



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1196.

9 July 1993

No. 1196.

9 Julie 1993

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

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

No. 100 of 1993: Geoscience Act, 1993.

No. 100 van 1993: Wet op Geowetenskap, 1993.

ACT

To provide for the promotion of research and the extension of knowledge in the field of geoscience; for that purpose to make provision for the establishment of a Council for Geoscience and for the management thereof by a Management Board; and to provide for matters connected therewith.

*(Afrikaans text signed by the Acting State President.)
(Assented to 28 June 1993.)*

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

Definitions

1. In this Act, unless the context otherwise indicates—
- (i) “chairman” means the chairman of the Management Board appointed in terms of section 4; (xii) 5
 - (ii) “committee” means a committee nominated in terms of section 16; (iii)
 - (iii) “Council” means the Council for Geoscience referred to in section 2; (viii)
 - (iv) “discovery” means a technological or scientific discovery, but excluding a discovery of a mineral deposit; (vi) 10
 - (v) “Executive Management Committee” means the Executive Management Committee referred to in section 15; (xi)
 - (vi) “executive officer” means the person appointed in terms of section 18 as executive officer of the Council; (x) 15
 - (vii) “Management Board” means the Management Board referred to in section 4; (i)
 - (viii) “mineral” means a mineral as defined in section 1 of the Minerals Act, 1991 (Act No. 50 of 1991); (iv)
 - (ix) “Minister” means the Minister of Mineral and Energy Affairs; (v) 20
 - (x) “prospecting” means prospecting as defined in section 1 of the Minerals Act, 1991; (vii)
 - (xi) “regulation” means a regulation in force in terms of this Act; (ix)
 - (xii) “this Act” includes a regulation. (ii)

Establishment of Council for Geoscience 25

2. There is hereby established a juristic person to be known as the Council for Geoscience.

Objects of Council

3. The objects of the Council are to promote the search for, and exploitation of, any mineral in the Republic, to undertake research in the field of geoscience and to furnish specialized geoscientific services. 30

Management Board

4. (1) With a view to the achievement of the objects of the Council its affairs shall be managed by a Management Board, which shall, subject to the provisions of this Act, determine the policy and goals of the Council and exercise control over the performance of the functions of the Council. 35

(2) The Management Board shall consist of—

- (a) the chairman, who shall be appointed by the Minister;

WET

Om voorsiening te maak vir die bevordering van navorsing en die uitbreiding van kennis op die gebied van die geowetenskap; om vir dié doel voorsiening te maak vir die instelling van 'n Raad vir Geowetenskap en vir die bestuur daarvan deur 'n Bestuursraad; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 28 Junie 1993.)*

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

Woordomskrywing

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—
 - 5 (i) “Bestuursraad” die Bestuursraad vermeld in artikel 4; (vii)
 - (ii) “hierdie Wet” ook 'n regulasie; (xii)
 - (iii) “komitee” 'n komitee wat ingevolge artikel 16 benoem is; (ii)
 - (iv) “mineraal” 'n mineraal soos omskryf in artikel 1 van die Mineraalwet, 1991 (Wet No. 50 van 1991); (viii)
 - 10 (v) “Minister” die Minister van Mineraal- en Energiesake; (ix)
 - (vi) “ontdekking” 'n tegnologiese of wetenskaplike ontdekking, maar nie ook 'n ontdekking van 'n mineraalafsetting nie; (iv)
 - (vii) “prospekteer” prospekteer soos omskryf in artikel 1 van die Mineraalwet, 1991; (x)
 - 15 (viii) “Raad” die Raad vir Geowetenskap vermeld in artikel 2; (iii)
 - (ix) “regulasie” 'n regulasie wat ingevolge hierdie Wet van krag is; (xi)
 - (x) “uitvoerende beampte” die persoon wat ingevolge artikel 18 as uitvoerende beampte van die Raad aangestel is; (vi)
 - (xi) “Uitvoerende Bestuurskomitee” die Uitvoerende Bestuurskomitee
 - 20 vermeld in artikel 15; (v)
 - (xii) “voorsitter” die voorsitter van die Bestuursraad aangestel ingevolge artikel 4. (i)

Instelling van Raad vir Geowetenskap

2. Daar word hierby 'n regs persoon ingestel wat die Raad vir Geowetenskap
- 25 heet.

Oogmerke van Raad

3. Die oogmerke van die Raad is om die soek na, en die ontginning van, enige mineraal in die Republiek te bevorder, om navorsing op die gebied van die geowetenskap te onderneem, en om gespesialiseerde geowetenskaplike dienste
- 30 te lewer.

Bestuursraad

4. (1) Met die oog op die bereiking van die oogmerke van die Raad word sy sake bestuur deur 'n Bestuursraad, wat, behoudens die bepalings van hierdie Wet, die beleid en doelstellings van die Raad bepaal en beheer uitoefen oor die
- 35 verrigting van die werksaamhede van die Raad.
- (2) Die Bestuursraad bestaan uit—
 - (a) die voorsitter, wat deur die Minister aangestel word;

- (b) at least eight but not more than ten other members appointed by the Minister, after consultation with the chairman and the executive officer, of whom—
- (i) one shall be an official of the Department of Mineral and Energy Affairs nominated by the Director-General: Mineral and Energy Affairs; 5
 - (ii) one shall be an official of the Department of Environment Affairs nominated by the Director-General: Environment Affairs;
 - (iii) one shall be an official of the Department of Regional and Land Affairs nominated by the Director-General: Regional and Land Affairs; 10
 - (iv) one shall be an official of the Department of Water Affairs and Forestry nominated by the Director-General: Water Affairs and Forestry;
 - (v) one shall be a person who is involved in the mining industry and was nominated by the Chamber of Mines; 15
 - (vi) one shall be a person who is involved in geoscientific education or training and was nominated by the Geological Society of South Africa;
 - (vii) one shall be a person who is involved in commerce; and 20
 - (viii) one shall be a person with knowledge or experience of mineral activities who is involved in industrial development and was nominated by the Industrial Development Corporation; and
- (c) the executive officer, who shall serve *ex officio* as a member of the Management Board. 25

(3) After the expiry of the term of office of the first chairman the Minister shall appoint the chairman after consultation with the other members of the Management Board.

(4) The Minister may, whenever he deems it necessary or expedient, subject to the provisions of subsection (1), appoint an alternate member for any member of the Management Board. 30

(5) The members or alternate members of the Management Board shall be persons who—

- (a) have special knowledge of or experience in any aspect of the Council's functions; or 35
- (b) by virtue of the offices occupied by them are able to make a contribution to the achievement of the objects of the Council.

Functions of Council

5. (1) For the purpose of achieving its objects, the Council may perform the following functions: 40

- (a) Undertake geoscientific research;
- (b) compile and develop a comprehensive and integrated collection of knowledge of geology, geochemistry, geophysics, engineering geology, economic geology, geochronology, marine geology and geomagnetism;
- (c) serve as the national custodian of all geoscientific information relating to the earth, the marine environment and geomagnetic space; 45
- (d) study mineral resources;
- (e) study the use of the surface of land, and from a geoscientific viewpoint advise government institutions and the general public on the judicious and safe use thereof; 50
- (f) develop and maintain the National Geoscientific Library, the National Borehole Core Depository, the National Geophysical and Geochemical Test Sites, and the Geological Museum as part of the Transvaal Museum;
- (g) conduct investigations and render specialized services to public and private institutions; 55
- (h) (i) undertake research of its own accord; or
- (ii) undertake research on behalf of the State or any other government institution, or on behalf of any person or institution, or support such research financially; and 60

- (b) minstens agt maar hoogstens tien ander lede wat deur die Minister na oorlegpleging met die voorsitter en die uitvoerende beampte aangestel word, van wie—
- 5 (i) een 'n beampte van die Departement van Mineraal- en Energiesake moet wees wat deur die Direkteur-generaal: Mineraal- en Energiesake benoem is;
- (ii) een 'n beampte van die Departement van Omgewingsake moet wees wat deur die Direkteur-generaal: Omgewingsake benoem is;
- 10 (iii) een 'n beampte van die Departement van Streek- en Grondsake moet wees wat deur die Direkteur-generaal: Streek- en Grondsake benoem is;
- (iv) een 'n beampte van die Departement van Waterwese en Bosbou moet wees wat deur die Direkteur-generaal: Waterwese en Bosbou benoem is;
- 15 (v) een 'n persoon moet wees wat betrokke is by die mynboubedryf en deur die Kamer van Mynwese benoem is;
- (vi) een 'n persoon moet wees wat by geowetenskaplike onderwys of opleiding betrokke is en deur die Geologiese Vereniging van Suid-Afrika benoem is;
- 20 (vii) een 'n persoon moet wees wat by die handel betrokke is; en
- (viii) een 'n persoon met kennis of ondervinding van mynboubedrywigheede moet wees wat betrokke is by nywerheidsontwikkeling en wat deur die Nywerheid-ontwikkelingskorporasie benoem is; en
- 25 (c) die uitvoerende beampte, wat ampshalwe as lid van die Bestuursraad dien.
- (3) Na verstryking van die ampstermyn van die eerste voorsitter stel die Minister die voorsitter aan na oorlegpleging met die ander lede van die Bestuursraad.
- (4) Die Minister kan, wanneer hy dit nodig of dienstig ag, behoudens die 30 bepalings van subartikel (1), 'n plaasvervangende lid vir enige lid van die Bestuursraad aanstel.
- (5) Die lede of plaasvervangende lede van die Bestuursraad moet persone wees wat—
- 35 (a) oor besondere kennis of ondervinding van die geowetenskap of van enige aspek van die werksaamhede van die Raad beskik; of
- (b) uit hoofde van die ampte wat hulle beklee, in staat is om 'n bydrae tot die bereiking van die oogmerke van die Raad te lewer.

