees, ooreenkomstig sy diensvoorwaardes uit sy pos ontslaan word, kan hy binne 14 dae na die datum waarop hy van sy ontslag verwittig is, skriftelik teen die ontslag na die Minister appelleer, wat die ontslag kan bekragtig, wysig of tersyde stel."

Wysiging van artikel 7 van Wet 66 van 1989

3. Artikel 7 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

"(a) 'n Lid van 'n raad word vir 'n tydperk van drie jaar aangestel tensy 'n korter tydperk **[by die aanstelling van die lid deur die Minister vasgestel is]** voorgeskryf word."; en

- (b) deur subartikel (4) deur die volgende subartikel te vervang:

"(4) Indien 'n lid van 'n raad voor die verstryking van die tydperk waarvoor hy aangestel is, te sterwe kom of sy amp ontruim, kan **[die Minister]** 'n ander persoon **[aanstel]** aangestel word om dié amp te beklee vir die onverstreke gedeelte van die tydperk waarvoor so 'n lid aangestel was."

Wysiging van artikel 10 van Wet 66 van 1989

4. Artikel 10 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die Minister kan, met die instemming van die Minister van Begroting **[en Werke]**, op die grondslag en voorwaardes wat hy bepaal, aan 'n raad enige grond of gebou beskikbaar stel vir gebruik deur daardie raad ten einde die raad in staat te stel om sy werksaamhede met betrekking tot die verklaarde instelling te verrig **[en kan maatreëls tref vir die instandhouding van so 'n gebou]**."; en

- (b) deur in die Engelse teks in subartikel (2) die woord "assign" deur die woord "transfer" te vervang; en

- (c) deur die volgende subartikel by te voeg:

"(3) Die Minister kan maatreëls tref vir die instandhouding en ontwikkeling van enige grond of gebou wat kragtens subartikel (1) aan 'n raad beskikbaar gestel word of wat kragtens subartikel (2) aan 'n verklaarde instelling oorgedra word of wat 'n verklaarde instelling kragtens artikel 5(3) koop of op 'n ander wyse verkry of huur of reeds aldus gekoop of op 'n ander wyse verkry of gehuur het."

Vervanging van artikel 11 van Wet 66 van 1989

5. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

"Beskikbaarstelling aan verklaarde instellings van roerende goed

11. (1) Die Minister kan 'n monster, versamelstuk, versameling of ander roerende goed wat aan die Regering of aan die Republiek of sy inwoners behoort, geskenk of bemaak is of wat geskenk of bemaak is op voorwaarde dat die skenking of bemaking vir die gebruik of tot voordeel van die Republiek en sy inwoners of 'n deel van sy inwoners staan, of 'n deel van so 'n **[monster]** versameling of ander goed, aan die sorg en beheer van **[die raad van]** 'n verklaarde instelling toevertrou

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(4) Any person who was in the employment of a declared institution immediately prior to the date of commencement of the Cultural Institutions Amendment Act (House of Assembly), 1992, shall be deemed to have been appointed under subsection (1) on the said date as an employee of such institution: Provided that the remuneration and other conditions of service of such employee may not be less favourable than the remuneration and other conditions of service to which he was entitled immediately prior to the said date.

(5) If a person who was appointed under subsection (1) or who is deemed to be so appointed, is in accordance with his conditions of service dismissed from his post, he may within 14 days after the date on which he was notified of his dismissal, appeal in writing against such dismissal to the Minister, who may confirm, vary or set aside such dismissal."

15 Amendment of section 7 of Act 66 of 1989

3. Section 7 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

"(a) A member of a council shall be appointed for a period of three years, unless **[the Minister has, upon the appointment of the member, determined]** a shorter period is prescribed."; and

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

"(4) If a member of a council dies or vacates his office before the expiration of the period for which he has been appointed, **[the Minister may appoint]** another person may be appointed to fill the vacancy for the unexpired portion of the period for which such person was appointed."

Amendment of section 10 of Act 66 of 1989

4. Section 10 of the principal Act is hereby amended—

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

"(1) The Minister may, with the concurrence of the Minister of the Budget **[and Works]**, on such basis and on such conditions as he may determine, make available to a council any land or building for use by that council in order to enable the council to carry out its functions in relation to the declared institution concerned **[and may take steps for the maintenance of such building]**.";

(b) by the substitution in subsection (2) for the word "assign" of the word "transfer"; and

(c) by the addition of the following subsection:

"(3) The Minister may take steps for the maintenance and development of any land or building which is made available to a council under subsection (1) or which is transferred to a declared institution under subsection (2) or which a declared institution purchases or otherwise acquires or hires under section 5(3) or which it has already so purchased or otherwise acquired or hired."

Substitution of section 11 of Act 66 of 1989

5. The following section is hereby substituted for section 11 of the principal Act:

"Making available of movable property to declared institutions

11. (1) The Minister may place any specimen, collection piece, collection or other movable property which belongs, has been given or has been bequeathed to the Government or to the Republic or its inhabitants, or given or bequeathed on condition that the gift or bequest shall be for the use or benefit of the Republic and its inhabitants or any section of its inhabitants, or any portion of any such **[specimen]** collection or other property, under the care and management **[of the council]** of any declared institution or transfer

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of sodanige monster, versamelstuk, versameling of ander roerende goed of deel aan 'n verklaarde instelling oordra, tensy die skenker of erflater vir die bewaring daarvan ander voorsiening gemaak het.

(2) 'n Monster, versamelstuk, versameling of ander roerende goed wat kragtens subartikel (1) aan 'n verklaarde instelling oorgedra is, mag slegs met die goedkeuring van die Minister vervreem word.'". 5

Kort titel

6. Hierdie Wet heet die Wysigingswet op Kulturele Instellings (Volksraad), 1992.

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such specimen, collection piece, collection or other movable property or portion to a declared institution, unless the donor or testator has made other provision for the care thereof.

5

(2) Any specimen, collection piece, collection or other movable property transferred under subsection (1) to a declared institution may be alienated only with the approval of the Minister.”.

Short title

6. This Act shall be called the Cultural Institutions Amendment Act (House of Assembly), 1992.

