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.

Government Gazette

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THE PRESIDENCY

No. 321 26 April 2014

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

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

AIDS HELPLINE: 0800-123-22 Prevention is the cure

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

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

ACT

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

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

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

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

(a) by the substitution in subsection (2) for paragraph *(a)* of the following paragraph:

"*(a)* a chairperson, appointed by the Minister **[after consultation with the Board]**;";

(b) by the substitution for subsection (2A) of the following subsection:

"(2A) Before appointing members of the Board referred to in **[subsections]** subsection (2)*(a)* and *(b)*, the Minister must—

(a) publish a notice in the *Gazette* and three newspapers, with due regard to the Use of Official Languages Act, 2012 (Act No. 12 of 2012), calling upon members of the public to nominate persons contemplated in subsection (2)*(a)* and *(b)*; and

(b) appoint an independent panel which must compile a shortlist of **[candidates, after following a transparent nomination process]** not more than 20 persons from the nominees referred to in paragraph *(a)*.";

(c) by the insertion after subsection (2A) of the following subsection:

"(2B) If the Minister receives no nominations or an insufficient number of nominations within the period specified in the notice referred to in subsection (2A)*(a)*, the Minister may, after consultation with the panel referred to in subsection (2A)*(b)*, either readvertise or in any other transparent manner, appoint the required number of qualified persons.";

(d) by the insertion after subsection (3A) of the following subsection:

"(3B) Despite subsection (3A), the Minister may, after consultation with the Board, extend the period of office of any or all of the members of the Board for a period of not more than six months or until a new Board has been appointed, whichever comes first."; and

(e) by the addition of the following subsections:

"(8) A member of the Board ceases to hold office if—

(a) he or she resigns;

(b) the Minister terminates his or her period of office due to misconduct, incapacity, incompetence or any other reasonable ground;

(c) he or she is absent from three consecutive meetings of the Board without the permission of the Board;

(d) he or she is in terms of the Electoral Act, 1998, (Act No. 73 of 1998) or the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), nominated as a candidate for election as a member of Parliament, a provincial legislature or a municipal council; or

(e) he or she ceases to meet the requirements for appointment as a member of the Board in terms of this Act.

(9) *(a)* Subject to subsection (8), the Minister may, after consideration of a shortlist of candidates referred to in subsection (2A)*(b)* or in any other transparent manner, appoint a person who meets the requirements set out in subsection (5) in that member's place.

(b) A person appointed under paragraph *(a)* must occupy his or her office for the unexpired portion of the term of office of his or her predecessor.

(10) A person may not be appointed as a member of the Board if that person—

(a) is not a citizen or permanent resident of the Republic;

(b) is an unrehabilitated insolvent;

(c) has been convicted of—

(i) a crime and sentenced to a term of imprisonment without the option of a fine; or

(ii) fraud, corruption or any other crime involving dishonesty, within a period of 10 years preceding the date of nomination in terms of subsection (2A)*(a)*;

(d) has, as a result of improper conduct, been removed from a position of trust; or

(e) is not fit and proper to hold office.

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

Insertion of section 7A in Act 46 of 1988

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

"**Dissolution of Board**

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

(a) the Board is unable to perform its duties in terms of the Act or on the grounds of mismanagement;

(b) there is a total breakdown in the relationship between the Board and the Minister; or

(c) there is a breakdown in the relationship amongst the members of the Board, which renders the continued effective functioning of the Board impossible.

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

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

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

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

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

Amendment of section 10 of Act 46 of 1988

3. Section 10 of the Scientific Research Council Act, 1988, is hereby amended—

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

''(1) The Board shall appoint a suitably skilled and qualified person as the chief executive officer of the CSIR, **[who shall occupy the post of chief executive officer of the CSIR]** after following a transparent and competitive selection process.'';

(b) by the substitution for subsection (2) of the following subsection:

''(2) The chief executive officer shall be **[the chairperson of the Executive Management Committee and, in collaboration with the Executive Management Committee, shall be]** responsible for the management of the affairs of the CSIR and shall report on those affairs to the Board as may be required of him or her by the Board.'';

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

''(3) The chief executive officer shall be appointed for a period of not more than five years and shall be eligible for reappointment, on the conditions, including conditions relating to the payment of remuneration and allowances, that the Board, in consultation with the Minister, may determine.'';