Werkzaamhede van Raad

5. (1) Ten einde sy oogmerke te bereik, kan die Raad die volgende 40 werksaamhede verrig:
- (a) Geowetenskaplike navorsing onderneem;
- (b) 'n omvattende en geïntegreerde versameling van kennis van die geologie, geochemie, geofisika, ingenieursgeologie, ekonomie-geologie, geochronologie, marine-geologie en geomagnetisme saamstel en ontwikkel;
- 45 (c) dien as nasionale bewaarder van geowetenskaplike inligting met betrekking tot die aarde, die marine-omgewing en die geomagnetiese ruimte;
- (d) 'n studie maak van mineraalhulpbronne;
- 50 (e) die gebruik van die oppervlak van grond bestudeer en owerheidsinstellings en die algemene publiek uit 'n geowetenskaplike oogpunt van raad dien oor die oordeelkundige en veilige gebruik daarvan;
- (f) die Nasionale Geowetenskaplike Biblioteek, die Nasionale Boorkernoteek, die Nasionale Geofisiese en Geochemiese Toetsterreine, en die Geologiese Museum as deel van die Transvaal-museum, ontwikkel en in stand hou;
- 55 (g) ondersoeke uitvoer en gespesialiseerde dienste aan openbare en private instellings lewer;
- (h) (i) navorsing uit eie beweging onderneem; of
- 60 (ii) navorsing ten behoewe van die Staat of 'n ander owerheidsinstelling of ten behoewe van enige persoon of instelling onderneem, of sodanige navorsing geldelik ondersteun; en

- (i) do anything that is necessary for or conducive to the achievement of the said objects.
- (2) In order to promote relevant research and to support its objects the Council may—
- (a) make grants to universities, technikons, colleges and other educational and scientific institutions in aid of research by their staff or for the establishment of facilities for such research; 5
 - (b) undertake joint research projects with departments of State, universities, technikons, colleges, other educational and scientific institutions and other persons; 10
 - (c) co-operate with educational authorities and scientific or technical societies for the promotion of the education and training of researchers, technical experts and other supporting personnel in schools, technikons, colleges and universities; 10
 - (d) grant study bursaries and loans to researchers, and make monetary contributions for research programmes in support of its own manpower requirements; and 15
 - (e) co-operate with persons and institutions undertaking research in other countries by the exchange of geoscientific knowledge by means of international meetings and research projects. 20
- (3) In order to perform the functions and to achieve the objects of the Council, the executive officer may—
- (a) on behalf of the Council conclude agreements with any person or institution or, subject to the provisions of section 8, with any government or administration, on the conditions upon which the Management Board and that person, institution, government or administration may agree; 25
 - (b) act as the official representative of the Council at all national and international organizations and meetings;
 - (c) defend legal proceedings instituted against the Council and institute legal proceedings connected with its functions; 30
 - (d) with the approval of the Minister, granted with the concurrence of the Minister of State Expenditure, for or on behalf of the Council purchase or otherwise acquire or possess or hire immovable property, and alienate, let, pledge or otherwise encumber such property;
 - (e) with the approval of the Minister, granted with the concurrence of the Minister of Finance, raise money by way of loans on such terms and conditions and against such security as the Management Board may deem expedient; 35
 - (f) hire or let services against payment;
 - (g) produce and sell reports, maps, computer programs and other intellectual property which the Council generates in the course of its research; 40
 - (h) do everything that is conducive to the performance of the functions or the achievement of the objects of the Council or is calculated, directly or indirectly, to enhance the value of or render profitable the property or rights of the Council. 45
- (4) The Council shall, in addition to its other functions in terms of this Act or any other law—
- (a) perform such functions and undertake such investigations or research as the Minister may assign to it; and
 - (b) advise the Minister on research in the field of geoscience. 50
- (5) The functions of the Council mentioned in this section shall be performed by the executive officer, except in so far as they have been assigned by this Act or by the Minister to any other person.

Powers of Council in respect of certain information

6. (1) Notwithstanding the provisions of any other law, the Council shall have the right to inspect any information of the Department of Mineral and Energy Affairs which the Minister, or an officer of the said Department designated by the Minister, may approve on such conditions as the Minister or the said officer may determine. 55

(2) The Council may take into its custody and use information contemplated in subsection (1) or a copy thereof, but any provision of any law whereby any 60

- (i) enigiets doen wat nodig is om genoemde oogmerke te bereik of wat bevorderlik is vir die bereiking daarvan.
- (2) Ter bevordering van toepaslike navorsing en ter ondersteuning van sy oogmerke kan die Raad—
- 5 (a) toekennings aan universiteite, teknikons, kolleges en ander opvoedkundige en wetenskaplike instellings doen ten bate van navorsing deur hul personeel of vir die oprigting van fasiliteite vir sodanige navorsing;
- (b) gesamentlike navorsingsprojekte met Staatsdepartemente, universiteite, teknikons, kolleges, ander opvoedkundige en wetenskaplike
- 10 instellings en ander persone onderneem;
- (c) met onderwysowerhede en wetenskaplike of tegniese verenigings saamwerk ter bevordering van die onderrig en opleiding van navorsers, tegniese deskundiges en ander ondersteunende personeel in skole, teknikons, kolleges en universiteite;
- 15 (d) studiebeurse en -lenings aan navorsers toeken, en geldelike bydraes tot navorsingsprogramme maak ter ondersteuning van sy eie mannekrag-behoefes; en
- (e) met persone en instellings wat in ander lande navorsing onderneem, saamwerk deur die uitruiling van geowetenskaplike kennis by wyse van
- 20 internasionale byeenkomste en navorsingsprojekte.
- (3) Ten einde die werksaamhede van die Raad te verrig en sy oogmerke te bereik, kan die uitvoerende beampte—
- (a) namens die Raad ooreenkomste sluit met enige persoon of instelling of, behoudens die bepalings van artikel 8, met enige regering of
- 25 administrasie, op die voorwaardes waaroor die Bestuursraad en daardie persoon, instelling, regering of administrasie ooreenkom;
- (b) optree as amptelike verteenwoordiger van die Raad by alle nasionale en internasionale organisasies en byeenkomste;
- (c) geregtelike stappe wat teen die Raad ingestel word, verdedig en geregtelike stappe instel wat met sy werksaamhede in verband staan;
- 30 (d) met die goedkeuring van die Minister, verleen met die instemming van die Minister van Staatsbesteding, namens of ten behoeve van die Raad onroerende goed koop of op 'n ander wyse verkry of besit of huur, en daardie goed vervreem, verhuur, verpand of andersins beswaar;
- 35 (e) met die goedkeuring van die Minister, verleen met die instemming van die Minister van Finansies, op die voorwaardes en teen die sekuriteit wat die Bestuursraad goedvind, geld by wyse van lenings uit enige bron opneem;
- (f) dienste huur of teen betaling verskaf;
- (g) verslae, kaarte, rekenaarprogramme en ander intellektuele eiendom
- 40 wat die Raad in die loop van sy navorsing voortbring, produseer en verkoop;
- (h) alles doen wat bevorderlik is vir die verrigting van die werksaamhede of die bereiking van die oogmerke van die Raad of wat bereken is om regstreeks of onregstreeks die waarde van die goed of regte van die Raad te verhoog of winsgewend te maak.
- 45 (4) Die Raad moet, benewens sy ander werksaamhede ingevolge hierdie Wet of enige ander wet—
- (a) die werksaamhede verrig en die ondersoeke of navorsing onderneem wat die Minister aan hom opdra; en
- 50 (b) die Minister van raad dien oor navorsing op die gebied van die geowetenskap.
- (5) Die werksaamhede van die Raad in hierdie artikel vermeld, word verrig deur die uitvoerende beampte, behalwe vir sover dit deur hierdie Wet of deur die Minister aan iemand anders opgedra word.

55 Bevoegdheid van Raad ten opsigte van sekere inligting

6. (1) Ondanks die bepalings van enige ander wet het die Raad die reg om insae in dié inligting van die Departement van Mineraal- en Energiesake wat die Minister, of 'n beampte van daardie Departement deur die Minister aangewys, goedkeur, te kry op die voorwaardes wat die Minister of dié beampte stel.
- 60 (2) Die Raad kan inligting in subartikel (1) beoog of 'n afskrif daarvan in sy bewaring neem en gebruik, maar enige bepaling van 'n wet waarby 'n beperking

restriction is imposed on the publication or display of such information, shall *mutatis mutandis* apply to any information or copy thereof which is in the custody of the Council in terms of this section.

Prohibition on mining development and certain prospecting and research by Council

7. Notwithstanding anything to the contrary contained in this Act, the Council may not—

- (a) undertake any mining development or undertake prospecting specifically with a view to mining development; and
- (b) undertake any research on behalf of any private institution which may favour the ability of such an institution above all other similar institutions to acquire a mineral asset.

Exercise of powers of Council outside Republic

8. (1) The Council may at the request of or with the prior approval of the Minister undertake geoscientific research and perform generic geological functions in any country or territory outside the Republic on behalf of any person, institution, government or administration.

(2) Subject to the provisions of subsection (3), the provisions of this Act shall, in so far as they can be applied, apply *mutatis mutandis* to the exercising by the Council of its powers in terms of this section as if the country or territory in which it so exercises its powers were within the Republic.

(3) Notwithstanding anything to the contrary contained in this Act, geoscientific research and the performance of generic geological functions under subsection (1) shall be undertaken on such terms and conditions as may be agreed upon between the Management Board and the person, institution, government or administration on whose behalf the research and the performance of functions are to be undertaken, and as approved by the Minister.

