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22 October 2020

No. 43829

The Presidency

No. 1105

22 October 2020

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

Act No. 9 of 2020: Science and Technology Laws Amendment Act, 2020

Ihhovisi likaMongameli

No. 1105

22 October 2020

Ngalokhu kwaziswa ukuthi uMongameli usewuvumile loMthetho nosewuzoshicilelwa umphakathi:—

Ino. 9 ka 2020: Umthetho Wokuchitshiyelwa Kwemithetho Yezesayensi Kanye Nobuchwepheshe, wezi-2020

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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 20 October 2020)

ACT

To amend the Scientific Research Council Act, 1988, the Academy of Science of South Africa Act, 2001, 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 termination of the membership of Boards or Councils of the entities established by these Acts; to clarify the requirements for the disqualification of persons from membership of Boards or Councils; to provide for the appointment of external persons to committees of Boards or Councils; to provide for the determination of the remuneration and allowances of members of the Boards or Councils and committees of the Boards or Councils; to provide for consultation with the Minister in the appointment of the Chief Executive Officers of the entities; to provide for the determination by the Boards or Councils of the procedures at Boards or Councils meetings; to provide for the procedure for the convening of the Boards or Councils meetings at the request of members of the Boards or Councils; to provide for disclosure by members of the Boards or Councils of interests in the business of the entities and to harmonise the timeframes for making such disclosures to the Minister; to provide for the circumstances where members of Boards or Councils are prohibited from participating or voting in Boards or Councils meetings; to provide for the circumstances where the decisions or acts authorised by the decisions of Boards or Councils may not be invalidated; to provide for the appointment and secondment of employees of the entities by the Chief Executive Officers and the determination of the conditions of appointment and secondment of employees by the Boards or Councils; to provide for the repeal of sections dealing with matters that are contained in the Public Finance Management Act, 1999; to provide for the circumstances under which the entities may be liquidated; to provide for consultation by the Minister with the Boards or Councils of the entities before making regulations in terms of these Acts; to provide for the delegation of functions in writing by the Boards or Councils of the entities to individual members or committees of Boards or Councils; to provide for the requirements for the performance of functions by the entities outside the Republic; and to provide for matters connected therewith.

INCAZELO EFINGQIWE:

- [] Amagama akubakaki abayisikwele amele okukhishiwe emthethweni osebenzayo.
- _____ Amagama adwethshelwe ngomugqa ogqamile amele okufakiwe emthethweni osebenzayo.

(English text signed by the President)
(Assented to 20 October 2020)

UMTHETHO

Ukuchibiyela UMthetho WoMkhandlu Wezocwaningo Ngezesayensi, we-1988, UMthetho Wesikole Sezesayensi eNingizimu Afrika, wezi-2001, UMthetho WoMkhandlu WezoCwaningo LweSayensi Yabantu, wezi-2008, i-*Technology Innovation Agency Act*, yezi-2008, kanye ne-*South African National Space Agency Act*, yezi-2008, ukuvumelanisa izinhlelo zokuqedwa kobulunga bamaBhodi noma Imikhandlu amagatsha asungulwe yileMithetho, ukucacisa izimfuneko zokungafaneleki kwabantu ukuthi babe ngamalungu emaBhodi noma Imikhandlu; ukuhlinzekela ukuqokwa kwabantu bangaphandle emakomidini Amabhodi noma Imikhandlu; ukuhlinzekela ukunqunywa kwenkokhelo kanye nesibonelelo zamalunga Amabhodi noma Imikhandlu kanye namaKomidi Amabhodi noma Imikhandlu; ukuhlinzekela ukuxoxisana noNgqongqoshe ekuqokweni Izikhulu Eziphezulu zamagatsha; ukuhlinzekela ukunquma kwamaBhodi noma Imikhandlu kwenqubo emihlanganweni yamaBhodi noma Yemikhandlu; ukuhlinzekela inqubo yokuqalisa imihlangano yamaBhodi noma Yemikhandlu lapho kucela khona amalunga amaBhodi noma Imikhandlu; ukuhlinzekela ukuveza ngamalunga amaBhodi noma Imikhandlu ngezinjongo zezindaba zamagatsha kanye nokuhambisanisa neminqamula juqu yezikhathi zokuveza okunjalo kuNgqongqoshe; ukuhlinzekela izimo lapho amalunga Amabhodi noma Imikhandlu enqatshelwa ukubamba iqhaza noma ukuvota emihlanganweni Yamabhodi noma Imikhandlu; ukuhlinzekela izimo lapho izinqumo noma izenzo ezivunyelwe yizinqumo Zamabhodi noma Imikhandlu zingakwazi ukungavunyelwa; ukuhlinzekela ukuqokwa kanye nokuvuma kwabasebenzi bamagatsha Yizikhulu Eziphezulu kanye nokunqunywa kwemibandela yokuqokwa kanye nokwesekwa kwabasebenzi bamagatsha Ngamabhodi noma Imikhandlu; ukuhlinzekela ukuchitha izigaba ezibhekana nezinto eziqukethwe eMthethweni Wokuphathwa Kwezimali Zomphakathi, wezi-1999; ukuhlinzekela izimo lapho amagatsha engahlakazwa; ukuhlinzekela ukuxoxisana okwenziwa kuNgqongqoshe Namabhodi noma Imikhandlu yamagatsha ngaphambi kokwenza umthetho ngokwemigomo yale Mithetho; ukuhlinzekela ukuthunyelwa kwemisebenzi ngokubhala Ngamabhodi noma Imikhandlu yamagatsha amalunga ngamanye noma amakomidi Amabhodi noma Imikhandlu; ukuhlinzekela izimfuneko zokwenziwa kwemisebenzi ngamagatsha angaphandle kweRiphabhulikhi; kanye nokuhlinzekela izindaba ezihlangene nalokho.

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, section 5 of Act 16 of 2011 and section 1 of Act 7 of 2014

1. Section 7 of the Scientific Research Council Act, 1988, is hereby amended— 5
 - (a) by the deletion of subsection (7); and
 - (b) by the substitution in subsection (8) for paragraphs (a) and (b) of the following paragraphs, respectively:
 - “(a) he or she resigns by written notice to the Minister;
 - (b) the Minister, after consultation with the Board, terminates his or 10
 her period of office due to misconduct, incapacity, incompetence or any other reasonable ground;”.

Amendment of section 9 of Act 46 of 1988

2. Section 9 of the Scientific Research Council Act, 1988, is hereby amended by the substitution for subsections (2), (3) and (4) of the following subsections, respectively: 15
 - “(2) Such a committee shall consist of one or more members of the Board, including employees of the CSIR or any other person with suitable skills and experience, as the Board deems necessary, and the Board may at any time dissolve or reconstitute such a committee.
 - (3) **[If a committee referred to in subsection (1) consists of more than one member, the]** The Board shall designate a member of the committee as chairperson thereof. 20
 - (4) The Board shall pay the members of a committee referred to in subsection (1) who are not employees of the CSIR the remuneration and allowances determined by the **[Board]** National Treasury from time to time.” 25

Amendment of section 10 of Act 46 of 1988, as amended by section 3 of Act 7 of 2014

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, in consultation with the Minister, appoint a suitably skilled and qualified person as the chief executive officer of the CSIR, after following a transparent and competitive selection process.”; 30
 - and
 - (b) by the substitution in subsection (4) for the words following paragraph (c) of the following words:
 - “the Board may, **[in]** after consultation with the Minister, appoint a 35
 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 40
 officer.”.

Amendment of section 11 of Act 46 of 1988, as amended by sections 6 and 12 of Act 16 of 2011

4. Section 11 of the Scientific Research Council Act, 1988, is hereby amended— 45
 - (a) by the insertion after subsection (1) of the following subsection:
 - “(1A) The Board shall determine the procedure for its meetings.”;
 - (b) by the substitution for subsection (2) of the following subsection:
 - “(2) The chairperson—
 - (a) may at any time call a special meeting of the Board [,]; or

UZOMISWA yiPhalamende leRiphabhulikhi yaseNingizimu Afrika, kanje:—

Ukuchitshiyelwa kwesigaba sesi-7 soMthetho wama-46 we-1988, njengokuba uchitshiyelwe yisigaba sesi-4 soMthetho wama-71 we-1990, isigaba sesi-5 soMthetho we-16 wezi-2011 kanye nesigaba soku-1 soMthetho wesi-7 wezi-2014 5

1. Isigaba sesi-7 sombhalo wesiBhunu soMthetho Wesikhungo Sezocwaningo Lwezesayensi, we-1988, sichitshiyelwe lapha—

- (a) ngokususa isigatshana sesi-(7); kanye
- (b) nangokufaka endaweni yesigatshana sesi-(8) indima (a) kanye (b) izindima ezilandelayo, ngokulandelana: 10
 - “(a) hy of sy by skriftelike kennisgewing aan die Minister bedank;
 - (b) die Minister, na oorleg met die Raad, sy of haar ampstermyn weens wangedrag, ongeskiktheid, onbevoegdheid of enige ander redelike grond beëindig;”.

Ukuchitshiyelwa kwesigaba sesi-9 soMthetho wama-46 we-1988 15

2. Isigaba sesi-9 sombhalo wesiBhunu soMthetho WoMkhandlu Wezocwaningo Lwezesayensi, we-1988, sichitshiyelwe lapha ngokufaka endaweni yesigatshana sesi-(2), (3) kanye nesesi-(4) izigatshana ezilandelayo, ngokulandelana:

- “(2) So ’n komitee bestaan uit een of meer lede van die Raad, met inbegrip van werknemers van die WNNR of enige ander persoon met gepaste vaardighede en 20
 ervaring, soos die Raad nodig ag, en die Raad kan te eniger tyd so ’n komitee ontbind of hersaamstel.
- (3) [Indien ’n komitee bedoel in subartikel (1) uit meer as een lid bestaan, 25
 wys die] Die Raad wys ’n lid van die komitee as voorsitter daarvan aan.
- (4) Die Raad betaal aan lede van die komitee in subartikel (1) bedoel wat nie 25
 werknemers van die WNNR is nie die besoldiging en toelaes wat die [Raad] Nasionale Tesourie van tyd tot tyd bepaal.”.

Ukuchitshiyelwa kwesigaba se-10 soMthetho wama-46 we-1988, njengokuba sichitshiyelwe yisigaba sesi-3 soMthetho wesi-7 wezi-2014

3. Isigaba se-10 sombhalo wesiBhunu soMthetho WoMkhandlu Wezocwaningo Lwezesayensi, we-1988, sichitshiyelwe lapha— 30

- (a) ngokufaka endaweni yesigatshana soku-(1) isigatshana esilandeyo: 35
 - “(1) Die Raad, in oorleg met die Minister, stel ’n persoon met gepaste vaardighede en kwalifikasies as die hoof- uitvoerende beampte van die WNNR aan, nadat ’n deursigtige en mededingende keuringsproses gevolg is.”; kanye
- (b) nangokufaka endaweni yesigatshana sesi-(4) amagama alandela indima (d) amagama alandelayo: 40
 - “kan die Raad, [in] na oorleg met die Minister, ’n senior werknemer van die WNNR wat aan die vereistes ingevolge subartikel (1) bepaal, 40
 voldoen, aanstel om as hoof- uitvoerende beampte waar te neem tydens sodanige afwesigheid of onvermoë, of totdat ’n hoof- uitvoerende beampte ingevolge subartikel (1) aangestel is, en terwyl hy of sy aldus waarneem, het daardie ander persoon al die bevoegdhede en verrig hy of 45
 sy al die pligte van die hoof- uitvoerende beampte.”.