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

''(3A) The chief executive officer must enter into a performance agreement with the Board within three months of taking up his or her post.'';

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

''(4) Whenever for any reason the chief executive officer—

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

(b) is unable to carry out his or her duties**[,]**; or **[whenever there is a vacancy in the]**

(c) ceases to hold office **[of the chief executive officer]**,

the Board may, **[subject to such conditions and the payment of such remuneration and allowances as it may determine,]** in consultation with the Minister, appoint **[an]** a senior employee of the CSIR who meets the requirements determined in terms of subsection (1) to act as chief executive officer during such absence or inability, or until a chief executive officer has been appointed in terms of subsection (1), and that other person shall, while so acting, have all the powers and perform all the duties of the chief executive officer.''; and

(f) by the addition of the following subsection:

''(5) If the chief executive officer is absent for a period of less than two months, he or she must, after consultation with the Board, appoint a senior employee of the CSIR to act as chief executive officer during that period.''.

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

4. Section 6 of the National Research Foundation Act, 1998, is hereby amended—

(a) by the substitution in subsection (1)*(a)* for subparagraph (ii) of the following subparagraph:

"(ii) not fewer than nine and not more than **[eleven]** 11 other members**[,]** nominated by the public and appointed by the Minister, after consultation with the Minister responsible for higher education and training; and";

(b) by the addition in paragraph *(a)* of subsection (1) of the following subparagraphs:

"(iii) one member appointed by the Minister, after nominations from the National Advisory Council on Innovation; and

(iv) one member appointed by the Minister, after nominations from the Council on Higher Education; and";

(c) by the substitution for subsection (2) of the following subsection:

"(2) For the purposes of appointing the members of the Board referred to in subsection (1)*(a)*, the Minister must—

(a) publish a notice in the *Gazette* and three newspapers with due regard to the Use of Official Languages Act, 2012 (Act No. 12 of 2012), calling upon members of the public to nominate persons contemplated in subsection (1)*(a)*(i) and (ii);

(b) by written notice, call upon the National Advisory Council on Innovation and the Council for Higher Education to nominate persons contemplated in subsection (1)*(a)*(iii) and (iv); and

(c) appoint an independent panel which must compile a shortlist of persons from the nominees referred to in paragraph *(a)*.";

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

"(2A) If the Minister receives no nominations or an insufficient number of nominations within the period specified in the notice referred to in subsection (2)*(a)*, the Minister may, after consultation with the panel referred to in subsection (2)*(c)*, either readvertise or in any other transparent manner, appoint the required number of qualified persons.";

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

"(3) The members of the Board must all be persons who have achieved distinction in the field of research, **[and]** technology, **[research and]** technology management, business**[, public affairs]** or civil society.";

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

"(4) The members referred to in subsection (1)*(a)* are appointed in their personal capacities, but the Minister must ensure that they are broadly representative of **[the following sectors:**

***(a)* Higher education;**

***(b)* business;**

***(c)* agricultural and environment sciences;**

***(d)* health sciences;**

***(e)* natural sciences and engineering;**

***(f)* social sciences and humanities;**

***(g)* civil society]** higher education, broad scientific disciplines, the business sector and civil society.";

(g) by the deletion of subsection (5A);

(h) by the insertion after subsection (5B) of the following subsection:

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

(i) by the substitution in subsection (6) for the words preceding paragraph *(a)* of the following words:

"A member of the Board **[must vacate his or her]** ceases to hold office if—";

(j) by the substitution in subsection (6) for paragraph *(b)* of the following paragraph:

"*(b)* the Minister terminates his or her period of office **[whenever sufficient reason exists therefor]** due to misconduct, incapacity, incompetence, or any other reasonable ground;";

(k) by the substitution in subsection (6) for paragraph *(d)* of the following paragraph:

"*(d)* he or she is in terms of the Electoral Act, **[1993 (Act No. 202 of 1993]** 1998, (Act No. 73 of 1998), or the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), nominated as a candidate for election as a member of Parliament **[or]**, a provincial legislature or a municipal council; or**[.]**";

(l) by the addition in subsection (6) after paragraph *(d)* of the following paragraph:

"*(e)* he or she ceases to meet the requirements for appointment as a member of the Board in terms of this Act.";

(m) by the substitution for paragraph *(a)* of subsection (7) of the following paragraph:

"(7) *(a)* **[Subject to subsections (3) and (4), the Minister may appoint any person to fill a vacancy which occurs with regard to a member appointed by him or her]** If a member of the Board, appointed by the Minister, ceases to hold office, the Minister may—

(i) if the appointment was made in terms of subsection (1)*(a)*(i) and (ii), consider the shortlist of candidates referred to in subsection (2)*(c)*; or

(ii) if the appointment was made in terms of subsection (1)*(a)*(iii) and (iv), consider the nominations received in terms of subsection (2)*(b)*(ii); or

in any other transparent manner, appoint a person who meets the requirements set out in subsection (3) and (4).";

(n) by the substitution in subsection (9) for paragraph *(c)* of the following paragraph:

"*(c)* has**[, after the commencement of the Constitution of the Republic of South Africa, 1996,]** been convicted of—

(i) **[an offence, whether in the Republic or elsewhere,]** a crime and sentenced to a term of imprisonment without **[an]** the option of a fine; or

(ii) fraud, corruption or any other crime involving dishonesty, within a period of 10 years preceding the date of nomination in terms of subsection (2)*(a)*;";

(o) by the substitution in subsection (9) for paragraph *(d)* of the following paragraph:

"*(d)* has, as a result of improper conduct, been removed from a position of trust; or";

(p) by the addition in subsection (9) after paragraph *(d)* of the following paragraph:

"*(e)* is not fit and proper to hold office."; and

(q) by the addition of the following subsection:

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

Insertion of section 6A in Act 23 of 1998

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

"**Dissolution of Board**

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

(a) the Board is unable to perform its duties in terms of this Act or on the grounds of mismanagement;

(b) there is a total breakdown in the relationship between the Board and the Minister; or

(c) there is a breakdown in the relationship amongst the members of the Board, which renders the continued effective functioning of the Board impossible.

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

(3) Within 21 days of the dissolution of the Board, the Minister must appoint an interim Board consisting of a minimum of three persons, to assume the responsibilities of the Board, until a new Board is constituted, in accordance with the procedure referred to in section 6.

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

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

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

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

6. Section 10 of the National Research Foundation Act, 1998, is hereby amended—

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

''(1) The Board must appoint a suitably skilled and qualified person as the chief executive officer **[for]** of the Foundation, after following a transparent and competitive **[nomination]** selection process.'';

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

''(3) The chief executive officer must be appointed or reappointed for such period, but not exceeding five years, and subject to such conditions, including conditions relating to the payment of remuneration and allowances, as the Board may, **[subject to section 13(2)]** in consultation with the Minister, determine.'';

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

''(3A) The chief executive officer must enter into a performance agreement with the Board within three months of taking up his or her post.'';

(d) by the substitution in subsection (4) for paragraph *(a)* of the following paragraph:

''*(a)* Whenever the chief executive officer—

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

(ii) is unable to carry out his or her duties**[,]**; or **[whenever there is a vacancy in the]**

(iii) ceases to hold office**[of the chief executive officer]**,

the Board may appoint any senior person in the service of the Foundation, in consultation with the Minister, who meets the requirements determined in terms of subsection (1) to act as chief executive officer.''; and

(e) by the addition of the following subsection:

''(5) If the chief executive officer is absent for a period of less than two months, he or she must, after consultation with the Board, appoint any senior person in the service of the Foundation to act as chief executive officer during that period.''.

Amendment of section 23 of Act 23 of 1998

7. Section 23 of the National Research Foundation Act, 1998, is hereby amended—

(a) by the insertion before the words preceding paragraph *(a)* of ''(1)'';

(b) by the deletion of paragraph *(a)*; and

(c) by the addition of the following subsection:

''(2) Regulations made in terms of subsection (1)*(d)* must be submitted to Parliament at least 30 days before promulgation.''.