(4) The Minister may, with the concurrence of the Minister of Finance, indemnify the Council against any losses which it may incur in consequence of any act or omission of a person, institution, government or administration contemplated in subsection (1).

Period of office and conditions of service of members of Management Board, and filling of vacancies

9. (1) A member or an alternate member of the Management Board, except the executive officer, shall hold office for such period, but not exceeding three years, as the Minister may determine at the time of his appointment.

(2) Any person whose term of office as a member or an alternate member of the Management Board has expired, shall be eligible for reappointment.

(3) If a member or an alternate member of the Management Board for any reason vacates his office, the Minister may appoint a person to act in the place of such member or alternate member for the unexpired period of his term of office.

(4) The Minister may at any time terminate the period of office of a member or an alternate member of the Management Board if such member or alternate member is unable to perform his duties or is guilty of misconduct.

(5) With the exception of the executive officer or a member or an alternate member who is in the full-time employment of the State or the Council, the members or alternate members of the Management Board shall be appointed on such conditions, including conditions relating to the payment of remuneration and allowances, as the Minister may determine with the concurrence of the Minister of State Expenditure.

Chairman and vice-chairman of Management Board

10. (1) The Minister shall appoint a member of the Management Board as vice-chairman to act as chairman whenever the chairman is unable to perform his functions as chairman.

(2) The chairman or vice-chairman, or in their absence a member of the Management Board elected by the members present, shall preside at a meeting of the Management Board.

op die publikasie of vertoning van daardie inligting geplaas word, is *mutatis mutandis* van toepassing op enige inligting of afskrif daarvan wat ingevolge hierdie artikel in die Raad se bewaring is.

5 **Verbod op mynbou-ontwikkeling en sekere prospektering en navorsing deur Raad**

7. Ondanks andersluidende bepalings van hierdie Wet mag die Raad nie—
- (a) enige mynbou-ontwikkeling, of prospektering spesifiek met die oog op mynbou-ontwikkeling, onderneem nie; en
 - (b) enige navorsing ten behoeve van enige private instelling onderneem wat die vermoë van so 'n instelling om 'n mineraalbate te bekom bo ander soortgelyke instellings begunstig nie.

Uitoefening van bevoegdhede van Raad buite Republiek

8. (1) Die Raad kan op versoek van of met die voorafverkreë goedkeuring van die Minister geowetenskaplike navorsing doen en generiese geologiese funksies verrig namens enige persoon, instelling, regering of administrasie in enige land of gebied buite die Republiek.

(2) Behoudens die bepalings van subartikel (3) is die bepalings van hierdie Wet, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing op die Raad by die uitoefening van sy bevoegdhede ingevolge hierdie artikel asof die land of gebied waarin hy sy bevoegdhede aldus uitoefen binne die Republiek is.

(3) Ondanks andersluidende bepalings van hierdie Wet word geowetenskaplike navorsing en die uitvoering van generiese geologiese funksies kragtens subartikel (1), onderneem op die voorwaardes waaromtrent daar tussen die Bestuursraad en die persoon, instelling, regering of administrasie namens wie die navorsing gedoen en die funksies verrig gaan word, ooreengekom word en wat deur die Minister goedgekeur word.

(4) Die Minister kan met die instemming van die Minister van Finansies die Raad vrywaar teen verliese wat hy mag ly as gevolg van 'n handeling of versuim van die persoon, instelling, regering of administrasie in subartikel (1) beoog.

30 **Ampstermyn en diensvoorwaardes van lede van Bestuursraad, en vul van vakatures**

9. (1) 'n Lid of plaasvervangende lid van die Bestuursraad, met uitsondering van die uitvoerende beampte, beklee sy amp vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van sy aanstelling bepaal.

(2) Iemand wie se ampstermyn as 'n lid of 'n plaasvervangende lid van die Bestuursraad verstryk het, kan weer aangestel word.

(3) Indien 'n lid of 'n plaasvervangende lid van die Bestuursraad om die een of ander rede sy amp ontruim, kan die Minister iemand aanstel om in daardie lid of plaasvervangende lid se plek vir die onverstreke tydperk van sy ampstermyn op te tree.

(4) Die Minister kan te eniger tyd die ampstermyn van 'n lid of 'n plaasvervangende lid van die Bestuursraad beëindig indien dié lid of plaasvervangende lid nie in staat is om sy pligte te vervul nie of aan wangedrag skuldig is.

(5) Die lede of plaasvervangende lede van die Bestuursraad, met uitsondering van die uitvoerende beampte of 'n lid of plaasvervangende lid wat in die heelydse diens van die Staat of die Raad is, word aangestel op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging en toelaes, wat die Minister met die instemming van die Minister van Staatsbesteding bepaal.

Voorsitter en ondervoorsitter van Bestuursraad

10. (1) Die Minister stel 'n lid van die Bestuursraad as ondervoorsitter aan om as voorsitter waar te neem indien die voorsitter nie in staat is om sy werksaamhede as voorsitter te verrig nie.

(2) Die voorsitter of ondervoorsitter, of in hul afwesigheid 'n lid van die Bestuursraad deur die aanwesige lede aangewys, sit voor op 'n vergadering van die Bestuursraad.

(3) The provisions of this Act shall not prohibit the executive officer from being appointed by the Minister as chairman of the Management Board for such period as the Minister may determine.

Limitation of powers of Management Board and executive officer

11. (1) The Minister may from time to time reserve any matter provided for in this Act, as a matter in respect of which a decision of the Management Board or the executive officer shall be subject to the approval of the Minister. 5

(2) The Minister and the Minister of Finance or the Minister and the Minister of State Expenditure, as may be required, may from time to time jointly reserve any financial matter provided for in this Act, as a matter in respect of which a decision of the Management Board or the executive officer shall be subject to the consent of the Minister with the concurrence of the Minister of Finance or the Minister of State Expenditure, as the case may be. 10

Persons disqualified from being members of Management Board

12. No person shall be appointed as a member or an alternate member of the Management Board— 15

- (a) if he is an unrehabilitated insolvent;
- (b) unless he is a citizen of, and permanently resident in, the Republic;
- (c) if he has been convicted of an offence and has been sentenced therefor to imprisonment without the option of a fine; or 20
- (d) if he—
 - (i) is in terms of the provisions of the Electoral Act, 1979 (Act No. 45 of 1979), nominated as a candidate for election as a member of Parliament; or
 - (ii) is in terms of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), designated or appointed as a member of Parliament or any other legislative or executive authority of the State. 25

Vacating of office by members of Management Board

13. A member or an alternate member of the Management Board, except the executive officer, shall vacate his office if— 30

- (a) he becomes subject to a disqualification contemplated in section 12;
- (b) he becomes of unsound mind;
- (c) (i) in the case of a member, he has been absent from more than two consecutive meetings of the Management Board without the leave of the chairman; or 35
- (ii) in the case of the chairman, he has been so absent without the leave of the Management Board; or
- (iii) in the case of an alternate member, he has without any reason acceptable to the chairman been so absent during the absence, or a vacancy in the office, of the member in whose stead he was appointed as a member or an alternate member, 40
- unless the Management Board condones his absence on good cause shown;
- (d) the Minister terminates his period of office in terms of section 9(4); 45
- (e) he ceases to hold the qualification by virtue of which he was appointed as a member or an alternate member of the Management Board; or
- (f) resigns as a member or an alternate member.

Limitation of liability of member or alternate member of Management Board or members of committees 50

14. A member or an alternate member of the Management Board or a member of a committee shall not be personally liable for any loss or damage arising from, or in connection with, the performance of his duties by virtue of his appointment

(3) Die bepalings van hierdie Wet belet nie dat die uitvoerende beampte deur die Minister as voorsitter van die Bestuursraad aangestel word vir die tydperk wat die Minister bepaal nie.

Beperking van bevoegdheede van Bestuursraad en uitvoerende beampte

5 **11.** (1) Die Minister kan van tyd tot tyd enige aangeleentheid waarvoor daar in hierdie Wet voorsiening gemaak word, voorbehou as 'n aangeleentheid ten opsigte waarvan 'n besluit van die Bestuursraad of die uitvoerende beampte onderhewig is aan die goedkeuring van die Minister.

(2) Die Minister en die Minister van Finansies of die Minister en die Minister
10 van Staatsbesteding, na gelang van wat vereis word, kan gesamentlik van tyd tot tyd enige finansiële aangeleentheid waarvoor daar in hierdie Wet voorsiening gemaak word, voorbehou as 'n aangeleentheid ten opsigte waarvan 'n besluit van die Bestuursraad of die uitvoerende beampte onderhewig is aan die
15 toestemming van die Minister met die instemming van die Minister van Finansies of die Minister van Staatsbesteding, na gelang van die geval.

Persone wat onbevoeg is om lede van Bestuursraad te wees

12. Niemand word as lid of plaasvervangende lid van die Bestuursraad aangestel nie—

- (a) indien hy 'n ongerehabiliteerde insolvent is;
- 20 (b) tensy hy 'n burger is van en permanent woonagtig is in die Republiek;
- (c) indien hy skuldig bevind is aan 'n misdryf en daarvoor tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is; of
- (d) indien hy—
 - 25 (i) ingevolge die bepalings van die Kieswet, 1979 (Wet No. 45 van 1979), as 'n kandidaat vir verkiesing tot lid van die Parlement genomineer word; of
 - (ii) ingevolge die bepalings van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), as lid van die Parlement of enige ander wetgewende of uitvoerende gesag van die
30 Staat aangewys of aangestel word.