Ukuchitshiyelwa kwesigaba se-11 soMthetho wama-46 we-1988, njengokuba sichitshiyelwe yisigaba sesi-6 kanye nese-12 soMthetho we-16 wezi-2011

4. Isigaba se-11 sombhalo wesiBhunu soMthetho WoMkhandlu Wezocwaningo Lwezesayensi, we-1988, sichitshiyelwe lapha—

- (a) ngokufaka emuva kwesigatshana soku-(1) isigatshana esilandelayo: 50
 - “(1A) Die Raad bepaal die procedure vir die raadsvergaderings.”;
- (b) ngokufaka endaweni yesigatshana sesi-(2) isigatshana esilandelayo:
 - “(2) Die voorsitter—
 - (a) kan te eniger tyd ’n spesiale vergadering van die Raad belê[,]; of

- (b) must, within 14 days of a written request signed by at least one third of the members of the Board, convene such a meeting, which shall be held at such time and place as he or she may direct.”;
- (c) by the insertion after subsection (3) of the following subsections:
- “(3A) A member of the Board must, upon appointment and thereafter annually, disclose to the Minister, by way of a written statement, any interest which could reasonably compromise the Board in the performance of its functions. 5
- (3B) A member of the Board may not vote or in any manner be present during or participate in the proceedings at any meeting of the Board if, in relation to any matter before the Board, he or she may have an interest which precludes him or her from performing his or her functions as a member of the Board in a fair, unbiased and proper manner.”; and 10
- (d) by the insertion after subsection (4) of the following subsection:
- “(4A) A decision taken by the Board or an act performed under the authority of the Board is not invalid if— 15
- (a) there is a vacancy on the Board; or
- (b) a person who is not a member of the Board was present at the meeting when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by the requisite majority of members of the Board who were present at the time and entitled to sit as members.”. 20

Amendment of section 12 of Act 46 of 1988

5. Section 12 of the Scientific Research Council Act, 1988, is hereby amended—

- (a) by the substitution in subsection (1) for paragraphs (a) and (b) of the following paragraphs, respectively: 25
- “(a) The **[Board]** chief executive officer may upon the conditions which **[it]** the Board may determine appoint the employees of the CSIR or receive on secondment such number of persons whom **[it]** he or she deems necessary to assist the CSIR in the performance of the CSIR’s functions. 30
- (b) The CSIR shall out of its funds pay to its employees such remuneration, allowances, subsidies and other benefits as the Board may determine in accordance with a system approved from time to time for that purpose by the Minister, **[with the concurrence of the Minister of Finance]** in accordance with National Treasury directives.”; 35
- (b) by the deletion in subsection (1) of paragraph (c);
- (c) by the substitution in subsection (1) for paragraph (d) of the following paragraph:
- “(d) The **[Board]** chief executive officer may, on such conditions as **[it]** the Board may **[deem fit]** determine, with the employee’s consent, second an employee of the CSIR, 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 **[a person]** an institution or organisation in or outside the Republic, provided such an employee’s rights, 40
- privileges and benefits by virtue of his **[/]** or her conditions of service as an employee of the CSIR are not adversely affected by such secondment~~;~~ **Provided that an employee shall not be seconded to the service of the government of such other country or territory, or such person outside the Republic, unless the employee consents thereto.**”; and 45
- (d) by the deletion of subsection (2). 50

Repeal of section 14 of Act 46 of 1988

6. Section 14 of the Scientific Research Council Act, 1988, is hereby repealed.

- (b) moet, binne 14 dae sedert 'n skriftelike versoek deur ten minste een derde van die lede van die Raad geteken is, so 'n vergadering belê, wat op die tyd en plek wat die voorsitter gelas, gehou word.”;
- (c) ngokufaka emuva kwesigatshana sesi-(3) isigatshana esilandelayo: 5
 “(3A) 'n Lid van die Raad moet, by aanstelling en daarna jaarliks, by wyse van 'n skriftelike verklaring, enige belang aan die Minister verklaar wat die Raad redelikerwys in die verrigting van die Raad se werksaamhede onder verdenking kan plaas.
 (3B) 'n Lid van die Raad mag nie stem of op enige wyse teenwoordig wees tydens of deelneem aan die verrigtinge by enige vergadering van die Raad nie indien, in verband met enige aangeleentheid voor die Raad, hy of sy 'n belang kan hê wat hom daarvan verhoed om sy of haar werksaamhede as 'n lid van die Raad op 'n regverdige, onbevooroordeelde en behoorlike wyse te verrig.”; kanye 10
- (d) ngokufaka emuva kwesigatshana sesi-(4) isigatshana esilandelayo: 15
 “(4A) 'n Besluit deur die Raad geneem of 'n handeling kragtens die gesag van die Raad verrig is nie ongeldig nie indien—
 (a) daar 'n vakature op die Raad is; of
 (b) iemand wat nie 'n lid van die Raad is nie, op die vergadering teenwoordig was toe die besluit geneem is of die handeling gemagtig is, 20
 indien die besluit geneem is of die handeling gemagtig is deur die vereiste meerderheid van lede van die Raad wat teenwoordig was en gemagtig is om as lede te sit.”.

Ukuchitshiyelwa kwesigaba se-12 soMthetho wama-46 we-1988 25

5. Isigaba se-12 sombhalo wesiBhunu soMthetho WoMkhandlu Wezocwaningo Lwezesayensi, we-1988, sichitshiyelwe lapha—

- (a) ngokufaka endaweni yesigatshana soku-(1) indima (a) kanye no (b) izindima ezilandelayo, ngokulandelana: 30
 “(a) Die **[Raad]** hoof- uitvoerende beampte kan op die voorwaardes wat die Raad bepaal die werknemers van die WNNR aanstel of by afstand die getal persone ontvang wat **[hy of sy]** die Raad nodig ag om die WNNR behulpsaam te wees by die verrigting van sy werksaamhede.
 (b) Die WNNR moet uit sy fondse aan sy werknemers die besoldiging, toelaes, subsidies en ander voordele betaal wat die Raad bepaal in ooreenstemming met 'n stelsel van tyd tot tyd deur die Minister vir dié doel goedgekeur, **[met die instemming van die Minister van Finansies]** volgens voorskrifte van die Nasionale Tesourie.”; 35
- (b) ngokususa esigatshaneni soku-(1) indima (c);
- (c) ngokufaka endaweni yesigatshana soku-(1) indima (d) indima elandelayo: 40
 “(d) Die **[Raad]** hoof- uitvoerende beampte kan op die voorwaardes wat **[hy of sy]** die Raad goedvind, 'n werknemer van die WNNR, 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]** instelling of organisasie binne of buite die Republiek, mits so 'n werknemer se regte, voorregte en voordele uit hoofde van sy of haar diensvoorwaardes as werknemer van die WNNR nie deur sodanige afstand nadelig geraak word nie: **Met dien verstande dat 'n werknemer nie aan die diens van die regering van sodanige ander land of gebied, of van 'n persoon buite die Republiek, afgestaan word tensy die werknemer daartoe instem nie.**”; kanye 45
- (d) ngokususa isigatshana sesi-(2). 50

Ukuchithwa kwesigaba se-14 soMthetho wama-46 we-1988

6. Isigaba se-14 sombhalo wesiBhunu soMthetho WoMkhandlu Wezocwaningo Lwezesayensi, we-1988, sichithiwe lapha. 55

Amendment of section 15 of Act 46 of 1988, as amended by section 7 of Act 16 of 2011

7. Section 15 of the Scientific Research Council Act, 1988, is hereby amended—
- (a) by the substitution in subsection (1) for paragraph (c) of the following paragraph:
 - “(c) revenue obtained by virtue of the provisions of [subsections (4) and (5)] subsection (4);”;
 - (b) by the deletion in subsection (2) of paragraph (b); and
 - (c) by the deletion of subsections (3) and (5).

Insertion of section 15A in Act 46 of 1988

8. The following section is hereby inserted in the Scientific Research Council Act, 1988, after section 15:

“Liquidation of CSIR

15A. The CSIR may not be wound up except by or under the authority of an Act of Parliament.”.

Amendment of section 18 of Act 46 of 1988, as amended by section 9 of Act 16 of 2011

9. Section 18 of the Scientific Research Council Act, 1988, is hereby amended—
- (a) by the substitution for the words preceding paragraph (a) of the following words:
 - “The Minister may, after consultation with the Board, make regulations as to—”; and
 - (b) by the deletion of paragraphs (a), (b), (c), (d) and (e).

Amendment of section 19 of Act 46 of 1988

10. Section 19 of the Scientific Research Council Act, 1988, is hereby amended—
- (a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:
 - “(a) delegate to the chairperson, any member or committee of the Board or the chief executive officer [or any other employee of the CSIR] any [power conferred upon] function entrusted to the Board by or under this Act, on such conditions as the Board may determine [; or].”;
 - (b) by the deletion in subsection (1) of paragraph (b);
 - (c) by the substitution in subsection (2) for paragraph (a) of the following paragraph:
 - “(a) delegate to an employee of the CSIR any [power conferred upon] function entrusted to the chief executive officer by or under this Act [; or].”;
 - (d) by the deletion in subsection (2) of paragraph (b); and
 - (e) by the substitution for subsection (3) of the following subsection:
 - “(3) Any delegation under subsection (1) or (2) must be in writing and does not prohibit the [exercise] performance of the [power] function in question by the Board or the chief executive officer, as the case may be.”.

Amendment of section 1 of Act 67 of 2001, as amended by section 25 of Act 16 of 2011

11. Section 1 of the Academy of Science of South Africa Act, 2001, is hereby amended by the insertion after the definition of “Council” of the following definition:
- “ ‘**Executive Officer**’ means the person appointed as the Executive Officer of the Academy in terms of section 9B;”.

Ukuchitshiyelwa kwesigaba se-15 soMthetho wama-46 we-1988, njengokuba sichitshiyelwe yisigaba sesi-7 soMthetho we-16 wezi-2011

7. Isigaba se-15 sombhalo wesiBhunu soMthetho WoMkhandlu Wezocwaningo Lwezesayensi, we-1988, sichitshiyelwe lapha—

- (a) ngokufaka endaweni yesigatshana soku-(1) indima (c) indima elandelayo: 5
 “(c) inkomste verkry uit hoofde van die bepalings van [subartikels (4) en (5)] subartikel (4);”;
 (b) ngokususa isigatshana sesi-(2) indima (b); kanye
 (c) nokususa isigatshana sesi-(3) kanye nesesi-(5).

Ukufaka isigaba se-15A kuMthetho wama-46 we-1988 10

8. Isigaba esilandelayo lapha sifakwe embhalweni wesiBhunu eMthethweni WoMkhandlu Wezocwaningo Lwezesayensi, we-1988, emuva kwesigaba se-15:

“Likwidering van WNNR

15A. Die WNNR mag nie gelikwideer word behalwe op gesag van 'n Parlements wet nie.”. 15

Ukuchitshiyelwa kwesigaba se-18 soMthetho wama-46 we-1988, njengokuba uchitshiyelwe yisigaba sesi-9 soMthetho we-16 wezi-2011

9. Isigaba se-18 sesiBhunu soMthetho WoMkhandlu Wezocwaningo Lwezesayensi, we-1988, sichitshiyelwe lapha—

- (a) ngokufaka endaweni yamagama angaphambi kwendima (a) amagama ayi-10 20
 alandelayo:
 “Die Minister kan, na oorleg met die Raad, regulasies uitvaardig betreffende—”; kanye
 (b) nangokususa izindima (a), (b), (c), (d) kanye (e).

Ukuchitshiyelwa kwesigaba se-19 soMthetho wama-46 we-1988 25

10. Isigaba se-19 sombhalo wesiBhunu soMthetho WoMkhandlu Wezocwaningo Lwezesayensi, we-1988, sichitshiyelwe lapha—

- (a) ngokufaka endaweni yesigatshana (1) sendima (a) indima elandelayo:
 “(a) aan die voorsitter, enige lid of komitee van die Raad of die hoof-uitvoerende beampte [of 'n ander werknemer van die WNNR] 'n 30
 bevoegdheid by of kragtens hierdie Wet aan die Raad verleen, deleger op die voorwaardes wat die Raad bepaal[; of].”;
 (b) ngokususa isigatshana (1) sendima (b);
 (c) ngokufaka endaweni yesigatshana (2) sendima (a) indima elandelayo:
 “(a) aan 'n werknemer van die WNNR 'n [bevoegdheid] werksaamheid 35
 by of kragtens hierdie Wet aan die hoof- uitvoerende beampte [verleen] toevertrou, deleger[; of].”;
 (d) ngokususa isigatshana (2) sendima (b); kanye
 (e) ngokufaka endaweni yesigatshana (3) isigatshana esilandelayo:
 “(3) 'n Delegering kragtens subartikel (1) of (2) moet skriftelik wees 40
 en belet nie die [uitoefening] verrigting nie van die betrokke [bevoegdheid] werksaamheid deur die Raad of die hoof- uitvoerende beampte, na gelang van die geval.”.