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

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

(a) by the substitution for paragraph *(c)* in subsection (1) of the following paragraph:

"*(c)* has been convicted of **[an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and was]**—

(i) a crime and sentenced to a term of imprisonment without **[an]** the option of a fine**[, or, in the case of fraud, to a fine or imprisonment]**; or

(ii) fraud, corruption or any other crime involving dishonesty, within a period of 10 years preceding the date of nomination in terms of section 6;";

(b) by the substitution in subsection (1) for paragraph *(d)* of the following paragraph:

"*(d)* has, as a result of improper conduct, been removed from **[an office]** a position of trust**[.]**; or";

(c) by the addition to subsection (1) of the following paragraph:

"*(e)* is not fit and proper to hold office.";

(d) by the substitution for the words preceding paragraph *(a)* of subsection (2) for the following words:

"A member of the Council **[must vacate]** ceases to hold office if the member—";

(e) by the insertion after subsection (2A) of the following subsection:

"(2B) Despite subsection (2A), the Minister may, after consultation with the Council, extend the period of office of any or all of the members of the Council for a period of not more than six months or until a new Council has been appointed, whichever comes first.";

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

"(5) If **[the office of]** a member of the Council **[becomes vacant]** ceases to hold office before the expiration of the term of office of that member, the Minister must, within 60 days and subject to subsection (1), appoint a person nominated by the Council to fill the vacancy for the unexpired portion of the period for which **[the]** that member who has vacated office was appointed."; and

(g) by the deletion of subsection (5A) and the addition of the following subsection:

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

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

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

(a) by the substitution in subsection (1) for paragraph *(b)* of the following paragraph:

"*(b)* not fewer than four and not more than six must have scientific qualifications and be **[professional natural scientists or certified natural scientists who are]** in the service of the state, each nominated by his or her Director-General or chief executive officer of the organ of state concerned"; and

(b) by the addition of the following subsection:

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

Amendment of section 4 of Act 27 of 2003

10. Section 4 of the Natural Scientific Professions Act, 2003, is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

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

(a) **[invite the public by]** publish a notice in the *Gazette* and three newspapers**[in at least one leading newspaper in each province]**, with due regard to the Use of Official Languages Act, 2012 (Act No. 12 of 2012), to nominate persons within a period of 30 days from the date of the notice; and

(b) appoint an independent panel to compile a shortlist of not more than 10 persons from the nominees referred to in paragraph *(a)*.";

(b) by the deletion of subsections (3) and (4);

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

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

(d) by the addition of the following subsection:

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

Amendment of section 5 of Act 27 of 2003

11. Section 5 of the Natural Scientific Professions Act, 2003, is hereby amended—

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

"(1) The term of office for members of the Council is four years**[, but members continue in office until the succeeding Council is properly constituted]**.";

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

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

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

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

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

12. Section 6 of the Natural Scientific Professions Act, 2003, is hereby amended—

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

"*(a)* is not a **[South African]** citizen or a permanent resident of the Republic;";

(b) by the substitution in subsection (1) for paragraph *(c)* of the following paragraph:

"*(c)* **[after the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993),]** has been convicted of—

(i) a crime **[specified in Schedule 1 to the Criminal Procedure Act, 1977 (Act No. 51 of 1977), whether in the Republic or elsewhere,]** and sentenced to a term of imprisonment without the option of a fine; or

(ii) fraud, corruption or any other crime involving dishonesty, within a period of 10 years preceding the date of nomination in terms of section 4(2)*(a)*;'';

(c) by the substitution in subsection (1) for paragraph *(d)* of the following paragraph:

''*(d)* has, as a result of improper conduct been removed from **[an office]** a position of trust;'';

(d) by the substitution in subsection (1) for paragraph *(f)* of the following paragraph:

''*(f)* is not, in the case of a person referred to in section 3(1)*(a)* **[or *(b)*]**, a registered person; or'';

(e) by the addition in subsection (1) of the following paragraph:

''*(g)* is not fit and proper to hold office.'';

(f) by the substitution in subsection (2) for the words preceding paragraph *(a)* of the following words:

''A member of the Council **[must vacate his or her]** ceases to hold office if he or she—'';

(g) by the deletion of subsection (3);

(h) by the substitution in subsection (4) for paragraph *(a)* of the following paragraph:

''*(a)* If a member of the Council **[dies or vacates his or her]** ceases to hold office before the expiration of his or her term of office, the Minister may, **[after consultation with the Council and]** subject to subsection (1), appoint after consideration of a shortlist of candidates referred to in section 4(2)*(b)* or in any other transparent manner, a person who meets the requirements for appointment in the relevant category in terms of section 3 to fill the vacancy for the unexpired portion of the period for which that member was appointed.''; and

(i) by the addition of the following subsection:

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

Insertion of section 7A in Act 27 of 2003

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

''**Dissolution of Council**

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

(a) the Council is unable to perform its duties in terms of this Act or on the grounds of mismanagement;

(b) there is a total breakdown in the relationship between the Council and the Minister; or

(c) there is a breakdown in the relationship amongst the members of the Council, which renders the continued effective functioning of the Council impossible.

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

(3) Within 21 days of the dissolution of the Council, the Minister must appoint an interim Council consisting of a minimum of three persons who are professional or certificated natural scientists, to assume the responsibilities of the Council, until a new Council is constituted in accordance with the procedure referred to in section 4.

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

(5) Any person who was a member of the Council that was dissolved in terms of this section may be re-appointed to a new Council.

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

Amendment of section 8 of Act 27 of 2003

14. Section 8 of the Natural Scientific Professions Act, 2003, is hereby amended—

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

''(1) The Council **[may]** must appoint a suitably skilled and qualified person as a chief executive officer and such other officials as it may deem necessary to carry out its functions, on such conditions, including the payment of remuneration and **[a honorarium]** allowance, as **[it]** the Council **[may determine]**, in consultation with the Minister, may determine.'';

(b) by the insertion after subsection (1) of the following subsection:

''(1A) The appointment of the Chief Executive Officer must be made after following a transparent and competitive selection process.''; and

(c) by the addition of the following subsections:

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

(4) The chief executive officer must enter into a performance agreement with the Council within three months of taking up his or her post.

(5) Whenever for any reason the chief executive officer—

(a) is absent for a period of more than two months;

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

(c) ceases to hold office,

the Council may, with the approval of the Minister, appoint any senior person in the service of the Council who meets the requirements determined in terms of subsection (1) to act as chief executive officer.

(6) If the chief executive officer is absent for a period of less than two months, he or she must, after consultation with the Council, appoint a senior person in the service of the Council to act as chief executive officer during that period.

(7) An acting chief executive officer may exercise all the powers and may perform all the duties of the chief executive officer.''.

Amendment of section 5 of Act 17 of 2008

15. Section 5 of the Human Sciences Research Council Act, 2008, is hereby amended—

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

''*(a)* publishing a notice in the Government *Gazette* and **[two]** three national newspapers **[circulating in the Republic]**, with due regard to the Use of Official Languages Act, 2012 (Act No. 12 of 2012), calling upon members of the public to nominate persons contemplated in subsections (2)*(a)* and *(b)*;'';

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

''*(b)* appointing **[a]** an independent panel to compile a shortlist of not more than twenty (20) persons from the nominees referred to in paragraph *(a)*; and'';

(c) by the substitution in subsection (3) for paragraph *(c)* of the following paragraph:

''*(c)* the chairperson of the panel has submitted a short-list of candidates together with their curriculum vitae to the Minister **[who must submit it to the National Assembly for approval; and]**.'';

(d) by the deletion in subsection (3) of paragraph *(d)*;

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

''(3A) If the Minister receives no nominations or an insufficient number of nominations within the period specified in the notice referred

to in subsection (3)*(a)*, the Minister may, after consultation with the panel referred to in subsection (3)*(b)*, either readvertise or in any other transparent manner, appoint the required number of qualified persons.'';

(f) by the substitution in subsection (4) for paragraph *(b)* of the following paragraph:

''*(b)* are citizens or permanent residents of **[or have the right of permanent residence in]** the Republic, with the exception of the distinguished representative of the social science research community in the rest of Africa contemplated in subsection (5)*(b)***[.]**; and'';

(g) by the addition to subsection (4) of the following paragraph:

''*(c)* are fit and proper to hold office.'';

(h) by the substitution in subsection (6) for paragraph *(d)* of the following paragraph:

''*(d)* the member is convicted of—

(i) **[an offence]** a crime and sentenced to a term of imprisonment without the option of a fine; or

