

BUITENGEWONE



EXTRAORDINARY

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 10c Price
Oorsee 15c Overseas
POSVRY—POST FREE

Vol. 33.]

KAAPSTAD, 27 MAART 1968.

[No. 2024

CAPE TOWN, 27TH MARCH, 1968.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 483.]

[27 Maart 1968.

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

BLADSY

No. 23 van 1968: Wet op Geesteswetenskaplike Na-
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DEPARTMENT OF THE PRIME MINISTER.

No. 483.]

[27th March, 1968.

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

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No. 23, 1968.]

WET

Om voorsiening te maak vir die bevordering van navorsing en die uitbreiding van kennis op die gebied van die geesteswetenskappe; om vir dié doel voorsiening te maak vir die instelling van 'n Raad vir Geesteswetenskaplike Navorsing; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelsh teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 15 Maart 1968.)

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

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

Woordoms-
kry-
wing.

- (i) „beampte” die president of iemand anders wat heeltyds in die diens van die raad is; (vi)
- (ii) „geesteswetenskappe” Aardrykskunde, Argeologie, Biblioteekkunde, Ekonomie, Geskiedenis, Kriminologie, Kuns, Mensegenetika, Musiek, Opvoedkunde, Publieke Administrasie, Staatsleer, Sielkunde, Sosio-logie, Spraak-, Taal-, Literatuur- en Regswetenskap, Teologie, Volkekunde en Wysbegeerte, of 'n vertakking daarvan, vir sover dit betrekking het op die voortbrengsels en wyse van geestelike werksaamheid van die mens, die menslike ontwikkeling, of onderlinge verhoudings, instellings of toestande in die samelewing, en ook enige ander wetenskap waarby sodanige voortbrengsels, wyse van geestelike werksaamheid, ontwikkeling, onderlinge verhoudings, instellings of toestande bestudeer word; (iv)
- (iii) „hierdie Wet” ook 'n regulasie daarkragtens uitgevaardig; (x)
- (iv) „Minister” die Minister van Nasionale Opvoeding; (v)
- (v) „navorsing” navorsing op die gebied van die geesteswetenskappe in verband met alle volksgroepe; (viii)
- (vi) „president” die president van die raad in artikel 4 (1) bedoel; (vii)
- (vii) „raad” die raad by artikel 2 ingestel; (i)
- (viii) „Staat” ook die Administrasie van die gebied Suidwes-Afrika; (ix)
- (ix) „vasgestelde datum” die datum van inwerkingtreding van hierdie Wet; (iii)
- (x) „werknemer” iemand wat deelyds in die diens van die raad is. (ii)

2. (1) Hierby word 'n raad met die naam die Raad vir Gees- Instelling en
teswetenskaplike Navorsing ingestel. algemene

(2) Die raad het beheer oor al dié aangeleenthede betreffende bevoegdhede van
navorsing en ontwikkeling op die gebied van die geesteswetens- Raad vir Geestes-
skappe wat die raad op versoek van die Minister, of met die wetenskaplike
goedkeuring van die Minister uit eie beweging of op versoek van Navorsing.
iemand anders of 'n owerheid, bevorder.

(3) Die raad is 'n regspersoon, kan in sy naam as eiser en verweerder in die regte optree en, behoudens die bepalings van

No. 23, 1968.]

ACT

To provide for the promotion of research and the extension of knowledge in the field of the human sciences; for that purpose to make provision for the establishment of a Human Sciences Research Council; and to make provision for matters incidental thereto.

*(English text signed by the Acting State President.)
(Assented to 15th March, 1968.)*