Ontruiming van amp deur lede van Bestuursraad

13. 'n Lid of plaasvervangende lid van die Bestuursraad, behalwe die uitvoerende beampte, ontruim sy amp indien—

- (a) hy onderhewig raak aan 'n onbevoegdheid in artikel 12 beoog;
- 35 (b) hy geestelik versteurd raak;
- (c) (i) in die geval van 'n lid, hy sonder verlof van die voorsitter van meer as twee agtereenvolgende vergaderings van die Bestuursraad afwesig is; of
- (ii) in die geval van die voorsitter, hy sonder verlof van die Bestuursraad aldus afwesig is; of
- 40 (iii) in die geval van 'n plaasvervangende lid, hy sonder 'n rede wat vir die voorsitter aanvaarbaar is, aldus afwesig is tydens die afwesigheid, of 'n vakature in die amp, van die lid in wie se plek hy as plaasvervangende lid aangestel is,
- 45 tensy die Bestuursraad by die aanvoer van goeie gronde sy afwesigheid kondoneer;
- (d) die Minister sy ampstermyn ingevolge artikel 9(4) beëindig;
- (e) hy nie langer oor die kwalifikasie op grond waarvan hy as 'n lid of plaasvervangende lid van die Bestuursraad aangestel is, beskik nie; of
- 50 (f) hy as lid of plaasvervangende lid bedank.

Beperking van aanspreeklikheid van lid of plaasvervangende lid van Bestuursraad of lede van komitees

14. 'n Lid of plaasvervangende lid van die Bestuursraad of 'n lid van 'n komitee is nie persoonlik aanspreeklik vir verlies of skade wat voortvloei uit,
55 in verband staan met, die uitvoering van sy pligte uit hoofde van sy aanstelling

as such, unless such loss or damage is due to anything done by him in bad faith or to his gross negligence or to his failure to comply with any provision of this Act.

Executive Management Committee

15. (1) The Management Board may nominate an executive management committee, which shall, subject to the directions of the Management Board, during the periods between meetings of the Management Board perform such functions of the Management Board as the Management Board may determine from time to time. 5

(2) The Executive Management Committee shall not be competent, except in so far as the Management Board may otherwise direct, to set aside or vary a decision of the Management Board. 10

(3) The Executive Management Committee shall consist of the executive officer and the chairman and the vice-chairman of the Management Board, and as many, but not fewer than two, other members of the Management Board as the Management Board may determine. 15

(4) The chairman or in his absence the vice-chairman of the Management Board shall be the chairman of the Executive Management Committee.

(5) The provisions of section 17(3) and (4) shall *mutatis mutandis* apply in respect of meetings of the Executive Management Committee.

(6) The Management Board shall not be discharged from responsibility for the performance of any function entrusted to the Executive Management Committee in terms of this section. 20

(7) The Management Board may vary or set aside any decision of the Executive Management Committee, except a decision in consequence of which a payment has been made or any other right has been granted to any person. 25

Committees for specific purposes

16. (1) The Management Board may nominate one or more committees, which shall, subject to the directions of the Management Board, perform such functions of the Management Board as the Management Board may determine.

(2) A committee shall consist of one or more persons as the Management Board may determine, being members of the Management Board, employees of the Council or other persons whom the Management Board deems suitable, and the Management Board may at any time dissolve or reconstitute such a committee. 30

(3) The provisions of section 17(3) and (4) shall *mutatis mutandis* apply in respect of any meeting of such a committee. 35

(4) If a committee consists of more than one member, the Management Board shall designate a member of the committee as chairman thereof.

(5) The Council may pay the members of a committee who are not in the full-time employment of the State, or members of the Management Board, or employees of the Council, such remuneration and allowances as the Minister with the concurrence of the Minister of State Expenditure may determine. 40

(6) The Management Board shall not be discharged from responsibility for the performance of any function entrusted to any committee in terms of this section.

(7) The Management Board may vary or set aside any decision of a committee, except a decision in consequence of which a payment has been made or any other right has been granted to any person. 45

Meetings of Management Board

17. (1) The meetings of the Management Board shall be held at such times and places as the Management Board may determine: Provided that the first meeting shall be held at such time and place as the chairman may determine. 50

(2) The chairman, or in his absence the vice-chairman, may at any time in his discretion call a special meeting of the Management Board, which shall be held at such time and place as the chairman or the vice-chairman, as the case may be, may direct.

(3) The quorum for a meeting of the Management Board shall be a majority of its members. 55

(4) A decision of the Management Board shall be taken by resolution of a

as sodanig nie, tensy die verlies of skade te wyte is aan iets deur hom te kwader trou gedoen of aan sy growwe nalatigheid of aan sy versuim om 'n bepaling van hierdie Wet na te kom.

Uitvoerende Bestuurskomitee

- 5 **15.** (1) Die Bestuursraad kan 'n uitvoerende bestuurskomitee benoem, wat, onderworpe aan die voorskrifte van die Bestuursraad, gedurende die tydperke tussen vergaderings van die Bestuursraad dié werksaamhede van die Bestuursraad verrig wat die Bestuursraad van tyd tot tyd bepaal.
- (2) Die Uitvoerende Bestuurskomitee is nie bevoeg, behalwe vir sover die
10 Bestuursraad anders gelas, om 'n besluit van die Bestuursraad tersyde te stel of te wysig nie.
- (3) Die Uitvoerende Bestuurskomitee bestaan uit die uitvoerende beamppte en die voorsitter en die ondervoorsitter van die Bestuursraad en soveel, maar minstens twee, ander lede van die Bestuursraad as wat die Bestuursraad bepaal.
- 15 (4) Die voorsitter of in sy afwesigheid die ondervoorsitter van die Bestuursraad is die voorsitter van die Uitvoerende Bestuurskomitee.
- (5) Die bepalings van artikel 17(3) en (4) is *mutatis mutandis* van toepassing ten opsigte van vergaderings van die Uitvoerende Bestuurskomitee.
- (6) Die Bestuursraad word nie onthef van verantwoordelikheid vir die
20 verrigting van 'n werksaamheid wat ingevolge hierdie artikel aan die Uitvoerende Bestuurskomitee opgedra is nie.
- (7) Die Bestuursraad kan enige besluit van die Uitvoerende Bestuurskomitee, uitgesonderd 'n besluit as gevolg waarvan aan iemand 'n betaling gedoen of 'n ander reg verleen is, wysig of tersyde stel.

25 Komitees vir bepaalde doeleindes

- 16.** (1) Die Bestuursraad kan een of meer komitees benoem, wat, onderworpe aan die voorskrifte van die Bestuursraad, dié werksaamhede van die Bestuursraad verrig wat die Bestuursraad bepaal.
- (2) 'n Komitee bestaan uit een of meer persone, na gelang die Bestuursraad
30 bepaal, wat lede van die Bestuursraad, werknemers van die Raad of ander persone wat die Bestuursraad geskik ag, kan wees, en die Bestuursraad kan te eniger tyd so 'n komitee ontbind of hersaamstel.
- (3) Die bepalings van artikel 17(3) en (4) is *mutatis mutandis* ten opsigte van enige vergadering van so 'n komitee van toepassing.
- 35 (4) Indien 'n komitee uit meer as een lid bestaan, wys die Bestuursraad 'n lid van die komitee as voorsitter daarvan aan.
- (5) Die Raad kan aan lede van 'n komitee wat nie in die heeltydse diens van die Staat is nie, of nie lede van die Bestuursraad of werknemers van die Raad is nie, die besoldiging en toelaes betaal wat die Minister met die instemming van
40 die Minister van Staatsbesteding bepaal.
- (6) Die Bestuursraad word nie onthef van verantwoordelikheid vir die verrigting van 'n werksaamheid wat ingevolge hierdie artikel aan 'n komitee opgedra is nie.
- (7) Die Bestuursraad kan enige besluit van 'n komitee, uitgesonderd 'n besluit
45 as gevolg waarvan aan iemand 'n betaling gedoen of 'n ander reg verleen is, wysig of tersyde stel.

Vergaderings van Bestuursraad

- 17.** (1) Die vergaderings van die Bestuursraad word gehou op die tye en plekke wat die Bestuursraad bepaal: Met dien verstande dat die eerste vergadering gehou word op die tyd en plek wat die voorsitter bepaal.
- (2) Die voorsitter, of in sy afwesigheid die ondervoorsitter, kan te eniger tyd na goeddunke 'n spesiale vergadering van die Bestuursraad belê, wat gehou word op die tyd en plek wat die voorsitter of die ondervoorsitter, na gelang van die geval, gelas.
- 55 (3) Die kworum vir 'n vergadering van die Bestuursraad is 'n meerderheid van sy lede.
- (4) 'n Besluit van die Bestuursraad word geneem by besluit van 'n meer-

majority of the members present at any meeting of the Management Board and, in the event of an equality of votes on any matter, the person presiding at such meeting shall have a casting vote in addition to his deliberative vote as a member of the Management Board.

(5) No decision taken by or act performed under the authority of the Management Board shall be invalid by reason only of a casual vacancy on the Management Board or of the fact that a person who was not entitled to sit as a member of the Management Board, sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the Management Board who were present at the time and entitled to sit as members.

(6) For the purposes of this section "member" shall include an alternate member present at a particular meeting of the Management Board during the absence, or a vacancy in the office, of the member for whom he has been appointed.

(7) The Management Board may with the approval of the Minister accord observer status at any meeting of the Management Board to designated representatives of any person, institution, government or administration on whose behalf the Council is doing or has done geoscientific research or is performing or has performed generic geological functions in terms of section 8.

Executive officer of Council

18. (1) (a) The Management Board shall with the concurrence of the Minister appoint an employee of the Council as executive officer of the Council.

(b) The executive officer of the Council shall hold office for a period not exceeding five years, but shall be eligible for reappointment.

(2) The executive officer shall be responsible for the management and the performance of the functions of the Council by virtue of this Act and such functions as may be assigned to him by the Management Council or the Minister in terms of the provisions of this Act or by the provisions of this Act or any other law, and shall report on such matters as the Management Board or the Minister may determine.