(ii) fraud, corruption or any other crime involving dishonesty;'';

(i) by the substitution in subsection (6) for paragraph *(g)* of the following paragraph:

''*(g)* the member ceases to be a citizen or a permanent resident of **[to have the right of permanent resident in]** the Republic, except for the distinguished representative of the social science research community in the rest of Africa contemplated in subsection (5)*(b)*; or'';

(j) by the substitution in subsection (7) for paragraph *(a)* of the following paragraph:

''*(a)* The Minister may, after consultation with the Board, remove a member of the Board from office due to misconduct, incapacity, incompetence or on any other reasonable grounds.'';

(k) by the deletion of paragraph *(b)* of subsection (7);

(l) by the deletion of subsection (8);

(m) by the substitution for subsection (9) of the following subsection:

''(9) If a member of the Board ceases to hold office or is removed from office in terms of subsection (7), the Minister may **[subject to subsection (3)]** after consideration of a shortlist of candidates referred to in subsection (3)*(b)* or in any other transparent manner, appoint a person who meets the requirements set out in section 4 in that member's place for the remaining part of the term of office.'';

(n) by the substitution for subsection (11) of the following subsection:

''(11) No member may serve for more than two consecutive terms **[except that if all the members' term lapse at the same time the Minister may extend the terms of two members for one more term to ensure continuity]**.''; and

(o) by the addition of the following subsections:

''(12) Despite subsection (11), the Minister may, after consultation with the Board, extend the period of office of any or all of the members of the Board for a period of not more than six months or until a new Board has been appointed, whichever comes first.

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

Insertion of section 9A in Act 17 of 2008

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

''**Dissolution of Board**

9A. (1) The Minister may dissolve the Board if—

(a) the Board is unable to perform its duties in terms of this Act or on the grounds of mismanagement;

(b) there is a total breakdown in the relationship between the Board and the Minister; or

(c) there is a breakdown in the relationship amongst the members of the Board, which renders the continued effective functioning of the Board impossible.

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

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

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

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

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

Amendment of section 10 of Act 17 of 2008

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

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

''(1) The Board must appoint a suitable skilled and qualified person as the chief executive officer.'';

(b) by the insertion after subsection (1) of the following subsection:

''(1A) The appointment of the chief executive officer must be made after following a transparent and competitive selection process.'';

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

''(4) The chief executive officer holds office for a term not exceeding five years and is eligible for reappointment, on such conditions relating to payment of remuneration and allowances as the Board, subject to section 11(2), may determine, in consultation with the Minister.''; and

(d) by the substitution for subsection (6) of the following subsection:

''(6) Whenever for any reason the chief executive officer—

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

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

(c) **[whenever there is a vacancy in the]** ceases to hold office **[of the chief executive officer]**,

the Board may, **[with the approval of]** in consultation with the Minister, appoint **[a]** any senior person in the service of the Council who meets the requirements contemplated in subsection (1) *(a)* to act as chief executive officer.''.

Amendment of section 17 of Act 17 of 2008

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

(a) by the current section, becoming subsection (1);

(b) by the insertion at the end of paragraph *(a)* of subsection (1) of ''and'' after '';'';

(c) by the deletion of paragraph *(b)* of subsection (1); and

(d) by the addition of the following subsection:

''(2) Regulations made in terms of subsection (1) must be submitted to Parliament at least 30 days before their promulgation.''.

Amendment of section 5 of Act 26 of 2008

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

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

"(4) **[The]** Before appointing members of the Board referred to in subsection 1*(a)* and *(b)*, the Minister must—

(a) publish a notice in the *Gazette* and three national newspapers, with due regard to the Use of Official Languages Act, 2012 (Act No. 12 of 2012), calling upon members of the public to nominate persons contemplated in subsection (1)*(a)* and *(b)*; and

(b) appoint **[a]** an independent panel which must compile a shortlist of **[candidates for members of the Board, and such shortlist must be compiled after a transparent and competitive nomination process]** not more than 20 persons from the nominees referred to in paragraph *(a)*.";

(b) by the insertion after subsection (4) of the following subsection:

"(4A) If the Minister receives no nominations or an insufficient number of nominations within the period specified in the notice referred to in subsection (4)*(a)*, the Minister may, after consultation with the panel referred to in subsection (4)*(b)*, either readvertise or in any other transparent manner, appoint the required number of qualified persons.";

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

"(5) The members of the Board contemplated in subsection (1)*(a)* and *(b)* are appointed by the Minister**[, in consultation with the National Assembly,]** on the grounds of their knowledge and experience in technological innovation, technology management, intellectual property and commercialisation thereof and business skills which, when considered collectively, should enable them to attain the objects of the Agency.";

(d) by the deletion of subsections (6) and (7); and

(e) by the addition of the following subsections:

"(8) The Board must be constituted in a manner that is broadly representative of the demographics of the country.