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

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "council" means the council established by section 2; (vii)
- (ii) "employee" means a person who is in the part-time service of the council; (x)
- (iii) "fixed date" means the date of commencement of this Act; (ix)
- (iv) "human sciences" means Geography, Archaeology, Library Science, Economics, History, Criminology, Art, Human Genetics, Music, Education, Public Administration, Political Science, Psychology, Sociology, Sciences of Speech, Languages, Literature and Law, Theology, Anthropology and Philosophy, or any branch thereof, in so far as it relates to the creations and the manner of mental activity of man, human development, or mutual relationships, institutions or conditions in society, and includes any other science by which a study is made of such creations, manner of mental activity, development, mutual relationships, institutions or conditions; (ii)
- (v) "Minister" means the Minister of National Education; (iv)
- (vi) "officer" means the president or any other person in the full-time service of the council; (i)
- (vii) "president" means the president of the council referred to in section 4 (1); (vi)
- (viii) "research" means research in the field of the human sciences in connection with all national groups; (v)
- (ix) "State" includes the Administration of the territory of South-West Africa; (viii)
- (x) "this Act" includes a regulation made thereunder. (iii)

Establishment
and general
powers of Human
Sciences Research
Council.

2. (1) There is hereby established a council to be known as the Human Sciences Research Council.

(2) The council shall have charge of all such matters in regard to research and development in the field of the human sciences as the council may, at the request of the Minister, or of its own accord or at the request of any other person or any authority and with the approval of the Minister, promote.

(3) The council shall be a corporate body, shall in law be capable of suing and being sued in its own name, and may,

hierdie Wet, roerende en onroerende goed koop of op 'n ander wyse verkry, besit, huur, verhuur, verkoop, verruil of op 'n ander wyse vervreem, en geld belê: Met dien verstande dat die raad nie sonder die voorafgaande goedkeuring van die Minister, verleen in oorleg met die Minister van Finansies, sy onroerende goed mag verhuur, verkoop, verruil of op 'n ander wyse vervreem nie.

3. (1) Die werksaamhede van die raad is om—

Werksaamhede van die raad.

- (a) dié navorsing wat die Minister goedkeur, ten behoeve van die Staat of iemand of 'n owerheid te onderneem, te laat onderneem of finansiël te steun;
- (b) die Minister van advies te dien ten opsigte van—
 - (i) die vraag watter navorsing in belang van die land onderneem moet word;
 - (ii) die wyse waarop navorsing bevorder kan word;
 - (iii) die bevordering van ander aangeleenthede wat met die geesteswetenskappe in verband staan;
 - (iv) die wyse waarop die potensialiteite van die inwoners van die land die beste ontwikkel en benut kan word;
 - (v) die aanwending van die resultate van navorsing in die belang van die land;
- (c) met die goedkeuring van die Minister—
 - (i) koördinasie van navorsing te bewerkstellig, en wel só dat ekonomiese gebruik van geld en mannekrag by navorsing daardeur verseker word;
 - (ii) met Staatsdepartemente, universiteite, universiteitskolleges, kolleges vir gevorderde tegniese onderwys, onderwys- en opleidingskolleges, skole en ander persone en owerhede saam te werk vir die bevordering en doen van navorsing;
 - (iii) die vrywillige samewerking van persone wat op eie koste navorsing doen of dit geldelik steun, te verkry, en oorvleueling op die gebied van navorsing uit te skakel;
 - (iv) met persone en owerhede in ander lande wat navorsing doen of bevorder, saam te werk, en tussen die Republiek en ander lande as skakel in verband met navorsing op te tree;
 - (v) toekennings vir navorsing aan universiteite en ander persone en owerhede te doen;
 - (vi) geriewe vir die insameling en verspreiding van inligting betreffende die geesteswetenskappe in te stel of te laat instel;
 - (vii) die resultate van navorsing te publiseer of te laat publiseer of die publikasie daarvan finansiël te steun;
 - (viii) die opleiding van persone vir die doen van navorsing te bevorder, en beurse vir sodanige opleiding in te stel en toe te ken;
 - (ix) sielkundige en skolastiese toetse en ander hulpmiddels te ontwerp en te standaardiseer, die geldigheid daarvan te bepaal, en sodanige toetse of hulpmiddels beskikbaar te stel;
 - (x) sielkundige toetsing en eksaminering van en voorligting aan persone, en die waardebeoordeling van opvoedkundige kwalifikasies te onderneem;
 - (xi) onderwysstatistieke in te samel, te verwerk, te interpreteer en te publiseer;
 - (xii) die ander maatreëls te tref wat die raad nodig ag vir die doeltreffende bereiking van die oogmerke van hierdie Wet.