Ukuchitshiyelwa kwesigaba 1 soMthetho wama-67 wezi-2001, njengokuba sichitshiyelwe yisigaba sama-25 soMthetho we-16 wezi-2011 45

11. Isigaba 1 soMthetho Wesikhungo Sesayensi eNingizimu Afrika, wezi-2001, sichitshiyelwe lapha ngokufaka emuva kwencazelo “uMkhandlu” incazelo elandelayo:

“**‘Isikhulu esiphezulu’** kusho umuntu oqokwe njengeSikhulu Esiphezulu sesikhungo ngokwemigomo yesigaba se-9B;”.

Amendment of section 2 of Act 67 of 2001, as substituted by section 26 of Act 16 of 2011

12. Section 2 of the Academy of Science of South Africa Act, 2001, is hereby amended by the deletion of subsection (2).

Amendment of section 5 of Act 67 of 2001, as amended by section 27 of Act 16 of 2011

13. Section 5 of the Academy of Science of South Africa Act, 2001, is hereby amended—

- (a) by the substitution for subsection (8) of the following subsection:

“(8) Existing Members of the Academy will **[then]** be required, in a secret ballot, to cast votes that are either for or against every candidate passed by the Council **[or that indicate a neutral position]**.”;
- (b) by the deletion of subsection (10);
- (c) by the insertion after subsection (10) of the following subsections:

“(10A) A candidate in each discipline group is considered for membership if the majority of votes received are in his or her favour.
(10B) The Council, subject to subsection (10A), must decide on candidates to be elected members of the Academy.”;
- (d) by the deletion of subsections (11) and (12); and
- (e) by the substitution for subsection (13) of the following subsection:

“(13) An unsuccessful candidate or a Member who had his or her membership terminated may appeal to the **[Council]** Appeal Committee in the prescribed manner.”.

Amendment of section 6 of Act 67 of 2001, as amended by sections 27 and 28 of Act 16 of 2011

14. Section 6 of the Academy of Science of South Africa Act, 2001, is hereby amended—

- (a) by the insertion after subsection (4B) of the following subsection:

“(4C) The Council must be broadly representative of the demographics of the Republic.”; and
- (b) by the addition of the following subsections:

“(7) The Council must determine the procedure at its meetings.
(8) The chairperson of the Council—
(a) may convene a special meeting of the Council at any time; and
(b) must convene a special meeting within 14 days of a written request to convene such a meeting, signed by at least one third of the members of the Council.
(9) A member of the Council may not vote or in any manner be present during or participate in the proceedings at any meeting of the Council if, in relation to any matter before the Council, he or she may have an interest which precludes him or her from performing his or her functions as a member of the Council in a fair, unbiased and proper manner.
(10) A decision taken by the Council or an act performed under the authority of the Council is not invalid if there is a vacancy on the Council or where a person who is not a member of the Council was present at the meeting when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by the requisite majority of members of the Council who were present at the time and entitled to sit as members.
(11) A member of the Council must, upon appointment and thereafter annually, disclose to the Minister, by way of written statement, any interest which could reasonably compromise the Council in the performance of its functions.”.

Ukuchitshiyelwa kwesigaba sesi-2 soMthetho wama-67 wezi-2001, njengokuba kufakwe endaweni yaso yisigaba sama-26 soMthetho we-16 wezi-2011

12. Isigaba 2 soMthetho Wesikhungo Sesayensi eNingizimu Afrika, wezi-2001, lapha sichitshiyelwe ngokususa isigatshana (2).

Ukuchitshiyelwa kwesigaba 5 soMthetho wama-67 wezi-2001, njengokuba sichitshiyelwe yisigaba sama-27 soMthetho we-16 wezi-2011 5

13. Isigaba 5 soMthetho Wesikhungo Sesayensi eNingizimu Afrika, wezi-2001, sichitshiyelwe lapha—

- (a) ngokufaka endaweni yesigatshana (8) isigatshana esilandelayo: 10
 “(8) Wonke amalungu akhona eSikhungo [**kuyodingeka**] kudingeka ukuba avote, ngokwewoti eliyimfihlo, asho ukuthi ayamamukela noma awamamukeli umuntu othile odluliswe nguMkhandlu [**noma akhombise uma esesimweni sokungavuni muntu noma ukungakhethi muntu (neutral)**].”;
 (b) ngokususa isigatshana (10); 15
 (c) ngokufaka emuva kwesigatshana (10) izigatshana ezilandelayo:
 “(10A) Umuntu ongenele ukhetho eqenjini ngalinye uyabhekelwa ubulungu uma iningi lamavoti elitholiwe livumela yena.
 (10B) Umkhandlu, ngokwesigaba (10A), kumele unqume ngabantu abazokhethelwa amalungu oMkhandlu.”; 20
 (d) ngokususa isigatshana (11) kanye (12); kanye
 (e) nangokufaka endaweni yesigatshana (13) isigatshana esilandelayo:
 “(13) Umuntu ongaphumelelanga angadlulisa isikhalo sakhe [**eMkhandlwini**] eKomidini Lesikhalazo ngokulandela indlela emisiwe.”. 25

Ukuchitshiyelwa kwesigaba sesi-6 soMthetho wama-67 wezi-2001, njengokuba sichitshiyelwe yisigaba sama-27 kanye nesama-28 soMthetho we-16 wezi-2011

14. Isigaba sesi-6 soMthetho Wesikhungo Sesayensi eNingizimu Afrika, wezi-2001, sichitshiyelwe lapha—

- (a) ngokufaka emuva kwesigatshana (4B) isigatshana esilandelayo: 30
 “(4C) Umkhandlu kumele umele zonke izinhlobo zabantu kuRiphabhulikhi.”; kanye
 (b) nokwengeza izigatshana ezilandelayo:
 “(7) Umkhandlu kumele unqume inqubo emihlanganweni yawo.
 (8) Usihlalo woMkhandlu— 35
 (a) angaqalisa umhlangano woMkhandlu oyisipesheli nganoma yisiphi isikhathi; futhi
 (b) kumele aqale umhlangano oyisipesheli ezinsukwini eziyi-14 zokubhala isicelo esibhaliwe sokuqala umhlangano onjalo, sisayinwe okungenani yikota yamalunga oMkhandlu. 40
 (9) Ilunga loMkhandlu lingangavoti noma nganoma iyiphi indlela lingabi bikho kunoma yimuphi umhlangano woMkhandlu uma, maqondana nanoma yiluphi udaba ngaphambi koMkhandlu, elingaba nentshisekelo eyenza lingakwazi ukwenza imisebenzi yalo njengelunga loMkhandlu ngendlela enobulungiswa, engancikile futhi ngendlela elungile. 45
 (10) Isinqumo esithathwe ngumkhandlu noma isenzo esenziwe ngaphansi kwegunya loMkhandlu uma kunesikhala eMkhandlwini noma lapho umuntu ongelona ilungu loMkhandlu ekhona emhlanganweni ngenkathi kuthathwa isinqumo noma isenzo sagunyazwa, uma isinqumo sesithathiwe noma isenzo sigunyazwe yiningi elifanele lamalunga oMkhandlu ayekhona ngaleso sikhathi futhi ababenegunya lokuhlala njengamalunga. 50
 (11) Ilunga loMkhandlu kumele, lapho liqokwa futhi nokulandela lokho njalo ngonyaka, liveze kuNgqongqoshe, ngesitatimende esibhaliwe, izinto ezingaba nomthelela ongemuhle eMkhandlwini ekwenzeni imisebenzi yawo.”. 55

Amendment of section 7 of Act 67 of 2001, as amended by section 29 of Act 16 of 2011 and section 8 of Act 7 of 2014

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

- (a) by the substitution for subsection (3) of the following subsection: 5
 “(3) Any member of the Council [**wishing to resign his or her membership**] must tender his or her resignation in writing to the [**chairperson of the Council**] Minister.”; and
- (b) by the insertion after subsection (4) of the following subsection: 10
 “(4A) The Minister may, on recommendation of the Council, remove a member of the Council from office on the grounds of misconduct, incapacity, incompetence or any other reasonable ground.”.

Amendment of section 8 of Act 67 of 2001, as amended by section 30 of Act 16 of 2011

16. Section 8 of the Academy of Science of South Africa Act, 2001, is hereby amended— 15

- (a) by the substitution for the heading of the following heading:
 “**Committees of [the Academy] Council**”;
- (b) by the substitution for subsection (2) of the following subsection: 20
 “(2) A committee referred to in subsection (1) consists of such number of members of the [Academy] Council, and employees of the Academy, if any, and any other persons with suitable skills or experience as the Council may deem necessary, and the Council may at any time dissolve or reconstitute a committee.”; and
- (c) by the addition of the following subsections: 25
 “(5) The Council must establish an Appeal Committee.
 (6) The Appeal Committee must consist of—
 (a) a person qualified in law who has appropriate experience and who must be appointed as chairperson;
 (b) a professional who has appropriate experience; and 30
 (c) a person who specialises in the professional field concerning the appeal.
 (7) A member of the Appeal Committee may not be a member of the Academy.
 (8) The Appeal Committee must conduct the appeal in accordance 35
 with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
 (9) The Appeal Committee must decide an appeal within 60 days from the date on which the appeal was lodged and must inform the appellant and the Council concerned accordingly.”. 40

Insertion of sections 9A and 9B in Act 67 of 2001

17. The following sections are hereby inserted in the Academy of Science of South Africa Act, 2001, after section 9:

“Remuneration of members of committees

9A. A member of a committee contemplated in section 8, who is not a 45
 member of the Academy or in the full-time employ of the Academy or State, must be paid such allowances as the Council may determine in consultation with the Minister as determined by the National Treasury.

Executive Officer of Academy

9B. (1) The Council must, in consultation with the Minister, appoint a 50
 suitably qualified and skilled person as Executive Officer of the Academy.

Ukuchitshiyelwa kwesigaba 7 soMthetho wama-67 wezi-2001, njengokuba uchitshiyelwe yisigaba sama-29 woMthetho we-16 wezi-2011 kanye nesigaba sesi-8 soMthetho we-7 wezi-2014

15. Isigaba se-7 soMthetho Wesikhungo Sesayensi eNingizimu Afrika, wezi-2001, sichitshiyelwe lapha— 5

(a) ngokufaka endaweni yesigatshana (3) isigatshana esilandelayo:

“(3) Noma iliphi ilunga loMkhandlu [**elifisa ukushiya isikhundla sobulunga**] kufanele lilethe isaziso sokushiya kwalo sibhaliwe sibhekiswe [**kuMongameli kanti uMkhandlu**] kuNgqongqoshe.”. kanye

(b) nokufaka emuva kwesigatshana (4) isigatshana esilandelayo: 10

“(4A) UNgqongqoshe, ngesincomo somkhandlu, angasusa ilunga loMkhandlu ehhovisi ngezizathu zokungaziphathi kahle kanye nokungakwazi ukusebenza noma nganoma yiziphi izizathu ezifanele.”.

Ukuchitshiyelwa kwesigaba sesi-8 soMthetho wama-67 wezi-2001, njengokuba sichitshiyelwe yisigaba sama-30 soMthetho we-16 wezi-2011 15

16. Isigaba sesi-8 soMthetho Wesikhungo Sesayensi eNingizimu Afrika, wezi-2001, sichitshiyelwe lapha—

(a) ngokufaka endaweni yesihloko isihloko esilandelayo:

“**Ikomiti [lesSikhungo] loMkhandlu**”;

(b) ngokufaka endaweni yesigatshana (2) isigatshana esilandelayo: 20

“(2) A Ikomiti okukhulunywa ngalo kusigatshana (1) liyokwakhiwa amalunga athile [**eSikhungo**] oMkhandlu, kanye nabasebenzi beSikhungo, kanye nanoma yimuphi umuntu uMkhandlu oyobona enama-khono kanye nesipiliyoni afanele, uma ekhona, uMkhandlu ungachitha noma usungule kabusha ikomiti noma ingasiphi isikhathi uma ubona kufanele.”; kanye

(c) nokwengeza isigatshana esilandelayo:

“(5) Umkhandlu kumele usungule iKomidi Lokubuyekeza.