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

Amendment of section 7 of Act 26 of 2008

20. Section 7 of the Technology Innovation Agency Act, 2008, is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

"The Minister may, after consultation with **[the members of]** the Board, remove a member of the Board from office on account of—";

(b) by the substitution in subsection (1) for the full stop at the end of paragraph *(c)* of the expression "; or";

(c) by the addition in subsection (1) of the following paragraph:

"*(d)* any other reasonable ground.";

(d) by the substitution for subsection (2) of the following subsection:

"(2) If a member of the Board ceases to hold office or is removed from office in terms of subsection (1), the Minister may, after consideration of the shortlist compiled by the panel referred to in section 5(4)*(b)* or in any other transparent manner, appoint a person who meets the criteria contemplated in section 5(5) in that member's place for the remaining part of the term of office.";

(e) by the substitution in subsection (3) for the words preceding paragraph *(a)* of the following words:

"The member ceases to hold **[must vacate his or her]** office if—"; and

(f) the addition of the following subsection:

"(4) The Minister must, within 30 days, report on any decision taken in terms of this section, as well as confirm compliance with the requirements set out in this section, to the National Assembly.".

Amendment of section 8 of Act 26 of 2008

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

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

(b) by the addition of the following subsections:

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

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

Insertion of section 10A in Act 26 of 2008

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

"**Dissolution of Board**

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

(a) the Board is unable to perform its duties in terms of this Act or on the grounds of mismanagement;

(b) there is a total breakdown in the relationship between the Board and the Minister; or

(c) there is a breakdown in the relationship amongst the members of the Board, which renders the continued effective functioning of the Board impossible.

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

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

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

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

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

Amendment of section 11 of Act 26 of 2008

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

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

"(1) The **[Minister]** Board must **[on the recommendation of the Board]** appoint a suitably skilled and qualified person as the Chief Executive Officer **[who must be responsible for the management of the affairs]** of the Agency."; and

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

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

"(7) The Chief Executive Officer holds office on such terms and conditions, including those relating to remuneration and allowances, as the **[Minister, after considering the recommendations of the]** Board **[and]**, in consultation with the Minister **[of Finance]**, may determine **[in writing]**.";

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

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

(a) is absent from office for a period of more than two months**[, or]**;
(b) is unable to carry out his or her duties; or **[whenever there is a vacancy in the]**
(c) ceases to hold office **[of the Chief Executive Officer]**,
the **[Minister]** Board may, with the concurrence of the **[Board]** Minister, appoint any senior person in the service of the Agency who meets the requirements determined in terms of subsection (1) to act as Chief Executive Officer, until the Chief Executive Officer is able to resume those functions or until the vacant position of the Chief Executive Officer is filled.''; and

(e) by the addition of the following subsection:
''(9A) If the chief executive officer is absent for a period of less than two months, he or she must, after consultation with the Board, appoint any senior person in the service of the Agency to act as Chief Executive Officer during that period.''.

Amendment of section 7 of Act 36 of 2008

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

(a) by the substitution in subsection (1) for paragraph *(a)* of the following paragraph:
''*(a)* publishing a notice in the *Gazette* and **[two]** three national newspapers, with due regard to the Use of Official Languages Act, 2012 (Act No. 12 of 2012), **[circulating in the Republic]** calling upon members of the public to nominate persons contemplated in section 6(2)*(a)* and *(b)*;'';

(b) by the substitution in subsection (1) for paragraph *(b)* of the following paragraph:
''*(b)* appointing **[a]** an independent panel of experts to compile a short-list of not more than thirty (30) persons from the nominees referred to in paragraph *(a)*; and'';