(3) The executive officer shall perform his functions contemplated in subsection (2) in accordance with the policy and goals determined by the Management Board and subject to the control of the said Board.

(4) Whenever the executive officer is unable to carry out his duties or perform his functions for any reason, or whenever there is a vacancy in the office of executive officer, the Management Board may designate an employee of the Council to act as executive officer during such inability, or until an executive officer has been appointed in terms of subsection (1), and that employee shall, while so acting, have all the powers and perform all the functions of the executive officer.

(5) The executive officer shall be appointed on such conditions, including conditions relating to the payment of remuneration, allowances, subsidies and other benefits, as the Management Board may determine in accordance with a system approved from time to time by the Minister with the concurrence of the Minister of State Expenditure.

Personnel of Council and conditions of service

19. (1) The executive officer may—

(a) on such conditions as may be determined by the Management Board, appoint such employees of the Council as he may deem necessary to assist him in the performance of his functions;

(b) pay such employees such remuneration, allowances, subsidies and other benefits as the Management Board may determine in accordance with a system approved from time to time by the Minister with the concurrence of the Minister of State Expenditure.

(2) The executive officer may—

(a) in addition to the employees referred to in subsection (1)(a), be assisted in the performance of his functions by officers and employees in the employment of the State who have been placed at the disposal of the

derheid van die lede wat op 'n vergadering van die Bestuursraad aanwesig is, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering as voorsitter optree, 'n beslissende stem benewens sy beraadslagende stem as lid van die Bestuursraad.

5 (5) Geen besluit van of handeling verrig op gesag van die Bestuursraad is ongeldig nie bloot op grond van 'n toevallige vakature in die Bestuursraad of die feit dat 'n persoon wat nie geregtig was om as 'n lid van die Bestuursraad sitting te neem nie, as 'n lid sitting geneem het toe die besluit geneem of die handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die
10 vereiste meerderheid van die lede van die Bestuursraad wat op die vergadering aanwesig was en geregtig was om as lede sitting te neem.

(6) By die toepassing van hierdie artikel beteken "lid" ook 'n plaasvervangende lid wat op 'n bepaalde vergadering van die Bestuursraad aanwesig is tydens die afwesigheid, of 'n vakature in die amp, van die lid vir wie hy aangestel
15 is.

(7) Die Bestuursraad kan met die goedkeuring van die Minister op enige vergadering van die Bestuursraad waarnemerstatus verleen aan aangewese verteenwoordigers van enige persoon, instelling, regering of administrasie namens wie die Raad ingevolge artikel 8 geowetenskaplike navorsing doen of
20 gedoen het of generiese geologiese funksies verrig of verrig het.

Uitvoerende beampte van Raad

18. (1) (a) Die Bestuursraad stel met die instemming van die Minister 'n werknemer van die Raad as uitvoerende beampte van die Raad aan.

(b) Die uitvoerende beampte beklee sy amp vir 'n tydperk van hoogstens vyf
25 jaar, maar kan weer aangestel word.

(2) Die uitvoerende beampte is verantwoordelik vir die bestuur en die verrigting van die werksaamhede van die Raad uit hoofde van hierdie Wet en die werksaamhede wat deur die Bestuursraad of die Minister ingevolge die bepalinge van hierdie Wet of deur die bepalinge van hierdie Wet of enige ander wet
30 aan hom opgedra word, en doen verslag oor die sake wat die Bestuursraad of die Minister bepaal.

(3) Die uitvoerende beampte moet sy werksaamhede in subartikel (2) beoog, verrig ooreenkomstig die beleid en doelstellings wat die Bestuursraad bepaal en onderworpe aan die beheer van genoemde Raad.

35 (4) Wanneer die uitvoerende beampte om die een of ander rede nie in staat is om sy werksaamhede te verrig nie, of wanneer die amp van die uitvoerende beampte vakant is, kan die Bestuursraad 'n werknemer van die Raad aanwys om as uitvoerende beampte waar te neem tydens sodanige onvermoë, of totdat 'n uitvoerende beampte ingevolge subartikel (1) aangestel is, en terwyl daardie
40 werknemer aldus waarneem, het hy al die bevoegdhede en verrig hy al die werksaamhede van die uitvoerende beampte.

(5) Die uitvoerende beampte word aangestel op die voorwaardes, met inbegrip van voorwaardes betreffende die betaling van besoldiging, toelaes, subsidies en ander voordele, wat die Bestuursraad bepaal ooreenkomstig 'n
45 stelsel wat van tyd tot tyd deur die Minister met die instemming van die Minister van Staatsbesteding goedgekeur word.

Personeel van Raad en diensvoorwaardes

19. (1) Die uitvoerende beampte kan—

50 (a) op die voorwaardes wat die Bestuursraad bepaal die werknemers van die Raad aanstel wat hy nodig ag om hom behulpsaam te wees by die verrigting van sy werksaamhede;

(b) aan dié werknemers die besoldiging, toelaes, subsidies en ander voordele betaal wat die Bestuursraad bepaal ooreenkomstig 'n stelsel wat van tyd tot tyd deur die Minister met die instemming van die
55 Minister van Staatsbesteding goedgekeur word.

(2) Die uitvoerende beampte kan—

(a) benewens die werknemers in subartikel (1)(a) bedoel, by die verrigting van sy werksaamhede bygestaan word deur beamptes en werknemers in diens van die Staat wat ingevolge die bepalinge van artikel 14(3)(a)

- Council in terms of the provisions of section 14(3)(a) of the Public Service Act, 1984 (Act No. 111 of 1984);
- (b) on such conditions as he may deem fit, second an employee of the Council, either for a particular service or for a period of time, to the service of a department of State, the government of any other country or territory, or any person or institution in or outside the Republic: Provided that an employee shall not be so seconded unless the employee consents thereto: Provided further that if an employee is so seconded, his conditions of service as an employee of the Council shall not be adversely affected thereby.
- (3) The executive officer may from time to time on such conditions and against such security as the Management Board may deem fit—
- (a) provide collateral security, including guarantees, to a financial institution as defined in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), in respect of a loan granted to an employee of the Council by such a financial institution to enable such employee to acquire, improve or enlarge immovable property for the purposes of occupation;
- (b) build, cause to be built, purchase or rent houses, flats or flat buildings for occupation by employees of the Council, and may sell or let such houses or flats or flat buildings to such employees, or otherwise alienate, let or otherwise dispose of such houses, flats or flat buildings; and
- (c) establish, institute, erect or carry on sports or recreational societies, social clubs, social and health services, restaurants, hostels, bursary schemes for purposes of study or other similar undertakings or schemes which in his opinion may be beneficial to the employees of the Council.
- (4) If a person who is employed in any capacity by or on behalf of the Council, while engaged in any activity in the course of such employment suffers an injury or contracts a disease which is directly attributable thereto, the Minister may with the concurrence of the Minister of State Expenditure authorize the Council to pay compensation to such person, or, in the event of his death, to his dependants.
- (5) The provisions of subsection (4) shall not affect the right of any person to claim damages in respect of any injury or disease referred to in the said subsection.
- (6) (a) Subject to the provisions of paragraph (b), the Council shall for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to be an associated institution.
- (b) The Management Board may, with the approval of the Minister, granted with the concurrence of the Minister of State Expenditure, institute and manage or cause to be managed a pension or provident fund for employees of the Council.

Funds of Council

20. (1) The funds of the Council shall consist of—
- (a) money appropriated by Parliament to enable the Council to perform its functions;
- (b) income derived by virtue of the provisions of subsections (3), (4) and (5);
- (c) money raised by the Council in terms of section 5(3)(e);
- (d) fees or royalties contemplated in section 24(2) which are paid to the Council;
- (e) donations or contributions received by the Council from any person, institution, government or administration;
- (f) money received from any other source.
- (2) (a) The executive officer shall utilize the funds of the Council for defraying expenses in connection with the performance of its functions.
- (b) The executive officer shall utilize any money contemplated in subsection (1)(a) in accordance with the approved statement of its estimated income and expenditure referred to in subsection (6): Provided that, subject to the provisions

van die Staatsdienswet, 1984 (Wet No. 111 van 1984), aan die diens van die Raad afgestaan is;

- (b) op die voorwaardes wat hy goedvind 'n werknemer van die Raad, hetsy vir 'n besondere diens of vir 'n tydperk, afstaan aan die diens van 'n Staatsdepartement, die regering van 'n ander land of gebied of 'n persoon of instelling binne of buite die Republiek: Met dien verstande dat 'n werknemer nie aldus afgestaan word, tensy die werknemer daartoe instem nie: Met dien verstande voorts dat indien 'n werknemer aldus afgestaan word, sy diensvoorwaardes as werknemer van die Raad nie deur sodanige afstand nadelig geraak word nie.
- (3) Die uitvoerende beampte kan van tyd tot tyd op die voorwaardes en met die sekerheid wat die Bestuursraad goedvind—
- (a) kollaterale sekerheid, met inbegrip van waarborge, aan 'n finansiële instelling soos omskryf in artikel 1 van die Wet op die Raad op Finansiële Dienste, 1990 (Wet No. 97 van 1990), gee ten opsigte van 'n lening wat deur so 'n finansiële instelling aan 'n werknemer van die Raad toegestaan is, ten einde die werknemer in staat te stel om onroerende eiendom vir die doeleindes van bewoning te verkry, te verbeter of te vergroot;
- (b) woonhuise, woonstelle of woonstelgeboue vir bewoning deur werknemers van die Raad bou, laat bou, koop of huur, en daardie woonhuise of woonstelle aan sodanige werknemers verkoop of verhuur, of daardie woonhuise, woonstelle of woonstelgeboue andersins vervreem, verhuur of andersins daaroor beskik; en
- (c) sport- en vermaaklikheidsverenigings, sosiale klubs, sosiale en gesondheidsdienste, restaurante, tehuse, beursskemas vir studiedoeleindes of ander dergelike ondernemings of skemas wat na sy oordeel vir die werknemers van die Raad voordelig kan wees, instel, stig, oprig of bedryf.
- (4) Indien 'n persoon wat in enige hoedanigheid in diens van die Raad of ten behoeve van die Raad in diens is, terwyl hy besig is met enige werksaamheid in die loop van sodanige diens 'n besering of siekte opdoen wat regstreeks daaraan toegeskryf kan word, kan die Minister met die instemming van die Minister van Staatsbesteding die Raad magtig om vergoeding aan sodanige persoon, of, in geval van sy dood, aan sy afhanklikes, te betaal.
- (5) Die bepalings van subartikel (4) raak nie die reg van enige persoon om skadevergoeding ten opsigte van enige besering of siekte in genoemde subartikel bedoel, te verhaal nie.
- (6) (a) Behoudens paragraaf (b) word die Raad vir die doeleindes van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), geag 'n geassosieerde inrigting te wees.
- (b) Die Bestuursraad kan met die goedkeuring van die Minister, verleen met die instemming van die Minister van Staatsbesteding, 'n pensioenfonds of voorsorgfonds vir die werknemers van die Raad instel en bestuur of laat bestuur.

