

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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THE PRESIDENCY

No. 1001

5 December 2011

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

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



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GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.

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

ACT

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

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

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

1. Section 1 of the Scientific Research Council Act, 1988, is hereby amended—
 - (a) by the deletion of the numbering preceding and following each definition;
 - (b) by the substitution for the definition of “regulation” of the following definition:

“**‘regulation’** means a regulation [**in force**] made in terms of this Act;”;
 - (c) by the substitution for the definition of “research” of the following definition:

“**‘research’** means the augmentation and improvement of knowledge through scientific investigations and methods directed towards the scientific and technological requirements of the private and public sectors, including the solution of relevant problems in the national

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- interest, and includes the development, acquisition, diffusion, innovation and transfer of expertise and technology”; and
(d) by the substitution for the definition of “this Act” of the following definition:
“ ‘this Act’ includes [a regulation] the regulations. ”.

Amendment of section 2 of Act 46 of 1988

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

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

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

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

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

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

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

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Amendment of section 6 of Act 46 of 1988

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

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

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

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

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

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

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

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

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

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

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

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

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Amendment of section 11 of Act 46 of 1988

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

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

Amendment of section 15 of Act 46 of 1988

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

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

Repeal of sections 16 and 17 of Act 46 of 1988

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

Amendment of section 18 of Act 46 of 1988

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

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

Substitution of section 20 of Act 46 of 1988

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

“Administration of Act

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

Substitution of expressions in Act 46 of 1988

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

Insertion of words in Act 46 of 1988

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

Substitution of section 24 of Act 46 of 1988

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

“Short title and commencement

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

Amendment of section 1 of Act 55 of 1997

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

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

Amendment of section 5 of Act 55 of 1997

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

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

Amendment of section 7 of Act 55 of 1997

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

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