(6) Ikomidi Lokubuyekeza kumele libe—

(a) nomuntu oneziqu zomthetho onesipiliyoni esifanele futhi okumele aqokwe ngusihlalo; 30

(b) uchwepheshe onesipiliyoni esifanele; kanye

(c) nomuntu onobuchwepheshe ezintweni ezithinta ukubuyekezwa.

(7) ilungu leKomidi lokuBuyekeza ngeke likwazi ukuba yilunga lesikhungo. 35

(8) Ikomidi Lokubuyekeza kumele lenze ukubuyekeza okuhambisana ne-Promotion of Administrative Justice Act, yezi-2000 (uMthetho No. 3 wezi-2000).

(9) Ikomidi Lokubuyekeza kumele linqume ukubuyekeza ezinsukwini ezingama-60 kusukela ngosuku lapho ukubuyekezwa kwenziwe khona futhi kumele lazise umfaki wesicelo sokubuyekeza kanye noMkhandlu ofanele ngokufanele.”. 40

Ukufaka isigaba sesi-9A kanye nesesi-9B kuMthetho wama-67 wezi-2001

17. Izigaba ezilandelayo zifakiwe lapha kuMthetho Wesikhungo Sesayensi eNingizimu Afrika, wezi-2001, emuva kwesigaba se-9: 45

“Ukukhokhelwa kwamalungu amakomidi

9A. Ilungu leKomidi okukhulunywe ngalo esigabeni sesi-8, elingelona ilungu lesikhungo noma elingaqashwanga ngokugcwele Esikhungweni noma Embusweni, kumele likhokhelwe imali enjalo njengokuba uMkhandlu unganquma ngokuxoxisana noNgqongqoshe njengokuba kunqume uMgcinimafa kaZwelonke. 50

Isikhulu Esiphezulu Sesikhungo

9B. (1) Umkhandlu kumele, ngokuxoxisana noNgqongqoshe, uqoke umuntu ofanele futhi onekhono elifanele njengeSikhulu Esiphezulu somkhandlu. 55

(2) The appointment must be made after following a transparent and competitive selection process.

(3) The Executive Officer is responsible for the administration, general management and control of the day-to-day functioning of the Academy, subject to the directions and instructions of the Council.

(4) The Executive Officer is accountable to the Council on the matters referred to in subsection (3).

(5) The Executive Officer holds office for a period not exceeding five years and is eligible for reappointment on expiry of his or her term by the Council in consultation with the Minister.

(6) The Executive Officer holds office on such terms and conditions, including those relating to remuneration and allowances, as the Council, in consultation with the Minister, may determine.

(7) The Executive Officer must enter into a performance agreement with the Council within three months of taking up his or her post as Executive Officer.

(8) Whenever for any reason the Executive Officer—

(a) is absent from office 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, after consultation with the Minister, appoint any senior person in the service of the Academy who meets the requirements contemplated in subsection (1) to act as Executive Officer, until the Executive Officer is able to resume those functions or until the vacant position of Executive Officer is filled.

(10) If the Executive Officer is absent from office for a period of less than two months he or she may, after consultation with the Council, appoint any senior person in the service of the Academy to act as Executive Officer for that period.

(11) The acting Executive Officer has all the powers and performs all the duties of the Executive Officer.”.

Amendment of section 10 of Act 67 of 2001, as amended by section 32 of Act 16 of 2011

18. Section 10 of the Academy of Science of South Africa Act, 2001, is hereby amended—

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

“(a) The [Council] Executive Officer may, subject to paragraph (b) and on such conditions as [it] the Council may determine, appoint such employees or receive on secondment such number of persons as [it] he or she deems necessary to enable the Academy to perform its functions.”; and

(b) by the substitution for paragraph (c) of the following paragraph:

“(c) The [Council] Executive Officer may, on such conditions as [it] the Council may [deem fit] determine, and if the employee consents thereto, second an employee, either for a particular task or for a period of time, to the service of a department of State, an organisation or institute in the Republic on condition that such employee’s rights, privileges and benefits by virtue of his or her conditions of service as an employee of the Academy are not adversely affected by such secondment.”.

Insertion of sections 15A and 15B in Act 67 of 2001

19. The following sections are hereby inserted in the Academy of Science of South Africa Act, 2001, after section 15:

“Delegations

15A. (1) The Council may, on such conditions as the Council may determine, delegate to the chairperson, any member or committee of the Council or the Executive Officer any function entrusted to the Council by or under this Act.

(2) Ukuqokwa kumele kwenziwe kungaba yimfihlo kanye nendlela yokuhudlana.

(3) Isikhulu Esiphezulu sibhekele ukuphatha okwejoyelekile kanye nokulawula ukusebenza kwansuku zonke Kwesikhungo, ngokwemiyalelo yomkhandlu.

(4) Isikhulu Esiphezulu siphendula kuMkhandlu okukhulunywe ngawo esigatshaneni (3).

(5) Isikhulu Esiphezulu siba sehhovisi isikhathi esingevile eminyakeni emihlanu futhi sivumelekile ukuthi siqokwe futhi emuva kokuphelelwa yisikhathi ngumkhandlu ngokuxoxisana noNgqongqoshe.

(6) Isikhulu Esiphezulu siba sehhovisi emigomweni kanye nemibandela enjalo okuhlenganisa ukukhokhelwa kanye nesibonelelo, njengokuba uMkhandlu, ngokuxoxisana noNgqongqoshe, unganquma.

(7) Isikhulu esiphezulu kumele singene esivumelwaneni sokusebenza noMkhandlu ezinyangeni ezintathu emuva kokuthatha isikhundla Njenge-sikhulu Esiphezulu. Umkhandlu kumele, ngokuxoxisana noNgqongqoshe, uqoke umuntu ofanele futhi onekhono elifanele njengeSikhulu Esiphezulu somkhandlu.

(8) Nganoma yisiphi isizathu Isikhulu Esiphezulu—

(a) singekho ehovisi isikhathi ezingaphezu kwezinyanga ezimbili;

(b) singakwazi ukwenza imisebenzi; noma

(c) siyeka ukuba sehhovisi,

uMkhandlu, emuva kokuxoxisana noNgqongqoshe, ungaqoka noma yimuphi umuntu ophezulu Esikhungweni onazo zonke izimfuneko okukhulunywe ngazo esigatshaneni (1) ukuthi abe yibamba Lesikhulu Esiphezulu, kuze kube Isikhulu Esiphezulu siyabuya ukuzokwenza umsebenzi waso noma kuze kube isikhala Sesikhulu Esiphezulu sivaliwe.

(10) Uma Isikhulu Esiphezulu singekho ehovisi isikhathi esingaphansi kwezinyanga ezimbili, emuva kokuxoxisana noMkhandlu, singaqoka noma yimuphi umuntu osesikhundleni esiphezulu ukuthi abe yibamba Lesikhulu Esiphezulu ngaleso sikhathi.

(11) Ibamba Lesikhulu Esiphezulu inawo wonke amandla okwenza umsebenzi wakhe Njengesikhulu Esiphezulu.”.

Ukuchitshiyelwa kwesigaba se-10 soMthetho wama-67 wezi-2001, njengokuba sichitshiyelwe yisigaba sama-32 soMthetho we-16 wezi-2011

18. Isigaba se-10 soMthetho Wesikhungo Sesayensi eNingizimu Afrika, wezi-2001, sichitshiyelwe lapha—

(a) ngokufaka endaweni yendima (a) indima elandelayo:

“(a) **[Umkhandlu]** Isikhulu Esiphezulu singaqasha abasebenzi noma sivunyelwe ukuthatha inani elinjalo labantu ngaphansi kwemibandela ethile uma uMkhandlu **[sibona]** ubona kudingekile ukuze iSikhungo sikwazi ukwenza umsebenzi waso ngokuhambisana nokushiwo isigatshana (b).”; kanye

(b) nokufaka endaweni yendima (c) indima elandelayo:

“(c) **[Isikhungo]** Isikhulu Esiphezulu kungathi uma uMkhandlu **[sibona]** ubona kufanele emva kokuvumelana nomsebenzi sidlulisele noma sesekele lowo msebenzi ukuba ayokwenza umsebenzi othile noma isikhathi esithile eMnyangweni kaHulumeni, inhlangano noma isikhungo esiseRiphabliki ngaphansi kwemibandela efana nokuthi amalungelo kanye nezimfanelo zalowo msebenzi ngeke kuthikamezeke ngokwesekelwa kwakhe.”.

Ukufaka izigaba 15A kanye no 15B kuMthetho wama-67 wezi-2001

19. Izigaba ezilandelayo zifakiwe lapha kuMthetho Wesikhungo Sesayensi eNingizimu Afrika, wezi-2001, emuva kwesigaba se-15:

“Izithunywa

15A. (1) Umkhandlu, ezimweni ezinjalo njengokuba uMkhandlu unga-nquma, ungathumela usihlalo, noma yiliphi ilunga leKomidi noma uMkhandlu weKomidi noma Isikhulu Esiphezulu noma imuphi umsebenzi onikwe uMkhandlu nguMthetho noma ngaphansi kwalo Mthetho.

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(2) The Executive Officer may, subject to such conditions as he or she may determine, delegate to an employee of the Academy any function entrusted to the Executive Officer by or under this Act.

(3) A delegation in terms of subsection (1) or (2) must be in writing and does not preclude the performance of the function in question by the Council or the Executive Officer, as the case may be. 5

Liquidation of Academy

15B. The Academy may not be wound up except by or under the authority of an Act of Parliament.”.

Insertion of section 4A in Act 17 of 2008

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20. The following section is hereby inserted in the Human Sciences Research Council Act, 2008, after section 4:

“Performance of functions outside Republic

4A. (1) The Council may, subject to legislation and other formal agreements regarding international cooperation and in order to achieve its objectives, perform any function in any territory outside the Republic. 15

(2) This Act must, as far as it can be applied with the necessary changes, apply in connection with the performance by the Council of its functions under subsection (1) as if the territory in which it so performs its functions were part of the Republic.”. 20

Amendment of section 5 of Act 17 of 2008, as amended by section 15 of Act 7 of 2014

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

(a) by the substitution in subsection (6) for paragraph (b) of the following paragraph: 25

“(b) the [member’s estate is sequestrated or assigned for the benefit of, or if the member compounds with, the creditors of the] member is an unrehabilitated insolvent;”;

(b) by the substitution in subsection (6)(d) for subparagraph (ii) of the following subparagraph: 30

“(ii) fraud, corruption or any other crime involving dishonesty, within a period of 10 years preceding the date of nomination in terms of subsection (3)(a);”;

(c) by the substitution in subsection (6) for paragraph (h) of the following paragraph: 35

“(h) the member as a result of improper conduct is removed from a position of trust [by a competent court of law].”.

Substitution of section 6 of Act 17 of 2008

22. The following section is hereby substituted for section 6 of the Human Sciences Research Council Act, 2008: 40

“Remuneration

6. Any member of the Board and of any committee of the Board who is not in the full-time employ of the State or who is not in the employ of the Council must be paid such allowances as the [Minister of Finance] National Treasury may determine.”. 45

Amendment of section 7 of Act 17 of 2008

23. Section 7 of the Human Sciences Research Council Act, 2008, is hereby amended by the addition of the following subsection:

“(8) A decision taken by the Board or an act performed under the authority of the Board is not invalid if— 50

(2) Isikhulu Esiphakeme, ngokwemibandela enjalo singanquma, ukuthumela umsebenzi Wesikhungo kunoma yimiphi imisebenzi enikwe Isikhulu Esiphezulu ngalo Mthetho noma ngaphansi kwalo Mthetho.

(3) Ukuthunyelwa ngokwemigomo yesigatshana (1) noma (2) kumele kubhalwe futhi akukhiphi ngaphandle ukwenza umsebenzi okukhulunywa ngawo ngoMkhandlu noma Isikhulu Esiphakeme, njengokuba isimo sisho.