45 Fondse van Raad

20. (1) Die fondse van die Raad bestaan uit—
- (a) geld wat die Parlement bewillig ten einde die Raad in staat te stel om sy werksaamhede te verrig;
- (b) inkomste verkry uit hoofde van die bepalings van subartikels (3), (4) en (5);
- (c) geld ingevolge artikel 5(3)(e) deur die Raad opgeneem;
- (d) gelde of tantième in artikel 24(2) beoog wat aan die Raad betaal word;
- (e) skenkings of bydraes wat die Raad van enige persoon, instelling, regering of administrasie ontvang;
- (f) geld uit enige ander bron ontvang.
- (2) (a) Die uitvoerende beampte moet die fondse van die Raad aanwend om uitgawes in verband met die verrigting van sy werksaamhede te bestry.
- (b) Die uitvoerende beampte moet geld in subartikel (1)(a) beoog, aanwend ooreenkomstig die goedgekeurde staat van geraamde inkomste en uitgawes in subartikel (6) bedoel: Met dien verstande dat, behoudens die bepalings van

of paragraph (a), the executive officer may with the approval of the Management Board, granted with the concurrence of the Minister, utilize any amount or portion of any amount required to be so utilized for a particular purpose in connection with a specified matter, for any other purpose in connection with that matter: Provided further that the executive officer may, with the approval of the Management Board, granted with the concurrence of the Minister, utilize any balance of the money remaining at the end of the Council's financial year in question for any expenses in connection with the performance of its functions. 5

(c) The executive officer shall utilize any donations or contributions contemplated in subsection (1)(e) for such purposes and in accordance with such conditions, if any, as may be specified by the donor or contributor in question. 10

(3) The executive officer may in respect of any work performed or services rendered by him under this Act, or for the use of the facilities of the Council or rights resulting from any discoveries, inventions or improvements made by employees of the Council, charge such fees or make such other financial arrangements as the Management Board may deem fit. 15

(4) The executive officer shall open an account in the name of the Council with an institution registered as a bank in terms of the Deposit-taking Institutions Act, 1990 (Act No. 94 of 1990), and shall deposit therein all money received in terms of this section. 20

(5) (a) The executive officer may invest any unexpended portion of the Council's funds with the Corporation for Public Deposits established by section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), or, subject to the approval of the Minister acting with the concurrence of the Minister of State Expenditure, dispose thereof in any other manner. 25

(b) The Management Board may with the approval of the Minister, granted with the concurrence of the Minister of State Expenditure, establish such reserve funds and deposit therein such amounts as it may deem necessary or expedient.

(6) (a) The Management Board—

(i) shall in each financial year, at a time determined by the Minister, submit a statement of the Council's estimated income and expenditure during the following financial year; 30

(ii) may at any stage in any financial year submit supplementary statements of the Council's estimated expenditure for that financial year, to the Minister for his approval, granted with the concurrence of the Minister of State Expenditure. 35

(b) The Council may not incur any expenditure which exceeds the total amount approved under paragraph (a).

Accounting, auditing and reporting

21. (1) The executive officer shall be the accounting officer charged with the responsibility of accounting for all money received and all payments made by the Council. 40

(2) The accounting officer and the Management Board shall comply with the provisions of the Reporting by Public Entities Act, 1992 (Act No. 93 of 1992).

(3) The Auditor-General shall audit the annual financial statements of the Council. 45

Recovery of losses and damage

22. (1) If a person who is or was in the employment of the Council caused the Council any loss or damage because he—

(a) failed to collect money due to the Council and for the collection of which he is or was responsible; 50

(b) is or was responsible for an irregular payment of money of the Council or for a payment of such money not supported by a proper voucher;

(c) is or was responsible for fruitless expenditure of money of the Council owing to an omission to carry out his duties; 55

(d) is or was responsible for a deficiency in, or for the destruction of, or

paragraaf (a), die uitvoerende beampte met die goedkeuring van die Bestuursraad, verleen met die instemming van die Minister, enige bedrag of gedeelte van 'n bedrag wat vir 'n besondere doel in verband met 'n bepaalde aangeleentheid aangewend moet word, vir enige ander doel in verband met daardie aangeleentheid kan aanwend: Met dien verstande voorts dat die uitvoerende beampte met die goedkeuring van die Bestuursraad, verleen met die instemming van die Minister, enige saldo van sodanige geld wat aan die einde van die betrokke boekjaar van die Raad oorbly, vir enige uitgawes in verband met die verrigting van sy werksaamhede kan aanwend.

(c) Die uitvoerende beampte moet skenkings of bydraes in subartikel (1)(e) bedoel, aanwend vir die doeleindes en ooreenkomstig die voorwaardes, as daar is, wat die betrokke skenker of bydraer bepaal.

(3) Die uitvoerende beampte kan ten opsigte van werk of dienste wat hy kragtens hierdie Wet voltooi of gelewer het, of vir die benutting van die fasiliteite van die Raad of regte voortspruitende uit enige ontdekkings, uitvindings of verbeterings gedoen deur werknemers van die Raad, die gelde vorder of die ander geldelike reëlings tref wat die Bestuursraad goedvind.

(4) Die uitvoerende beampte moet 'n rekening in die naam van die Raad by 'n instelling wat ingevolge die Wet op Depositonemende Instellings, 1990 (Wet No. 94 van 1990), as 'n bank geregistreer is, open, en moet daarin alle geld stort wat ingevolge hierdie artikel ontvang is.

(5) (a) Die uitvoerende beampte kan enige onbestede gedeelte van die Raad se fondse belê by die Korporasie vir Openbare Deposito's ingestel by artikel 2 van die Wet op die Korporasie vir Openbare Deposito's, 1984 (Wet No. 46 van 1984), of, onderhewig aan die goedkeuring van die Minister handelende met die instemming van die Minister van Staatsbesteding, op 'n ander wyse daaroor beskik.

(b) Die Bestuursraad kan met die goedkeuring van die Minister, verleen met die instemming van die Minister van Staatsbesteding, die reserwefondse instel en die bedrae daarin stort wat hy nodig of wenslik ag.

(6) (a) Die Bestuursraad—

(i) moet in elke boekjaar, en wel op 'n tydstip deur die Minister bepaal, 'n staat van die Raad se geraamde inkomste en uitgawes gedurende die daaropvolgende boekjaar;

(ii) kan gedurende enige boekjaar op enige tydstip aanvullende state van die Raad se geraamde uitgawes vir daardie boekjaar, aan die Minister voorlê vir sy goedkeuring, wat met die instemming van die Minister van Staatsbesteding verleen word.

(b) Die Raad mag geen uitgawes aangaan wat die totale bedrag wat kragtens paragraaf (a) goedgekeur is, oorskry nie.

Boekhouding, ouditering en verslagdoening

21. (1) Die uitvoerende beampte is die rekenpligtige beampte belas met die verantwoording van alle geld ontvang, en alle betalings gedoen, deur die Raad.

(2) Die rekenpligtige beampte en die Bestuursraad moet voldoen aan die bepalinge van die Wet op Verslagdoening deur Openbare Entiteite, 1992 (Wet No. 93 van 1992).

(3) Die Ouditeur-generaal ouditeer die finansiële jaarstate van die Raad.

Verhaal van verliese en skade

22. (1) Indien iemand wat in diens van die Raad is of was die Raad enige verlies of skade berokken het deurdat hy—

(a) versuim het om geld verskuldig aan die Raad in te vorder terwyl dit sy plig was om sodanige geld in te vorder;

(b) vir 'n onreëlmatige uitbetaling van geld van die Raad of vir 'n uitbetaling van sodanige geld wat nie deur 'n behoorlike bewysstuk gestaaf word nie, verantwoordelik is of was;

(c) weens versuim om sy pligte uit te voer, vir vrugtelose uitgawe van geld van die Raad verantwoordelik is of was;

(d) vir 'n tekort in, of die vernietiging of beskadiging van, die Raad se geld,

damage to, the Council's money, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other property of the Council;

- (e) is or was responsible for a claim against the Council owing to an omission to carry out his duties,

the accounting officer shall determine the amount of such loss or damage, and may order that person, by notice in writing, to pay to the Council, within 30 days from the date of such notice, the whole or any part of the amount so determined.