(2) Die raad kan op versoek van iemand of 'n owerheid en op die voorwaardes en onderworpe aan die betaling van die koste waarop ooreengekom word, 'n ondersoek betreffende 'n aangeleentheid op die gebied van die geesteswetenskappe instel of laat instel.

subject to the provisions of this Act, purchase or otherwise acquire, hold, hire, let, sell, exchange or otherwise alienate movable or immovable property, and invest money: Provided that the council shall not, without the prior approval of the Minister, granted in consultation with the Minister of Finance, let, sell, exchange or otherwise alienate its immovable property.

Functions of
the council.

3. (1) The functions of the council shall be—

(a) to undertake, cause to be undertaken or aid financially such research on behalf of the State or any person or authority as the Minister may approve;

(b) to advise the Minister with respect to—

(i) the research which should be undertaken in the interests of the country;

(ii) the manner in which research may be promoted;

(iii) the promotion of other matters incidental to the human sciences;

(iv) the manner in which the potentialities of the inhabitants of the country may best be developed and utilized;

(v) the utilization of the results of research for the benefit of the country;

(c) with the approval of the Minister to—

(i) effect co-ordination of research, and in such a manner as to ensure thereby the economical use of money and manpower in research;

(ii) co-operate with departments of State, universities, university colleges, colleges for advanced technical education, colleges of education, training colleges, schools and other persons and authorities for the promotion and conduct of research;

(iii) obtain the voluntary co-operation of persons who conduct research at their own expense or support it financially, and to eliminate overlapping in the field of research;

(iv) co-operate with persons and authorities in other countries conducting or promoting research, and to act as liaison between the Republic and other countries in connection with research;

(v) make grants for research to universities and other persons and authorities;

(vi) establish or cause to be established facilities for the collection and dissemination of information concerning the human sciences;

(vii) publish or cause to be published or support financially the publication of the results of research;

(viii) foster the training of persons for the doing of research, and to establish and award bursaries for such training;

(ix) devise, standardize, determine the validity of and make available psychological and scholastic tests and other aids;

(x) undertake psychological testing and examination of and guidance to persons, and the evaluation of educational qualifications;

(xi) collect, process, interpret and publish educational statistics;

(xii) take such other measures as the council may deem necessary for the effective achievement of the objects of this Act.

(2) The council may, at the request of any person or authority and subject to such conditions and the payment of such costs as may be agreed upon, conduct or cause to be conducted any investigation relating to any matter in the field of the human sciences.

4. (1) Die raad bestaan uit 'n president en die getal ander lede, maar hoogstens agt, wat die Minister bepaal.

Samestelling van die raad en komitees van die raad.

(2) Die Minister stel die lede van die raad aan.

(3) Die lede van die raad moet persone wees wat, na die oordeel van die Minister, hulle op die gebied van die geesteswetenskappe onderskei het of besondere kwalifikasies in die een of ander aspek van die raad se werksaamhede besit.

(4) (a) Die president en hoogstens twee ander lede van die raad wat die raad aanwys, maak 'n uitvoerende komitee uit wat, onder toesig van die raad, dié werksaamhede van die raad verrig wat die raad bepaal.

(b) Die raad kan 'n lid van die raad aanwys as 'n plaasvervangende lid vir 'n lid van die uitvoerende komitee.

(5) Die ampstermyn en diensbeëindiging van lede van die raad en die uitvoerende komitee daarvan is soos by regulasie kragtens hierdie Wet voorgeskryf.

(6) Die raad kan 'n hulpkomitee instel om hom van advies te dien in verband met 'n aangeleentheid wat op die bereiking van die oogmerke van hierdie Wet betrekking het, en kan die persone wat hy goedvind, met inbegrip van beamptes en werknemers, as lede van so 'n komitee aanstel.

(7) 'n Lid van die raad of 'n komitee bedoel in subartikel (6), wat nie die president of 'n beampte of werknemer in die Staatsdiens of nie in die diens van die raad is nie, ontvang uit die fondse van die raad die besoldiging en toelae wat die Minister in oorleg met die Minister van Finansies bepaal.