(c) by the substitution in subsection (1) for paragraph *(c)* of the following paragraph:
''*(c)* the chairperson of the panel has submitted **[a]** the short-list of candidates together with their curriculum vitae to the Minister **[who must submit it to the National Assembly for approval; and]**.'';

(d) by the deletion of paragraph *(d)* of subsection (1);

(e) by the deletion of subsection (2);

(f) by the substitution for subsection (3) of the following subsection:
''(3) If the shortlist compiled in terms of subsection (2) does not contain suitable persons or the required number of suitable persons, the Minister may **[call for further nominations in the manner set out in subsection (1)]**, after consultation with the panel referred to in subsection (1)*(b)*, either readvertise or in any other transparent manner, appoint the required number of persons who qualify to be appointed.'';

(g) by the substitution in subsection (4) for paragraph *(a)* of the following paragraph:
''*(a)* consist of persons who are citizens **[of the Republic or have the right of]** or permanent **[residence in]** residents of the Republic and have distinguished themselves in the field of the space science and technology sector or possess the relevant qualifications, experience or skills in relation to some aspect of the functions of the Agency;'';

(h) by the insertion of ''and'' at the end of paragraph *(c)* of subsection (4) and the addition of the following paragraph:
''*(d)* be broadly representative of the demographics of the Republic.''; and

(i) by the addition of the following subsection:
''(5) The Minister must, within 30 days of the appointment or reappointment of a member of the Board, submit a report to the National Assembly relating to such appointment or reappointment.''.

Amendment of section 8 of Act 36 of 2008

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

(a) by the substitution for paragraph *(c)* in subsection (1) of the following paragraph:

"*(c)* has been convicted of—

(i) **[an offence in the Republic or elsewhere]** a crime and **[was]** sentenced to a term of imprisonment without the option of a fine**[, other than an offence committed prior to 27 April 1994 associated with a political objective for which amnesty was granted by the Truth and Reconciliation Commission]**; or

(ii) fraud, corruption or any other crime involving dishonesty, within a period of 10 years preceding the date of nomination in terms of section 7(1)*(a)*;";

(b) by the substitution in subsection (1) for paragraph *(e)* of the following paragraph:

"*(e)* is not a citizen **[of, or does not have the right of]** or a permanent resident of **[residence in,]** the Republic; **[or]**";

(c) by the substitution in subsection (1) for the full stop at the end of paragraph *(f)* of the expression "; or";

(d) by the addition to subsection (1) of the following paragraph:

"*(g)* is not fit and proper to hold office.";

(e) by the addition of "or" at the end of paragraph *(a)* of subsection (2) and the substitution for paragraph *(d)* of the following paragraph:

"*(d)* for any other **[sound and compelling reason]** reasonable ground.";

(f) by the deletion of subsection (3);

(g) by the deletion of subsection (4);

(h) by the insertion after subsection (5) of the following subsection:

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

(i) by the substitution for subsection (7) of the following subsection:

"(7) If a member of the Board **[dies, resigns by written notice to the Minister or is removed from office]** ceases to hold office, the Minister may **[having followed the procedure contemplated in section 7]**, after consideration of the shortlist compliled by the panel referred to in section 7(1)*(b)* or in any other transparent manner, appoint a person who meets the requirements set out in subsection 7(4) in that vacancy for the remaining part of the term of office."; and

(j) by the addition of the following subsection:

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

Insertion of section 13A in Act 36 of 2008

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

"**Dissolution of Board**

13A. (1) The Minister may dissolve the Board if—

(a) the Board is unable to perform its duties in terms of this Act;

(b) there is a total breakdown in the relationship between the Board and the Minister; or

(c) there is a breakdown in the relationship amongst the members of the Board, which renders the continued effective functioning of the Board impossible.

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

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

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

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

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

Amendment of section 14 of Act 36 of 2008

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

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

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

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

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

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

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

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

(8) If the Chief Executive Officer—

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

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

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

the Board may, with the concurrence of the Minister, appoint any senior person in the service of the Agency who meets the requirements determined in subsection (1) to act as Chief Executive Officer, until the Chief Executive Officer is able to resume those functions or until the vacant position of Chief Executive Officer is filled.

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

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

Short title

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