5

Ukuhlukanisa Isikhungo

15B. Isikhungo asikwazi ukuphela ngaphandle kokwenziwa nguMthetho noma ngaphansi koMthetho wePhalamende.”.

Ukufaka isigaba 4A eMthethweni we-17 wezi-2008

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20. Isigaba esilandelayo sifakiwe lapha kuMthetho WoMkhandlu WezoCwaningo LweSayensi Yabantu, wezi-2008, emuva kwesigaba sesi-4:

“Ukwenzeka kwemisebenzi ngaphandle kweRiphabhulikhi

4A. (1) Umkhandlu, ngokomthetho kanye nezinye izivumelwano maqondana nokusebenzisana kwamazwe omhlaba ukuze uzuze izinjongo zawo, wenze noma yimuphi umsebenzi kunoma iyiphi indawo ngaphandle kweRiphabhulikhi.

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(2) Lo Mthetho, ungasetshenziswa noshintsho olufanele, usetshenziswe ngokuhambisana nokusebenza komkhandlu kanye nemisebenzi ngaphansi kwesigatshana (1) engathi indawo lapho wenza imisebenzi yawo yindawo eyingxenywe yeRiphabhulikhi.”.

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Ukuchitshiyelwa kwesigaba 5 soMthetho 17 wezi-2008, njengokuba sichitshiyelwe yisigaba 15 noMthetho 7 wezi-2014

21. Isigaba sesi-5 soMthetho WoMkhandlu WezoCwaningo LweSayensi Yabantu, wezi-2008, sichitshiyelwe lapha—

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(a) ngokufaka endaweni yesigatshana (6) indima (b) yesigaba esilandelayo:

“(b) [impahla yelunga edliwe ukuzuzisa, noma uma ilunga lisebenza, nabezikweletu] ilunga alikwazi ukukhokha;”;

(b) ngokufaka endaweni esigatshaneni (6)(d) sendinyana (ii) indinyana elandelayo:

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“(ii) inkohlakalo, ukukhwabanisa nanoma yiliphi icala lokunga-thembeki, esikhathini seminyaka eyi-10 ngaphambi kosuku Lokukhetha ngokwemigomo yesigatshana (3)(a);”;

(c) nokufaka endaweni yesigatshana (6) indima (h) indima elandelayo:

“(h) ilungu ngenxa yokungaziphathi kahle likhishwe esikhundleni sokwethenjwa [yinkantolo yomthetho efanele].”.

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Ukufaka endaweni yesigaba 6 soMthetho we-17 wezi-2008

22. Isigaba esilandelayo sifakwe endaweni yesigaba sesi-6 soMthetho WoMkhandlu WezoCwaningo LweSayensi Yabantu, wezi-2008:

“Ukukhokhelwa

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6. Noma yiliphi ilunga lebhodi kanye nanoma iliphi ikomidi lebhodi elingaqashwanga ngokugcwele eMbusweni noma elingaqashwanga ngumkhandlu kumele likhokhelwe njengokuba [uNgqongqoshe wezezi-Mali] uMgcinimafa kaZwelonke enganquma.”.

Ukuchitshiyelwa kwesigaba sesi-7 soMthetho 17 wezi-2008

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23. Isigaba sesi-7 soMthetho WoMkhandlu WezoCwaningo LweSayensi Yabantu, wezi-2008, sichitshiyelwe ngokwengeza isigatshana esilandelayo:

“(8) Isinqumo esithathwe yiBhodi noma isenzo esenziwe ngaphansi kwamandla eBhodi sivumelekile uma—

- (a) there is a vacancy on the Board; or
- (b) a person who is not a member of the Board was present at the meeting when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by the requisite majority of members of the Board who were present at the time and entitled to sit as members.”. 5

Amendment of section 8 of Act 17 of 2008

24. Section 8 of the Human Sciences Research Council Act, 2008, is hereby amended by the insertion after subsection (2) of the following subsections:

- “(2A) The Board must designate a member of the committee as the chairperson thereof. 10
- (2B) A member of the Board may not serve on more than two committees at a time.”.

Amendment of section 10 of Act 17 of 2008, as amended by section 17 of Act 7 of 2014 15

25. 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, in consultation with the Minister, appoint a suitable skilled and qualified person as the chief executive officer.”; 20
- (b) by the substitution in subsection (6) for the words following paragraph (c) of the following words:
 - “the Board may, [in] after consultation with the Minister, appoint any senior person in the service of the Council who meets the requirements contemplated in subsection (1)(a) to act as chief executive officer.”; 25
- (c) by the substitution for subsection (7) of the following subsection:
 - “(7) If the chief executive officer is absent for a period of less than two months [the Board may] he or she may, after consultation with the Board, appoint a senior person in the service of the Council to act as chief executive officer during that period.”; and 30
- (d) by the deletion of subsection (9).

Amendment of section 11 of Act 17 of 2008

26. Section 11 of the Human Sciences Research Council Act, 2008, is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (a) of the following paragraph: 35
 - “(a) must, on such conditions as [he or she] the Board may determine, appoint such number of employees or receive on secondment such number of persons as are necessary to enable the Council to perform its functions.”; and 40
- (b) by the substitution in subsection (2) for paragraph (b) of the following paragraph:
 - “(b) structures for remuneration, allowances, subsidies and other benefits for employees contemplated in subsection (1) in accordance with a system as may be [approved by the Minister with the concurrence of the Minister of Finance] determined by the National Treasury.”. 45

Amendment of section 12 of Act 17 of 2008

27. Section 12 of the Human Sciences Research Council Act, 2008, is hereby amended by the substitution for subsection (4) of the following subsection: 50

- “(4) A person who is in the employ of the Council may, with his or her consent and with the approval of the chief executive officer, be transferred or seconded to the employ of another institution within or outside the Republic.”.

- (a) kunesikhala kuBhodi; noma
 (b) umuntu ongelona ilunga lebhodi ekhona emhlanganweni lapho isinqumo sasithathwe khona noma umthetho wawuvunyelwe, khona, uma isinqumo sithathiwe noma umthetho uvunyelwe yiningi elidingekayo lamalungu eBhodi ayekhona ngesikhathi futhi enelungelo lokuhlala njengamalungu.”. 5

Ukuchitshiyelwa kwesigaba 8 soMthetho 17 wezi-2008

24. Isigaba sesi-8 soMthetho WoMkhandlu WezoCwaningo LweSayensi Yabantu, wezi-2008, sichitshiyelwe lapha ngokufaka emuva kwesigatshana (2) isigatshana esilandelayo: 10

“(2A) Ibhodi kumele liqoke ilunga leKomidi njengosihlalo.

(2B) Ilunga lebhodi akumele lisebenzele amakomidi angaphezu kwelilodwa ngesikhathi.”.

Ukuchitshiyelwa kwesigaba 10 soMthetho 17 wezi-2008, njengokuba sichitshiyelwe yisigaba 17 soMthetho 7 wezi-2014 15

25. Isigaba 10 soMthetho WoMkhandlu WezoCwaningo LweSayensi Yabantu, wezi-2008, sichitshiyelwe lapha—

- (a) ngokufaka endaweni yesigatshana (1) isigatshana esilandelayo:
 “(1) Ibhodi kumele, ngokuxoxisana noNgqongqoshe, liqoke umuntu onekhono futhi ofanele njengesikhulu esiphezulu.”; 20
- (b) ngokufaka endaweni yesigatshana (6) amagama alandela indima (c) amagama alandelayo:
 “iBhodi, [ekuxoxisaneni] emuva kokuxoxisana noNgqongqoshe, lingaqoka umuntu ophezulu osebenzela uMkhandlu ofanele okukhulunywe ngaye esigatshaneni (1)(a) ukuthi abe yibambela lesikhulu esiphezulu.”; 25
- (c) ngokufaka endaweni yesigatshana (7) sesigatshana esilandelayo:
 “(7) Uma isikhulu esiphezulu singekho isikhathi esingevile ezinyanngeni ezimbili [iBhodi], emuva kokuxoxisana neBhodi, singaqoka umuntu ophezulu osemsebenzini woMkhandlu ukuthi abambeke Isikhulu Esiphezulu ngaleso sikhathi.”; kanye 30
- (d) nangokususa isigatshana (9).

Ukuchitshiyelwa kwesigaba sesi-11 soMthetho 17 wezi-2008

26. Isigaba se-11 soMthetho—

- (a) ngokufaka endaweni yesigatshana (1) indima (a) indima elandelayo:
 “(a) kumele, emuva kwezimo ezinjalo, iBhodi linganquma, lingaqoka inani labasebenzi noma lithole ukuvunyelwa yinani labantu abadingekayo lokuthi uMkhandlu wenze imisebenzi yawo.”; kanye 35
- (b) nangokufaka endaweni yesigatshana (2) indima (b) indima elandelayo:
 “(b) ukukhokhelwa kwamagatsha, izibonelelo, imixhaso kanye nezinye izinzuzo zabasebenzi okukhulunywe ngazo esigatshaneni (1) ngokuhambisana nohlelo [olungavunyelwa nguNgqongqoshe ngesikhathi esisodwa noNgqongqoshe wezeziMali] kunganqunywa uMgcinimafa kaZwelonke.”. 40

Ukuchitshiyelwa kwesigaba 12 soMthetho 17 wezi-2008 45

27. Isigaba 12 soMthetho WoMkhandlu WezoCwaningo LweSayensi Yabantu, wezi-2008, sichitshiyelwe lapha ngokufaka endaweni esigatshaneni (4) isigatshana esilandelayo:

- “(4) Umuntu oqashwe ngumkhandlu, ngokuvuma kwakhe kanye nokuvuma kwesikhulu esiphezulu, angadluliswa noma asekwe ukuthi aqashwe ngesinye isikhungo ngaphakathi noma ngaphandle kweRiphabhulikhi.”. 50

Amendment of section 15 of Act 17 of 2008

28. Section 15 of the Human Sciences Research Council Act, 2008, is hereby amended by the deletion of subsection (4).

Amendment of section 16 of Act 17 of 2008

29. Section 16 of the Human Sciences Research Council Act, 2008, is hereby amended by the substitution for subsection (3) of the following subsection: 5

“(3) A delegation in terms of subsection (1) or (2) must be in writing and does not preclude the performance of the function in question by the Board or the chief executive officer, as the case may be.”.

Insertion of section 16A in Act 17 of 2008

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

“Liquidation of Council

16A. The council may not be wound up except by or under the authority of an Act of Parliament.”.

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Amendment of section 17 of Act 17 of 2008

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

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 20

“The Minister may, after consultation with the Board, make regulations regarding—”; and

(b) by the deletion of subsection (2).

Amendment of section 2 of Act 26 of 2008

32. Section 2 of the Technology Innovation Agency Act, 2008, is hereby amended by the substitution for subsection (1) of the following subsection: 25

“(1) There is hereby established a juristic person known as the Technology Innovation Agency [**which is capable of suing and being sued in its own name and of performing, subject to this Act, such acts as are necessary for or incidental to the carrying out of its objects**].”.

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Insertion of section 4A in Act 26 of 2008

33. The following section is hereby inserted in the Technology Innovation Agency Act, 2008, after section 4:

“Performance of functions outside Republic

4A. (1) The Agency may, subject to legislation and other formal agreements regarding international cooperation and in order to achieve its objectives, perform any function in any territory outside the Republic. 35

(2) This Act must, as far as it can be applied with the necessary changes, apply in connection with the performance by the Agency of its functions under subsection (1) as if the territory in which it so performs its functions were part of the Republic.”. 40

Amendment of section 6 of Act 26 of 2008

34. Section 6 of the Technology Innovation Agency Act, 2008, is hereby amended—

(a) by the substitution for paragraph (b) of the following paragraph:

Ukuchitshiyelwa kwesigaba 15 soMthetho 17 wezi-2008

28. Isigaba se-15 soMthetho WoMkhandlu WezoCwaningo LweSayensi Yabantu, wezi-2008, sichitshiyelwe lapha ngokususa isigatshana (4).