(8) Die raad moet aan die Staat 'n bedrag terugbetaal wat die Staat as reis- en verblyftoelae in verband met die verrigting van die werksaamhede van die raad betaal het aan 'n lid van die raad wat in die diens van die Staat is.

5. (1) Die president tree op vergaderings van die raad en die uitvoerende komitee daarvan as voorsitter op, is die hoofuitvoerende beampte van die raad, hou toesig oor die ander persone in die diens van die raad en beheer en bestuur die werk van die raad.

Werksaamhede, bevoegdhede en besoldiging van president.

(2) Die raad wys 'n beampte aan wat tydens die afwesigheid van die president die werksaamhede bedoel in subartikel (1) verrig.

(3) Aan die president word, uit die fondse van die raad, die besoldiging en toelae betaal, en hy ontvang die ander voordele, wat die Minister in oorleg met die Minister van Finansies bepaal.

6. (1) Die raad kan op die voorwaardes wat hy bepaal, die beamptes en werknemers aanstel wat hy nodig ag om hom behulpzaam te wees om sy werksaamhede te verrig: Met dien verstande dat—

Beamptes en werknemers van die raad.

(a) die bepaling van hul salarisskale en die skale van die ander voordele waarop hulle geregtig is, onderworpe is aan die goedkeuring van die Minister, verleen in oorleg met die Minister van Finansies;

(b) die aanstelling of bevordering van iemand in 'n pos wat die Minister bepaal, aan die Minister se goedkeuring onderworpe is;

(c) die ontslag van 'n beampte uit sy pos aan 'n reg van appèl na die Minister onderworpe is, mits kennis van so 'n appèl binne veertien dae na ontvangs van die kennisgewing van ontslag aan die raad en aan die Minister gegee word.

(2) (a) 'n Beampte kan met sy eie toestemming en op die voorwaardes wat die raad bepaal, tydelik afgestaan word, hetsy vir 'n besondere diens of vir 'n tydperk, aan die diens van die Staat, van 'n ander Staat of van iemand anders.

(b) So 'n beampte bly, terwyl hy aldus afgestaan is, onderworpe aan die bepalings van die wette en diensvoorwaardes wat op hom van toepassing is terwyl hy by die raad in diens is.

Constitution of the council and committees of the council.

4. (1) The council shall consist of a president and such number of other members not exceeding eight as the Minister may determine.

(2) The Minister shall appoint the members of the council.

(3) The members of the council shall be persons who, in the opinion of the Minister, have distinguished themselves in the field of the human sciences or possess special qualifications in relation to some aspect of the functions of the council.

(4) (a) The president and not more than two other members of the council designated by the council, shall constitute an executive committee which, under the supervision of the council, shall perform such functions of the council as the council may determine.

(b) The council may designate any member of the council as an alternate to a member of the executive committee.

(5) The period of office and the termination of office of members of the council and the executive committee thereof shall be as prescribed by regulation under this Act.

(6) The council may establish a subsidiary committee to advise it in connection with any matter relating to the achievement of the objects of this Act, and may appoint such persons, including officers and employees, as it may deem fit, to be members of such committee.

(7) A member of the council or of a committee referred to in subsection (6) who is not the president or an officer or employee in the public service or is not employed by the council, shall out of the funds of the council receive such remuneration and allowances as the Minister may in consultation with the Minister of Finance determine.

(8) The council shall refund to the State any amount paid by the State as travelling and subsistence allowance to a member of the council, who is in the service of the State, in connection with the performance of the functions of the council.

Functions, powers and remuneration of president.

5. (1) The president shall preside at meetings of the council and the executive committee thereof, shall be the chief executive officer of the council, shall exercise supervision over the other persons in the service of the council and shall control and manage the work of the council.

(2) The council shall designate an officer who, in the absence of the president, shall perform the functions contemplated in subsection (1).

(3) The president shall be paid, out of the funds of the council, such remuneration and allowances, and shall receive such other benefits as the Minister in consultation with the Minister of Finance may determine.

Officers and employees of the council.