(2) If a person who is in the employment of the Council and who has in terms of subsection (1) been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the amount may, subject to the provisions of subsections (4), (5) and (6), be deducted from his monthly salary: Provided that such deduction shall not in any month exceed a fourth of his monthly salary.

(3) If a person who was in the employment of the Council and who has in terms of subsection (1) been ordered to pay an amount, fails to pay the amount within the period stipulated in the notice in question, the accounting officer shall, subject to the provisions of subsections (4), (5) and (6), recover on behalf of the Council the amount from the person concerned by legal process.

(4) If a person who has in terms of subsection (1) been ordered to pay an amount, offers within the period stipulated in the notice in question, to pay the amount in instalments, the accounting officer may allow payment in such instalments as he may consider reasonable.

(5) A person who has in terms of subsection (1) been ordered to pay an amount, may within a period of 30 days from the date of such order appeal in writing against such order to the Management Board, stating the grounds for his appeal, and the Management Board may, after such investigation as it may deem necessary, dismiss the appeal, or order that the appellant be exempted, either wholly or partly, as the Management Board may deem fair and reasonable, from the payment of such amount.

(6) A person who has in terms of subsection (1) been ordered to pay an amount may, instead of appealing to the Management Board under subsection (5), apply within a period of 30 days from the date of such order, or within such further period as the court may allow, to a competent court for an order setting aside such first-mentioned order or reducing such amount, and the court may upon such an application, if it is not convinced by the accounting officer on the merits of the case that the order was rightly made or that the amount is correct, make an order setting aside such first-mentioned order or reducing that amount, as the case may be.

Delegation of powers and assignment of functions

23. (1) The Management Board may—

- (a) on such conditions as it may determine, in writing delegate to the chairman or any other member of the Management Board, the executive officer or any other employee of, or holder of an office with, the Council or to a committee established under section 15 or 16, any power conferred upon the Management Board by or under this Act;

- (b) in writing assign to the chairman or any other member of the Management Board, the executive officer or any other employee of, or holder of an office with, the Council or a committee established under section 15 or 16, any function assigned to the Management Board by or under this Act.

(2) The executive officer may—

- (a) in writing delegate to an employee of, or the holder of an office with, the Council any power conferred upon him by or under this Act in his capacity as executive officer; or

- (b) in writing assign to such employee or holder of an office any function assigned to him by or under this Act in the said capacity.

(3) Any delegation or assignment under subsection (1) or (2) may be made subject to such conditions and restrictions as may be determined by the

seëls, sigwaardestukke en vorms wat 'n potensiële waarde het, sekuriteite, toerusting, voorrade of enige ander goed van die Raad, verantwoordelik is of was; of

(e) weens versuim om sy pligte uit te voer, vir 'n eis teen die Raad verantwoordelik is of was,

5 moet die rekenpligtige beampte die bedrag van sodanige verlies of skade vasstel, en kan hy daardie persoon by skriftelike kennisgewing gelas om die geheel of 'n gedeelte van die bedrag wat aldus vasgestel is, binne 30 dae vanaf die datum van die kennisgewing aan die Raad terug te betaal.

10 (2) Indien iemand wat in diens van die Raad is en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag binne die tydperk in die betrokke kennisgewing bepaal, te betaal, word die bedrag, behoudens die bepalings van subartikels (4), (5) en (6), van sy maandelikse salaris afgetrek: Met dien verstande dat so 'n aftrekking nie in een maand meer as 'n vierde van
15 sy maandelikse salaris beloop nie.

(3) Indien iemand wat in diens van die Raad was en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag binne die tydperk in die betrokke kennisgewing bepaal, te betaal, moet die rekenpligtige beampte, behoudens die bepalings van subartikels (4), (5) en (6), die bedrag deur middel
20 van geregtelike proses ten behoewe van die Raad op so iemand verhaal.

(4) Indien iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, binne die tydperk in die betrokke kennisgewing bepaal, aanbied om die bedrag in paaiemente te betaal, kan die rekenpligtige beampte hom toelaat om die bedrag in die paaiemente te betaal wat na sy mening redelik is.

25 (5) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan binne 'n tydperk van 30 dae vanaf die datum van daardie lasgewing skriftelik by die Bestuursraad teen so 'n lasgewing appèl aanteken, met verstreking van die gronde vir sy appèl, en die Bestuursraad kan, na die ondersoek wat hy nodig ag, die appèl van die hand wys of gelas dat die appellant geheel en al of ten dele, na
30 gelang van wat die Bestuursraad billik en redelik ag, van die betaling van daardie bedrag kwytgeskeld word.

(6) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan, in plaas van kragtens subartikel (5) by die Bestuursraad appèl aan te teken, binne 'n tydperk van 30 dae vanaf die datum van die lasgewing, of binne die
35 verdere tydperk wat die hof toelaat, by 'n bevoegde hof aansoek doen om 'n bevel waarby die lasgewing tersyde gestel of daardie bedrag verminder word, en die hof kan op so 'n aansoek, indien hy nie deur die rekenpligtige beampte aan die hand van die omstandighede van die geval oortuig word nie dat die lasgewing tereg gegee is of dat die bedrag juis is, 'n bevel uitreik waarby die lasgewing
40 tersyde gestel word of daardie bedrag verminder word, na gelang van die geval.

Delegering van bevoegdheids en opdra van werksaamhede

23. (1) Die Bestuursraad kan—

(a) op die voorwaardes wat hy bepaal, 'n bevoegdheid by of kragtens hierdie Wet aan hom verleen, skriftelik aan die voorsitter of enige
45 ander lid van die Bestuursraad, die uitvoerende beampte of enige ander werknemer van, of ampsbekleër by, die Raad of aan 'n komitee wat ingevolge artikel 15 of 16 ingestel is, delegeer; of

(b) 'n werksaamheid wat by of kragtens hierdie Wet aan die Bestuursraad opgedra is, skriftelik aan die voorsitter of enige ander lid van die Bestuursraad, die uitvoerende beampte of enige ander werknemer van,
50 of ampsbekleër by, die Raad of 'n komitee wat ingevolge artikel 15 of 16 ingestel is, opdra.

(2) Die uitvoerende beampte kan—

(a) 'n bevoegdheid wat by of kragtens hierdie Wet aan hom in sy hoedanigheid van uitvoerende beampte verleen word, skriftelik aan 'n
55 werknemer van, of 'n ampsbekleër by, die Raad delegeer; of

(b) 'n werksaamheid wat by of kragtens hierdie Wet in genoemde hoedanigheid aan hom opgedra is, skriftelik aan so 'n werknemer of
60 ampsbekleër opdra.

(3) 'n Delegering of opdrag kragtens subartikel (1) of (2) kan geskied onderworpe aan die voorwaardes en die beperkings wat die Bestuursraad of die

Management Board or by the executive officer, as the case may be, and may be rescinded or amended by the Management Board or the executive officer, as the case may be.

(4) The Management Board and the executive officer shall not be divested of any power or function delegated or assigned under subsection (1) or (2) by it or him, and may, subject to the provisions of subsection (5), amend or withdraw any decision made in the exercise of such delegated power or in the performance of a function so assigned. 5

(5) A decision made in the exercise of a power so delegated and in consequence of which a payment has been made or any right has been conferred upon any person, shall not be amended or withdrawn. 10

(6) Where a power or function is delegated or assigned under subsection (1) or (2) to the holder of an office, such power or function shall be deemed to have been delegated or assigned to the serving holder of such office or to any person acting in his stead. 15

Discoveries, inventions and improvements by employees of Council and other persons

24. (1) Subject to the provisions of subsections (5) and (6), the rights in all discoveries and inventions and in all improvements in respect of processes, apparatus and machines made by— 20

(a) employees of the Council or officers and employees in the employment of the State who have been placed at the disposal of the Council under section 19(2);

(b) persons assisting the Council with any investigation or research; or

(c) persons to whom bursaries or grants-in-aid have been granted by the Council, unless it is otherwise agreed to by the Council and such persons, 25

shall vest in the Council.

(2) The Management Board may make the discoveries, inventions and improvements referred to in subsection (1) and the rights in which are vested in the Council available for use in the public interest subject to such conditions and the payment of such fees or royalties as the Management Board may determine. 30

(3) If the rights in any discovery, invention or improvement are vested in the Council in terms of subsection (1), the Management Board may award to the person responsible for the discovery, invention or improvement such bonus as it deems fit and make provision for financial participation by him in the profits derived from such discovery, invention or improvement to such extent as the Minister may determine with the concurrence of the Minister of State Expenditure. 35

(4) The Management Board may on behalf of the Council apply for a patent in respect of any discovery, invention or improvement contemplated in subsection (1), and the Council shall for the purposes of the Patents Act, 1978 (Act No. 57 of 1978), be regarded as the assignee of the discoverer or inventor in question. 40

(5) The rights in a discovery, invention or improvement made by employees of the Council in the course of an investigation for or on behalf of another person, government or administration shall vest in the Council, unless otherwise agreed upon between the Management Board and the person, government or administration concerned. 45

(6) The provisions of this section shall not apply in respect of a discovery or an invention or improvement contemplated in subsection (1) if, in the opinion of the Management Board, such discovery, invention or improvement was made by the person concerned otherwise than— 50

(a) in the course of his employment as an employee of the Council;

(b) during the performance of functions in respect of which he has been placed at the disposal of the Council in terms of section 19(2);

(c) in the course of any investigation or research with which he assisted the Council; or 55

(d) in the course of any research in respect of which he receives a bursary or grant-in-aid from the Council,

and which is not connected with such employment, investigation or research.

uitvoerende beampte, na gelang van die geval, bepaal, en kan deur die Bestuursraad of die uitvoerende beampte, na gelang van die geval, herroep of gewysig word.