Ukuchitshiyelwa kwesigaba 16 soMthetho 17 wezi-2008

29. Isigaba se-16 soMthetho WoMkhandlu WezoCwaningo LweSayensi Yabantu, wezi-2008, sichitshiyelwe lapha ngokufaka endaweni esigatshaneni (3) isigatshana esilandelayo: 5

“(3) Ukuthunywa ngokwesigatshana (1) noma (2) kumele kubhalwe futhi akususi ukwenziwa kwemisebenzi iBhodi elikhuluma ngayo, njengokuba isimo siveza.”.

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Ukufakwa kwesigaba 16A kuMthetho 17 wezi-2008

30. Isigaba esilandelayo sifakiwe lapha kuMthetho WoMkhandlu WezoCwaningo LweSayensi Yabantu, wezi-2008, emuva kwesigaba 16:

“Ukuqeda uMkhandlu

16A. Umkhandlu ngeke uqedwe ngaphandle uma kugunyazwe ngaphansi koMthetho wePhalamende.”.

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Ukuchitshiyelwa kwesigaba 17 soMthetho 17 wezi-2008

31. Isigaba se-17 soMthetho WoMkhandlu WezoCwaningo LweSayensi Yabantu, wezi-2008, sichitshiyelwe lapha—

(a) ngokufaka endaweni yesigatshana (1) amagama alandela indima (a) amagama alandelayo: 20

“uNgqongqoshe, emuva kokuxoxisana neBhodi, angenza imithetho-zimiso maqondana—”; kanye

(b) nokususwa kwesigatshana (2).

Ukuchitshiyelwa kwesigaba 2 soMthetho 26 wezi-2008

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32. Isigaba 2 sombhalo weSepedi we*Technology Innovation Agency Act*, wezi-2008, uchitshiyelwe lapha ngokufaka endaweni yesigatshana (1) isigatshana esilandelayo:

“(1) Mo go hlongwa setho sa molao seo se tla go tsebja bjalo ka Etšensi ya Kaonafatšo ya Theknolotši [yeo e nago le bokgoni bja go sekiša le go sekišwa ka leina le mediro ya yona, go ya ka Molao wo, melao ye bjale e a nyakega go goba e bohiokwa go tšwetša peie merero ya yona].”.

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Ukufakwa kwesigaba 4A soMthetho 26 wezi-2008

33. Isigaba esilandelayo sifakiwe embhalweni weSepedi ku*Technology Innovation Agency Act*, wezi-2008, emuva kwesigaba 4:

“Phethagatšo ya mešomo ka ntle ga Rephabliki

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4A. (1) Etšensi e tla, go ya ka molao le ditumelelano semmušo tše dingwe mabapi le tšhomišano ya dinaga tša lefase le gore e kgone go fihlelela merero ya yona, e tla phethagatša mešomo ya yona lefelong le lengwe le le lengwe ka ntle ga Rephabliki.

(2) Molao o swanetše go, ka mokgwa wo o ka šomišwago ka go ata le diphetogo tseo di nyakegago, o šomišwe ka go kgokagano le phethagatšo ya mešomo ya Etšensi ka fase ga karolwana ya (1) tšeo nkego lefelo leo mešomo e phethagatšwago go lona ke karolo ya Rephabliki.”.

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Ukuchitshiyelwa kwesigaba 6 soMthetho 26 wezi-2008

34. Isigaba 6 sombhalo weSepedi ku*Technology Innovation Agency Act*, wezi-2008, uchitshiyelwe lapha—

(a) ngokufaka endaweni endimeni (b) indima elandelayo:

- “(b) convicted of an offence and sentenced to imprisonment without the option of a fine, or in the case of fraud, to a fine or imprisonment within a period of 10 years preceding the date of nomination;”;
- (b) by the substitution for paragraph (d) of the following paragraph:
 “(d) not a South African citizen or permanent resident or ceases to be a South African citizen or permanent resident;”; and
- (c) by the substitution for paragraph (e) of the following paragraph:
 “(e) removed as a result of improper conduct from a position of trust [by a competent court of law]; or”.

Amendment of section 7 of Act 26 of 2008, as amended by section 20 of Act 7 of 2014

35. Section 7 of the Technology Innovation Agency Act, 2008, is hereby amended by the substitution in subsection (3) for paragraph (b) of the following paragraph:

- “(b) he or she tenders his or her resignation by written notice to the Minister [and the Minister accepts the resignation].”.

Amendment of section 9 of Act 26 of 2008

36. Section 9 of the Technology Innovation Agency Act, 2008, is hereby amended by the substitution for section 9 of the following section:

- “9. [Members] A member of the Board or a member of a committee of the Board who is not in the full-time employment of the State, must receive such remuneration and allowances as the [Minister, with the concurrence of the Minister of Finance,] National Treasury may determine.”.

Amendment of section 10 of Act 26 of 2008

37. Section 10 of the Technology Innovation Agency Act, 2008, is hereby amended—

- (a) by the substitution in subsection (5) for paragraph (b) of the following paragraph:
 “(b) must, within 14 days of receipt of a written request signed by at least [two thirds] one third of the members of the Board to convene a special meeting, convene such a special meeting.”;
- (b) by the substitution for subsection (6) of the following subsection:
 “(6) A quorum for a meeting of the Board is [two thirds] a majority of the members eligible to vote at that meeting.”;
- (c) by the insertion after subsection (7) of the following subsection:
 “(7A) A decision taken by the Board or an act performed under the authority of the Board is not invalid if—
 (a) there is a vacancy on the Board; or
 (b) a person who is not a member of the Board was present at the meeting when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by the requisite majority of members of the Board who were present at the time and entitled to sit as members.”; and
- (d) by the addition of the following subsection:
 “(9) A member of the Board must, upon appointment and thereafter annually, disclose to the Minister by way of written statement any interest which could reasonably compromise the Board in the performance of its functions.”.

Amendment of section 11 of Act 26 of 2008, as amended by section 23 of Act 7 of 2014

38. 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 Board must, in consultation with the Minister, appoint a suitably skilled and qualified person as the Chief Executive Officer of the Agency.”;

- “(b) o latofaditšwe ka molato gomme a lahlelwa kgolegong ka ntle le kgetho ya tefišo, goba ka molato wa boradia, go lefišwa goba go lahlelwa kgolegong nako ya mengwaga ye 10 pele ga go ba nkgetheng wa leloko.”;
- (b) ngokufaka endaweni endimeni (d) indima elandelayo: 5
 “(d) ga se modudi wa Afrika Borwa goba modudi wa sa ruri goba o tlogela go ba modudi wa Afrika Borwa goba modudi wa sa ruru.”; kanye
- (c) nokufaka endaweni endimeni (e) indima elandelayo: 10
 “(e) go tlošwa go ba maamong a botshepegi ka lebaka la maitshwaro-mabe go tšwa maamong a botshepegi [**ke Kgorotshoko ya molao yeo e nago le bokgoni**]; goba”.

Ukuchitshiyelwa kwesigaba 7 soMthetho 26 wezi-2008, njengokuba sichitshiyelwe yisigaba 20 soMthetho 7 wezi-2014

35. Isigaba 7 sombhalo weSepedi ku*Technology Innovation Agency Act*, wezi-2008, sichitshiyelwe lapha ngokufaka endaweni yesigatshana (3) indima (b) indima elandelayo:

- “(b) a tsenya boitokollo ka tsebišo ya lengwalo go Tona [**ebile Tona o amogela lengwalo leo**].”.

Ukuchitshiyelwa kwesigaba 9 soMthetho 26 wezi-2008 20

36. Isigaba 9 sombhalo weSepedi ku*Technology Innovation Agency Act*, wezi-2008, uchitshiyelwe lapha ngokufaka endaweni yesigaba 9 isigaba esilandelayo:

- “9. [**Maloko**] Leloko la Boto goba leloko la komiti ya Boto yo a sa šomelego Mmušo ka dinako ka moka, o swanetše go hwetša meputso le diputseletšo bjale ka ge [**Tona, ka tumelelano le Tona ye Matlotlo,**] Kgoro ya Matlotlo a Setšhaba e ka laetša.”. 25

Ukuchitshiyelwa kwesigaba 10 soMthetho 26 wezi-2008

37. Isigaba 10 sombhalo weSepedi we*Technology Innovation Agency Act*, wezi-2008, sichitshiyelwe lapha—

- (a) ngokufaka endaweni esigatshaneni (5) indima (b) indima elandelayo: 30
 “(b) o swanetše gore mo matšatšing a 14 a go hwetša kgopelo yeo e saenetšego ke bonnyane [**peditharong**] teetharong ya maloko a Boto a bitše kopano yeo e ikgethilego.”;
- (b) ngokufaka endaweni yesigatshana (6) isigatshana esilandelayo: 35
 “(6) Khoramo ya kopano ya Boto ke [**peditharong**] bontši bja maloko a yona ao a nago le maloka a go kgetha mo kopanong.”;
- (c) ngokufaka emuva kwesigatshana (7) isigatshana esilandelayo: 40
 “(7A) Sephetho seo se tšerego ke Boto goba tiro yeo e dirilwego ka tlase ga taolo ya Boto ga se šome ge e ba—
 (a) Go na le sekgoba sa mošomo go Boto; goba
 (b) Motho yo e sego leloko la Boto o be a le gona ka kopanong ge go tšewa sephetho goba ge tiro e amogelwa,
 ge e ba sephetho se tšerwe goba tiro e dumeletšwe ke bontši bja maloko a Boto ao a bego a le gona ka nako yeo ebile ba na le maswanedi a go dula bjalo ka maloko.”; kanye 45
- (d) ngokwengeza isigatshana esilandelayo: 50
 “(9) Leloko la Boto le swanetše go, ka morago ga go hirwa le ngwaga ka ngwaga ka morago ga moo, a botše Tona ka mokgwa wa go ngwala dikgahlego tše dingwe le tše dingwe tšeo di ka šitišago Boto go phetha mešomo ya yona.”.

Ukuchitshiyelwa kwesigaba 11 soMthetho 26 wezi-2008, njengokuba sichitshiyelwe yisigaba 23 soMthetho 7 wezi-2014

38. Isigaba 11 sombhalo weSepedi ku*Technology Innovation Agency Act*, wezi-2008, sichitshiyelwe lapha—

- (a) Ngokufaka endaweni yesigatshana (1) isigatshana esilandelayo: 55
 “(1) Boto e swanetše, ka therišano le Tona, go thwala motho yo a nago le tsebo le bokgoni gammogo le maitemogelo bjalo ka Mohlankedi-phethiši yo a tlogo rwala maikarabelo a taolo ya merero ya Etšensi.”;

- (b) by the substitution for subsection (5) of the following subsection:
 “(5) The Chief Executive Officer holds office for a period not exceeding five years and is eligible for reappointment on expiry of his or her term by the Board in consultation with the Minister.” ; and
- (c) by the substitution in subsection (9) for the words following paragraph (c) of the following words:
 “the Board may, **[with concurrence of]** after consultation with the 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.”.

Amendment of section 12 of Act 26 of 2008

39. Section 12 of the Technology Innovation Agency Act, 2008, is hereby amended—
- (a) by the substitution in subsection (2) of the following subsection:
 “(2) The Agency must pay the employees of the Agency such remuneration, allowances, subsidies and other benefits as the **[Minister, in consultation with the Minister of Finance,]** National Treasury may determine.”; and
- (b) by the insertion after subsection (2) of the following subsection:
 “(2A) (a) The Chief Executive Officer may, on such terms and conditions as the Board may determine, with the consent of an employee, second an employee either for a particular service or for a period of time to the service of a department of State, the government of any province, territory or country or an organisation or institution in or outside the Republic.
 (b) The rights, privileges and benefits of the employee referred to in paragraph (a), by virtue of his or her conditions of service as an employee of the Agency, may not be adversely affected by such secondment.”.

Amendment of section 13 of Act 26 of 2008

40. Section 13 of the Technology Innovation Agency Act, 2008, is hereby amended—
- (a) by the substitution in subsection (2) for paragraph (c) of the following paragraph:
 “(c) any other person with suitable skills or experience, who must be paid such remuneration and allowances as the **[Minister, with the concurrence of the Minister of Finance,]** National Treasury may determine.”;
- (b) by the insertion after subsection (2) of the following subsection:
 “(2A) The Board must designate a member of the committee as the chairperson thereof.”; and
- (c) by the addition of the following subsection:
 “(5) A member of the Board may not serve on more than two committees at a time.”.

Insertion of section 14A in Act 26 of 2008

41. The following section is hereby inserted in the Technology Innovation Agency Act, 2008, after section 14:

“Delegation

- 14A.** (1) The Board may, subject to such conditions as it may determine, delegate to the chairperson, any member or committee of the Board or the Chief Executive Officer any function entrusted to the Board by or under this Act.
- (2) The Chief Executive Officer may, subject to such conditions as he or she may determine, delegate to an employee of the Agency any function entrusted to the Chief Executive Officer by or under this Act.

- (b) ngokufaka endaweni yesigatshana (5) isigatshana esilandelayo:
“(5) Mohlankedimogolophethişi o swara ofisi sebaka seo se sa fetego mengwaga ye mehlano le gona o na le maswanedi a go ka bewa gape ge sebaka sa gagwe sa ofisi se fela ke Boto ka therišano le Tona” ; le
- (c) ngokufaka endaweni esigatshaneni (9) amagama endima elandelayo (c) 5
amagama alandelayo:
“Boto e ka, [ka tumelelo ya] ka morago ga go rerišana le Tona, e ka thwala motho ofe goba ofe wa maemo a godimo yo a nago le bokgoni bja maleba bjale ka ge go laeditšwe ka go karolwana ya (1) gore a tšwe a šoma bjalo ka Mohlankedimogolophethişi, go fihlela ge Mohlankedimogolophethişi a ka kgona go thomiša ka mešomo yeo goba go fihlela sekgoa sa mošomo sa Mohlankedimogolophethişi se tlatšwa.”. 10

Ukuchitshiyelwa kwesigaba 12 soMthetho 26 wezi-2008

39. Isigaba 12 sombhalo weSepedi ku*Technology Innovation Agency Act*, wezi-2008, sichitshiyelwe lapha— 15
- (a) ngokufaka endaweni yesigatshana (2) isigatshana esilandelayo:
“(2) Etšensi e swanetše go lefa bašomi ba yona, meputso, diputseletšo, dithušo le meholo ye mengwe bjale ka ge [Tona, ka theriša le Tona ya Matlotlo] Kgoro ya Matlotlo a Setšhaba e laetša.”; kanye
- (b) nangokufaka emuva kwesigatshana (2) isigatshana esilandelayo: 20
“(2A) (a) Mohlankedimogolophethişi a ka, ka mabaka le dipeelano tšeo Boto e ka di laetšago, le ka tumelelo ya mošomi, a šitišetše mošomi le ge e ka ba ka lebaka la tirelo yeo e itšego goba nako yeo e itšego go šomela kgoro ya Mmušo, taolo ya profense efe goba efe, lefelo goba naga goba mokgatlo goba sehlongwa ka ntle ga Rephabliki. 25
(b) Ditokelo, ditshwanelo le meholo ya mošomi yo go bolelwago ka yena go temana ya (a), ka maemo a gagwe a tirelo bjalo ka mošomi wa Etšensi, a ka se amego o šoro ke go šutišwa go bjalo.”.

Ukuchitshiyelwa kwesigaba 13 soMthetho 26 wezi-2008

40. Isigaba 13 sombhalo weSepedi ku*Technology Innovation Agency Act*, wezi-2008, sichitshiyelwe lapha— 30
- (a) ngokufaka endaweni yesigatshana (2) endimeni (c) indima elandelayo:
“(c) motho ofe goba ofe yo a nago le bokgoni bja maleba goba maitemogelo, yo a swanetšego go lefša moputso le diputseletšo tše bjalo, bjalo ka ge Kgoro ya Matlotlo Setšhaba, e ka laetša.”; 35
- (b) ngokufaka emuva kwesigatshana (2) isigatshana esilandelayo:
“(2A) Boto e swanetše go kgetha leloko la komiti bjale ka modulasetulo.”; kanye
- (c) nangokwengeza isigatshana esilandelayo:
“(5) Leloko la Boto ga se la swanela go šoma go dikomiti tša go feta tše pedi ka nako ye tee.”. 40

Ukufakwa kwesigaba 14A kuMthetho 26 wezi-2008

41. Isigaba esilandelayo sifakiwe embhalweni weSepedi ku*Technology Innovation Agency Act*, wezi-2008, emuva kwesigaba 14:

“Go kgetha kemedi 45

- 14A.** (1) Boto e ka, go ya ka maemo a bjalo ka ge e ka laetša, e kgethele modulasetulo, leloko le lengwe le le lengwe la komiti ya Boto goba mohlankedimogolophethişi mošomo wo mongwe le wo mongwe wo o filwego Boto ke goba ka fase ga Molao wo.
- (2) Mohlankedimogolophethişi a ka, go ya ka maemo a bjalo ka ge a laetša, a kgethele mošomi wa Etšensi mošomo wo mongwe le wo mongwe wo o filwego Mohlankedimogolophethişi ke goba ka fase ga Molao wo. 50

(3) A delegation in terms of subsection (1) or (2) must be in writing and does not preclude the performance of the function entrusted to the Board or the Chief Executive Officer, as the case may be.”.

Amendment of section 16 of Act 26 of 2008

42. Section 16 of the Technology Innovation Agency Act, 2008, is hereby amended— 5
- (a) by the substitution for the words preceding paragraph (a) of the following words:
- “The Minister may, after consultation with the Board, make regulations with regard to—”; and
- (b) by the deletion of paragraphs (a), (b) and (c). 10

Insertion of section 5A in Act 36 of 2008

43. The following section is hereby inserted in the South African National Space Agency Act, 2008, after section 5:

“Performance of functions outside Republic

- 5A.** (1) The Agency may, subject to legislation and other formal 15
agreements regarding international cooperation and in order to achieve its objectives, perform any function in any territory outside the Republic.
- (2) This Act must, as far as it can be applied with the necessary changes, apply in connection with the performance by the Agency of its functions under subsection (1) as if the territory in which it so performs its functions 20
were part of the Republic.”.

Amendment of section 7 of Act 36 of 2008, as amended by section 24 of Act 7 of 2014

44. Section 7 of the South African National Space Agency Act, 2008, is hereby amended by the deletion of subsection (5).

Amendment of section 8 of Act 36 of 2008, as amended by section 25 of Act 7 of 2014 25

45. Section 8 of the South African National Space Agency Act, 2008, is hereby amended—
- (a) by the substitution in subsection (1) for paragraph (f) of the following paragraph:
- “(f) has, as a result of improper conduct, been removed from a position 30
of trust [by a competent court of law]; or”;
- (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
- “The Minister may, after consultation with the Board, remove a member contemplated in section 6(2)(a) or (b) from office—”; 35
- (c) by the deletion of the word “or” at the end of subsection (2)(a) and the insertion of the word “or” at the end of subsection (2)(c); and
- (d) by the insertion after subsection (2) of the following subsection:
- “(2A) A member contemplated in section 6(2)(a) or (b) ceases to hold 40
office if the member resigns by written notice to the Minister.”.

Substitution of section 10 of Act 36 of 2008

46. The following section is hereby substituted for section 10 of the South African National Space Agency Act, 2008:

(3) Bonkgetheng go ya ka karolwana ya (1) le (2) bo swanetše go ngwalwa ebile bo akaretša phethagatšo ya mešomo yeo e filwego ke Boto goba Mohlankedimogolophethiši, ka mokgo go ka bago ka gona.”

Ukuchitshiyelwa kwesigaba 16 soMthetho 26 wezi-2008

42. Isigaba 16 sombhalo weSepedi ku *Technology Innovation Agency Act*, wezi-2008, sichitshiyelwe lapha— 5

(a) ngokufaka endaweni yamagama angaphambi kwendima (a) amagama alandelayo:

“Tona, ka morago ga therišano le Boto, a ka dira melawana mabapi le—”; kanye 10

(b) ngokususa izindima (a), (b) kanye no (c).

Ngokufaka isigaba 5A soMthetho 36 wezi-2008

43. Isigaba esilandelayo sifakiwe embhalweni wesiXhosa ku*South African National Space Agency Act*, wezi-2008, emuva kwesigaba 5:

“**Ukwenziwa kwemisebenzi yayo ngaphaya kwemida yeRiphablikhi** 15

5A. (1) IArhente inokuthi, ngokulawulwa yimithetho yepalamente nazezinye izivumelwano eziluhlalima ezingokusebenzisana kwamazwe ngamazwe, nangenjongo yokufezekisa iinjongo zayo, inokuthi yenze nawuphi na umsebenzi nakowuphi na ummandla ongaphaya kwemida yeRiphablikhi. 20

(2) Lo Mthetho mawuthi, kangangoko unokusetyenziswa ngotshintsho olunokuthi lufuneke, usebenze malunga nokwenza kweArhente imisebenzi yayo ngokwecandelwana (1) ngokungathi ummandla iArhente ewenza kuwo umsebenzi wayo uyinxalenye yeRiphablikhi.”

Ukuchitshiyelwa kwesigaba 7 soMthetho 36 wezi-2008, njengokuba uchitshiyelwe yesigaba 24 soMthetho 7 wezi-2014 25

44. Isigaba 7 embhalweni wesiXhosa ku*South African National Space Agency Act*, wezi-2008, sichitshiyelwe lapha ngokususa isigatshana (5).

Ukuchitshiyelwa kwesigaba 8 soMthetho 36 wezi-2008, njengokuba uchitshiyelwe yesigaba 25 soMthetho 7 wezi-2014 30

45. Isigaba 8 embhalweni wesiXhosa ku*South African National Space Agency Act*, wezi-2008, uchitshiyelwe lapha—

(a) ngokufaka endaweni yesigatshana (1) indima (f) indima elandelayo:

“(f) ngenxa yokuziphatha kakubi lisusiwe kwisikhundla sokuthenjwa [yomthetho ofanelekileyo]; okanye;” 35

(b) ngokufaka endaweni esigatshaneni (2) amagama alandela indima (a) amagama alandelayo:

“UMphathiswa unokuthi, emva kokubonisana neBhodi, alisuse ilungu elicamngcwe kwicandelo 6(2)(a) okanye (b) e-ofisini—”; 40

(c) ngokususa igama “noma” ekupheleni kwesigatshana (2)(a) kanye nokufaka igama “noma” ekupheleni kwesigatshana (2)(c); kanye 40

(d) ngokufaka emuva kwesigatshana (2) isigatshana esilandelayo:

“(2A) Ilungu elicamngcwe kwicandelo 6(2)(a) okanye (b) liyayeka ukuba sesikhundleni ukuba liyaziyekele ngokunika uMphathiswa isaziso esibhaliweyo.” 45

Ngokufaka endaweni yesigaba 10 soMthetho 36 wezi-2008

46. Isigaba esilandelayo sifakwe endaweni yesigaba 10 embhalweni wesiXhosa ku*South African National Space Agency Act*, wezi-2008:

“Remuneration of Board members

10. A member of the Board or a member of any committee of the Board who is not in the full-time employment of the State must be paid such remuneration and allowances out of the funds of the Agency as may be determined by the **[Minister, in consultation with the Minister of Finance]** National Treasury.”. 5

Amendment of section 11 of Act 36 of 2008

47. Section 11 of the South African National Space Agency Act, 2008, is hereby amended—

- (a) by the substitution in subsection (3) for paragraph (b) of the following paragraph: 10

“(b) must convene such a meeting within 14 days of receipt of a written request signed by at least **[two thirds]** one third of the members of the Board to convene such a meeting.”; and

- (b) by the addition of the following subsection: 15

“(7) A decision taken by the Board or an act performed under the authority of the Board is not invalid if—

(a) there is a vacancy on the Board; or

(b) a person who is not a member of the Board was present at the meeting when the decision was taken or the act was authorised, 20
if the decision was taken or the act was authorised by the requisite majority of members of the Board who were present at the time and entitled to sit as members.”.