(4) Die Bestuursraad of die uitvoerende beampte is nie ontdoen van 'n bevoegdheid of werksaamheid deur hom kragtens subartikel (1) of (2) gedelegeer of opgedra nie, en kan, behoudens die bepalings van subartikel (5), 'n beslissing gegee by die uitoefening van sodanige gedelegeerde bevoegdheid of die verrigting van 'n werksaamheid aldus opgedra, wysig of intrek.

(5) 'n Beslissing gegee by die uitoefening van 'n bevoegdheid wat aldus gedelegeer is en as gevolg waarvan aan 'n persoon 'n betaling gedoen of 'n reg verleen is, word nie gewysig of ingetrek nie.

(6) Waar 'n bevoegdheid of werksaamheid kragtens subartikel (1) of (2) aan die bekleër van 'n amp gedelegeer of opgedra word, word sodanige bevoegdheid of werksaamheid geag gedelegeer of opgedra te wees aan die dienende bekleër van die amp of aan die persoon wat in sy plek waarneem.

Ontdekkings, uitvindings en verbeterings deur werknemers van Raad en ander persone

24. (1) Behoudens die bepalings van subartikels (5) en (6) berus die regte op alle ontdekkings en uitvindings en op alle verbeterings ten opsigte van prosesse, 20 apparaat en masjiene wat gedoen word deur—

(a) werknemers van die Raad of beamptes en werknemers in diens van die Staat wat kragtens artikel 19(2) tot beskikking van die Raad gestel is;

(b) persone wat die Raad met enige ondersoek of navorsing behulpsaam is; 25 of

(c) persone aan wie beurse of hulptoelae deur die Raad toegeken is, tensy die Raad en sodanige persone anders ooreenkom,

by die Raad.

(2) Die Bestuursraad kan die ontdekkings, uitvindings en verbeterings in subartikel (1) bedoel en waarvan die regte by die Raad berus, beskikbaar stel vir 30 gebruik in die openbare belang op die voorwaardes en onderworpe aan die betalings van die gelde of tantième wat die Bestuursraad bepaal.

(3) Indien die regte op 'n ontdekking, uitvinding of verbetering ingevolge subartikel (1) by die Raad berus, kan die Bestuursraad aan die persoon wat vir 35 die ontdekking, uitvinding of verbetering verantwoordelik is die bonus toeken wat die Bestuursraad goevind en voorsiening maak vir geldelike deelname deur so iemand in die winste uit dié ontdekking, uitvinding of verbetering verkry, in die mate wat die Minister met die instemming van die Minister van Staatsbesteding bepaal.

(4) Die Bestuursraad kan namens die Raad aansoek doen om 'n patent 40 ten opsigte van enige ontdekking, uitvinding of verbetering in subartikel (1) bedoel, en by die toepassing van die Wet op Patente, 1978 (Wet No. 57 van 1978), word die Raad as die sessionaris van die betrokke ontdekker of uitvinder beskou.

(5) Die regte op 'n ontdekking, uitvinding of verbetering wat deur werknemers van die Raad in die loop van 'n ondersoek namens of ten behoeve van 'n 45 ander persoon, regering of administrasie gedoen is, berus, tensy anders ooreengekom tussen die Bestuursraad en die betrokke persoon, regering of administrasie, by die Raad.

(6) Die bepalings van hierdie artikel is nie van toepassing nie ten opsigte van 'n ontdekking, uitvinding of verbetering in subartikel (1) beoog, indien so 'n 50 ontdekking, uitvinding of verbetering na die oordeel van die Bestuursraad nie deur die betrokke persoon gedoen is nie—

(a) in die loop van sy werk as werknemer van die Raad;

(b) tydens die verrigting van werksaamhede ten opsigte waarvan hy 55 kragtens artikel 19(2) tot beskikking van die Raad gestel is;

(c) in die loop van enige ondersoek of navorsing waarmee hy die Raad behulpsaam was; of

(d) in die loop van navorsing ten opsigte waarvan hy 'n beurs of hulptoelae 60 van die Raad ontvang,

en wat nie met sodanige werk, ondersoek of navorsing verband hou nie.

Regulations

25. (1) The Minister may, after consultation with the Management Board, make regulations as to—

- (a) the manner in which meetings of the Executive Management Committee or any other committee nominated by the Management Board shall be convened, the procedure at such meetings, the functions of such committees and the manner in which the minutes of such meetings shall be kept; 5
- (b) the matters in respect of which fees shall be payable to the Council, the amount of such fees, the persons who shall be liable for the payment thereof, and the circumstances in which any fees so paid shall be refunded; 10
- (c) the procedure at meetings of the Management Board;
- (d) the preservation of secrecy in respect of the affairs of the Council; and
- (e) generally, any matter in respect of which the Minister considers it necessary or expedient to make regulations in order to achieve the objectives of this Act, and the generality of this provision shall not be limited by the preceding paragraphs. 15

(2) Any regulation made under subsection (1) may provide that any person contravening such regulation or failing to comply therewith, shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding two years, or to both a fine and such imprisonment. 20

Transfer of certain assets and obligations to Council

26. (1) Movable and immovable property—

- (a) belonging to the State; and 25
- (b) which immediately prior to the commencement of this Act was being utilized by the Geological Survey Branch of the Department of Mineral and Energy Affairs; and
- (c) which the Minister, with the concurrence of the Minister of State Expenditure, and where applicable, the Minister of Public Works, may designate, 30

shall on the said date of commencement of this Act devolve upon the Council without any compensation being payable in respect thereof by the Council.

(2) The Registrar of Deeds concerned shall, at the request of the Council and on the submission of a certificate by the Minister that such immovable property has passed to the Council under this section, make the necessary endorsements in his registers and on the title deeds and other documents concerned to give effect to a transfer in terms of subsection (1). 35

(3) No transfer duties, stamp duty, office fees or other fees shall be payable in respect of a registration contemplated in subsection (2). 40

(4) On the date of commencement of this Act all rights and obligations of the State in respect of the aforesaid Geological Survey Branch shall, subject to the provisions of this Act, pass to the Council and any reference in any law or document to the said Geological Survey Branch shall be construed as a reference to the Council. 45

(5) The Council may, with the approval of the Minister, granted with the concurrence of the Minister of State Expenditure and the Minister of Public Works, alienate immovable property that has passed to the Council in terms of subsection (1).

Short title and commencement

27. This Act shall be called the Geoscience Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 50

Regulasies

25. (1) Die Minister kan, na oorlegpleging met die Bestuursraad, regulasies uitvaardig betreffende—

- 5 (a) die wyse waarop vergaderings van die Uitvoerende Bestuurskomitee of enige ander komitee deur die Bestuursraad benoem, belê word, die prosedure by sodanige vergaderings, die werksaamhede van sodanige komitees en die wyse waarop die notule van sodanige vergaderings gehou moet word;
- 10 (b) die aangeleenthede ten opsigte waarvan gelde aan die Raad betaalbaar is, die bedrag van sodanige gelde, die persone wat vir die betaling daarvan aanspreeklik is, en die omstandighede waaronder gelde wat aldus betaal is, terugbetaal moet word;
- (c) die prosedures by vergaderings van die Bestuursraad;
- 15 (d) die geheimhouding ten opsigte van die sake van die Raad; en
- (e) in die algemeen, enige aangeleentheid ten opsigte waarvan die Minister dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik, en die algemeenheid van hierdie bepaling word nie beperk deur die voorafgaande paragrawe nie.
- 20 (2) 'n Regulasie kragtens subartikel (1) uitgevaardig, kan bepaal dat iemand wat so 'n regulasie oortree of versuim om daaraan te voldoen, aan 'n misdryf skuldig is en by skuldigbevinding strafbaar is met 'n boete of met gevangenisstraf van hoogstens twee jaar, of met sowel 'n boete as daardie gevangenisstraf.

Oordrag van sekere bates en verpligtinge aan Raad

- 25 26. (1) Roerende en onroerende goed wat—
- (a) aan die Staat behoort; en
- (b) onmiddellik voor die datum van inwerkingtreding van hierdie Wet deur die Tak Geologiese Opname van die Departement van Minerale- en Energiesake benut is; en
- 30 (c) deur die Minister aangewys word met die instemming van die Minister van Staatsbesteding, en waar van toepassing, die Minister van Openbare Werke,
- gaan op genoemde datum van inwerkingtreding van hierdie Wet oor op die Raad sonder dat die Raad vergoeding daarvoor betaal.
- (2) Die betrokke Registrateur van Aktes moet op versoek van die Raad en by
- 35 voorlegging aan hom van 'n sertifikaat deur die Minister dat daardie onroerende goed kragtens hierdie artikel op die Raad oorgegaan het die nodige inskrywings en aantekeninge in sy register en op die betrokke titelbewyse of ander stukke aanbring ten einde 'n oordrag ingevolge subartikel (1) te bewerkstellig.
- (3) Geen hereregte, seëlreg, kantoorgelde of ander gelde is ten opsigte van 'n
- 40 registrasie beoog in subartikel (2) betaalbaar nie.
- (4) Op die datum van inwerkingtreding van hierdie Wet gaan al die regte en verpligtinge van die Staat ten opsigte van genoemde Tak Geologiese Opname, behoudens die bepalings van hierdie Wet, oor op die Raad en word enige verwysing in enige wet of dokument na genoemde Tak Geologiese Opname
- 45 uitgelê as 'n verwysing na die Raad.
- (5) Die Raad kan, met die goedkeuring van die Minister, verleen met die instemming van die Minister van Staatsbesteding en die Minister van Openbare Werke, onroerende goed vervreem wat ingevolge subartikel (1) op die Raad oorgegaan het.

50 Kort titel en inwerkingtreding

27. Hierdie Wet heet die Wet op Geowetenskap, 1993, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