Amendment of section 12 of Act 36 of 2008

48. Section 12 of the South African National Space Agency Act, 2008, is hereby amended by the substitution for subsection (1) of the following subsection: 25

“(1) A member of the Board must, upon appointment and thereafter annually, disclose to the Minister by way of written statement any interest which could reasonably compromise the Board in the performance of its functions.”.

Amendment of section 13 of Act 36 of 2008

49. Section 13 of the South African National Space Agency Act, 2008, is hereby amended—

- (a) by the substitution in subsection (2) for paragraph (c) of the following paragraph: 30

“(c) other **[person]** persons with suitable skills or experience **[who must be paid such allowances as the Minister may determine].**”; and 35

- (b) by the insertion after subsection (2) of the following subsection:

“(2A) The Board must designate a member of the committee as the chairperson thereof.”. 40

Amendment of section 14 of Act 36 of 2008, as amended by section 27 of Act 7 of 2014

50. 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: 45

“(1) The Board must, in consultation with the Minister, appoint a suitably skilled and qualified person as the Chief Executive Officer.”; and

- (b) by the substitution in subsection (8) for the words following paragraph (c) of the following words: 50

“the Board may, **[with concurrence of]** after consultation with 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.”. 55

“Umvuzo wamalungu eBhodi

10. Ilungu leBhodi okanye ilungu layo nayiphi na ikomiti yeBhodi elingekho kwingqesho esisigxina kaRhulumente malihlawulwe umvuzo neemalana ezisecaleni eziphuma kwiimali zeArhente ezinokuthi zigqitywe [nguMphathiswa, kunye noMphathiswa wezeMali] nguVimba weMali yeSizwe.”. 5

Ukuchitshiyelwa kwesigaba 11 soMthetho 36 wezi-2008

47. Isigaba 11 kumbhalo wesiXhosa kuSection kuAfrican National Space Agency Act, wezi-2008, sichitshiyelwe lapha—

- (a) ngokufaka endaweni esigatshaneni (3) indima (b) indima elandelayo: 10
 “(b) kufuneka abize intlanganiso ekhethekileyo kwiintsuku ezili-14 zokufunyanwa kwesicelo esibhalwe phantsi sasayinwa okungenani [sisibini sesithathu] sisinye kwisithathu samalungu eBhodi ukubiza intlanganiso enjalo.”; kanye
- (b) nangokwengeza isigatshana esilandelayo: 15
 “(7) Isigqibo esithatyathwe yiBhodi okanye isenzo esenziwe ngegunya leBhodi asiphuthanga ukuba—
 (a) kukho isithuba kwiBhodi; okanye
 (b) kwakukho kwintlanganiso umntu ongelilo ilungu leBhodi xa kwakuthatyathwa isigqibo okanye kugunyazwa isenzo, 20
 ukuba isigqibo eso sathatyathwa okanye isenzo eso sagunyazwa linani elisisininzi esifunekayo samalungu eBhodi awayekho ngelo xesha kwaye enelungelo lokuhlala njengamalungu.”.

Ukuchitshiyelwa kwesigaba 12 soMthetho 36 wezi-2008

48. Isigaba 12 sombhalo wesiXhosa kuSouth African National Space Agency Act, wezi-2008, uchitshiyelwe lapha ngokufaka endaweni yesigatshana (1) isigatshana esilandelayo: 25

- “(1) Ilungu leBhodi ekonyulweni kwalo, kwaye qho ngonyaka emva koko, kufuneka lixele kuMphathiswa ngokwenza ingxelo ebhaliweyo nawuphi na umdla onokwenza ukuba iBhodi ingabi sakwazi ukwenza imisebenzi yayo kakuhle.”. 30

Ukuchitshiyelwa kwesigaba 13 soMthetho 36 wezi-2008

49. Isigaba 13 sombhalo wesiXhosa kuSouth African National Space Agency Act, wezi-2008, sichitshiyelwe lapha—

- (a) ngokufaka endaweni esigatshaneni (2) indima (c) indima elandelayo: 35
 “(c) abanye [umntu] abantu abanezakhono okanye [ekufuneka ahlawule izibonelelo ezinjalo njengoko uMphathiswa enokumisela] amava afanelekileyo.”; kanye
- (b) nangokufaka emuva kwesigatshana (2) isigatshana esilandelayo:
 “(2A) IBhodi mayichonge ilungu lekomiti libe ngusihlalo wayo.”.

Ukuchitshiyelwa kwesigaba 14 soMthetho 36 wezi-2008, njengokuba sichitshiyelwe yisigaba 27 soMthetho 7 wezi-2014 40

50. Isigaba 14 embhalweni wesiXhosa kuSouth African National Space Agency Act, wezi-2008, sichitshiyelwe lapha—

- (a) ngokufaka endaweni esigatshaneni (1) isigatshana esilandelayo: 45
 “(1) IBhodi kufuneka, ngokubonisana noMphathiswa, iqeshe umntu ofanelekileyo onezakhono noneziqinisekiso njengeGosa eliyiNtloko eliLawulayo leArhente.”; kanye
- (b) nangokufaka endaweni esigatshaneni (8) amagama alandela indima (c) amagama alandelayo: 50
 “iBhodi inokuthi, [emva kokubonisana] emva kokubonisana noMphathiswa, iqeshe nawuphi na umntu okwisikhundla esiphezulu osebenzela iArhente ohlangabezanayo neemfuneko ekugqitywe ngazo kwicandlwana (1) ukuba abambeke njengeGosa eliyiNtloko eliLawulayo, de libe iGosa eliyiNtloko eliLawulayo linako ukuthabathisa kwakhona kuloo misebenzi okanye de sibe sivaliwe isithuba esingenamntu seGosa eliyiNtloko eliLawulayo.”. 55

Amendment of section 15 of Act 36 of 2008

51. Section 15 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: 5
 “(a) must, on such conditions as **[she or he]** the Board may determine, appoint such number of employees or receive on secondment such number of persons as are necessary to enable the Agency to perform its functions.”;
- (b) by the deletion in subsection (2) of paragraphs (a) and (b); 10
- (c) by the substitution in subsection (2) for paragraph (c) of the following paragraph: 15
 “(c) structures for remuneration, allowances, subsidies and other benefits for employees contemplated in subsection (1) in accordance with a system **[approved by the Minister with the concurrence of the Minister of Finance]** determined by the National Treasury.”; and
- (d) by the insertion after subsection (2) of the following subsection: 20
 “(2A) (a) The Chief Executive Officer may, on such terms and conditions as the Board may determine, with the consent of an employee, second that employee either for a particular service or for a period of time to the service of a department of State, the government of any province, territory or country or an organisation or institution in or outside the Republic. 25
 (b) The rights, privileges and benefits of the employee referred to in paragraph (a), by virtue of his or her conditions of service as an employee of the Agency, may not be adversely affected by such secondment.”.

Substitution of section 18 of Act 36 of 2008

52. The following section is hereby substituted for section 18 of the South African National Space Agency Act, 2008: 30

“Delegation

- 18.** (1) The Board may, subject to such conditions as it may determine, delegate to the chairperson, any member or committee of the Board or the Chief Executive Officer any function entrusted to the Board by or under this Act. 35
- (2) The Chief Executive Officer may, subject to such conditions as he or she may determine, delegate to an employee of the Agency any function entrusted to the Chief Executive Officer by or under this Act.
- (3) A delegation in terms of subsection (1) or (2) does not prohibit the performance of the function in question by the Board or the Chief Executive Officer, as the case may be. 40
- (4) The delegation in terms of subsections (1) and (2) must be in writing.”.

Insertion of section 18A in Act 36 of 2008 45

53. The following section is hereby inserted in the South African National Space Agency Act, 2008, after section 18:

“Liquidation of Agency

- 18A.** The Agency may not be wound up except by or under the authority of an Act of Parliament.”. 50

Short title and commencement

54. This Act is called the Science and Technology Laws Amendment Act, 2020, and takes effect on a date determined by the President by proclamation in the *Gazette*.

Ukuchitshiyelwa kwesigaba 15 soMthetho 36 wezi-2008

51. Isigaba 15 sombhalo wesiXhosa ku*South African National Space Agency Act*, wezi-2008, sichitshiyelwe lapha—

- (a) ngokufaka endaweni esigatshaneni (1) indima (a) indima elandelayo: 5
 “(a) malithi, ngemiqathango enokuthi igqitywe yiBhodi, liqeshe okanye liboleke kwenye indawo inani labasebenzi elinokuthi libe yimfuneko ukwenza ukuba iArhente ikwazi ukwenza imisebenzi yayo.”;
- (b) ngokususa isigatshana (2) izindima (a) kanye no (b);
- (c) ngokufaka endaweni esigatshaneni (2) indima (c) indima elandelayo: 10
 “(c) neendlela zemivuzo, izibonelelo, iinkxaso kunye namanye amalungelo kunye neemeko zemigqaliselo kubasebenzi abacamngcwe kwicandelwana (1) ngokungqinelana neendlela ezinjalo [njengoko zinokwamkelwa nguMphathiswa ngokuvumelana noMphathiswa wezeMali] ezigqitywe nguVimba weMali weSizwe.”; 15
 kanye
- (d) ngokufaka emuva kwesigatshana (2) isigatshana esilandelayo:
 “(2A) (a) IGosa eliyiNtloko eliLawulayo linokuthi, ngemigqaliselo nemiqathango enokuthi igqitywe yiBhodi, ngemvume yomqeshwa, libolekise ngaye loo mqeshwa ukuba aye kwenza inkonzo ethile okanye libolekise ngaye ixesha elithile ukuba aye kusebenza kwisebe likaRhulumente, kurhulumente nokuba ngowaliphi na iphondo, kummandla okanye kwilizwe okanye kumbutho okanye kwiqumrhu elingaphakathi okanye elingaphandle kwemida yeRiphabliki. 20
 (b) Amalungelo, izibonelelo namaqithiqithi omqeshwa ekuthethwe ngaye kwisiqendu (a), akanakuchaphazeleka kakubi ngenxa yokuba kubolekise ngaye, ngenxa yemiqathango yokuqeshwa kwakhe njengomqeshwa weArhente.”. 25

Ukufakwa endaweni yesigaba 18 soMthetho 36 wezi-2008

52. Isigaba esilandelayo sifakwe endaweni yesigaba 18 embhalweni wesiXhosa ku*South African National Space Agency Act*, wezi-2008: 30

“Ukuwuphathisa omnye umntu umsebenzi

- 18.** (1) IBhodi inokuthi, ngokulawulwa yimiqathango enokuthi igqitywe yiyo, iphathise usihlalo okanye naliphi na ilungu okanye nayiphi na ikomiti yeBhodi okanye iGosa eliyiNtloko eliLawulayo, iliphathisa nawuphi na umsebenzi ongoweBhodi ngokwalo Mthetho. 35
- (2) IGosa eliyiNtloko eliLawulayo linokuthi, ngokulawulwa yimiqathango enokuthi igqitywe lilo, liphathise umqeshwa weArhente nawuphi na umsebenzi ongoweGosa eliyiNtloko eliLawulayo ngokwalo Mthetho. 40
- (3) Ukuphathisa okungokwecandelwana (1) okanye (2) akuyithinteli iBhodi okanye iGosa eliyiNtloko eliLawulayo ukuba bazenzele ngokwabo umsebenzi wabo. 40
- (4) Ukuphathisa okungokwecandelwana (1) okanye (2) makwenziwe ngokubhala.”

Ukufakwa kwesigaba 18A soMthetho 36 wezi-2008

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53. Isigaba esilandelayo sifakiwe lapha ku*South African National Space Agency Act*, wezi-2008, emuva kwesigaba 18:

“Ukuthengiswa kwempahla yeArhente

18A. I-Arhente ayinakuthinjelwa impahla ngaphandle kokuba kungoMthetho wePalamente.”. 50

Isihloko esifushane kanye nokuqaliswa

54. Lo Mthetho ubizwa ngoMthetho Wokuchitshiyelwa Kwemithetho Yezesayensi kanye Nobuchwepheshe, wezi-2020, futhi uqala ukusebenza ngosuku olunqunywe nguMongameli ngesaziso kuSomqulu.