6. (1) The council may, subject to such conditions as it may determine, appoint such officers and employees as it may deem necessary to assist it to perform its functions: Provided that—

(a) the determination of their salary scales and the scales of the other benefits to which they are entitled shall be subject to the approval of the Minister, granted in consultation with the Minister of Finance;

(b) the appointment or promotion of any person to or in a post determined by the Minister shall be subject to the approval of the Minister;

(c) the dismissal of an officer from his post shall be subject to a right of appeal to the Minister, provided notice of such an appeal is given to the council and the Minister within fourteen days after receipt of the notice of dismissal.

(2) (a) An officer may, with his own consent and subject to such conditions as the council may determine, be seconded, either for a particular service or for a period of time, to the service of the State, of another State or of some other person.

(b) Such an officer shall, while he is so seconded, remain subject to the provisions of the laws and the conditions of service which apply to him while he is in the service of the council.

7. Die raad word geag ingevolge artikel 4 van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), tot 'n geassosieerde inrigting verklaar te wees vanaf die vasgestelde datum. Pensioenskema en -fonds.

8. (1) (a) Iemand wat heeltyds in die diens is van die Staat of 'n inrigting wat finansiële steun van die Staat ontvang, in verband met 'n aangeleentheid waaroor, na die oordeel van die Minister, die raad beheer het, word, tensy hy binne negentig dae nadat hy deur die hoof van die betrokke Staatsdepartement of inrigting die geleentheid gegee was om dit te doen, skriftelik by genoemde hoof daarteen beswaar aanteken, na die diens van die raad oorgeplaas en geag as 'n beampte deur die raad aangestel te wees vanaf die datum wat die raad in oorleg met genoemde hoof bepaal, en die salaris van so iemand word vanaf daardie datum aangepas by die salarisskaal wat op sy pos van toepassing is, en wel op die kerf van daardie skaal wat die raad bepaal: Met dien verstande dat, behoudens die bepalings van hierdie Wet, die salaris of salarisskaal waarteen of waarvolgens so iemand onmiddellik voor daardie datum besoldig was, en die byverdienste waarop hy onmiddellik voor daardie datum geregtig was en ten opsigte waarvan hy verplig was om by te dra tot 'n pensioen- of voorsorgfonds waarvan hy ingevolge 'n wet onmiddellik voor sodanige datum 'n lid was, en die geldswaarde van sodanige byverdienste vir die doeleindes van sodanige bydrae, nie sonder sy toestemming verminder mag word nie. Oorplasing van sekere persone na diens van die raad.

(b) Ondanks andersluidende bepalings van enige ander wet, is 'n byverdienste bedoel in die voorbehoudsbepaling by paragraaf (a) deel van die betrokke beampte se emolumente vir die doeleindes van sy bydraes tot 'n pensioen- of voorsorgfonds waarvan hy lid is.

(c) Ondanks die bepalings van paragraaf (a) word die Direkteur van die Buro vir Opvoedkundige en Maatskaplike Navorsing in die Departement van Hoër Onderwys geag as president ingevolge hierdie Wet aangestel te wees vanaf die vasgestelde datum.

(2) Ondanks andersluidende bepalings van enige ander wet—

(a) word die ononderbroke heeltydse diens onmiddellik voor die datum in paragraaf (a) van subartikel (1) vermeld, by die Staat of die betrokke inrigting van iemand in daardie paragraaf bedoel, vir verlofdoeleindes geag diens by die raad te wees, en word, onderworpe aan die voorwaardes wat die raad met die goedkeuring van die Minister bepaal, siekte- en oplopende vakansieverlof wat op daardie datum op naam van so iemand staan, geag verlof te wees wat ingevolge sy diensvoorwaardes in die diens van die raad verdien is;

(b) behou iemand in subartikel (1) bedoel al die regte en voorregte en bly hy onderworpe aan al die verpligtings wat hy vir pensioendoeleindes verkry of opgeloop het ingevolge 'n wet wat deur die Staat geadministreer word en wat onmiddellik voor die toepaslike datum in genoemde subartikel (1) bedoel, op hom van toepassing was; en

(c) word 'n bydrae wat ingevolge 'n wet in paragraaf (b) bedoel deur die Staat of die betrokke inrigting aan die betrokke pensioenfonds ten opsigte van so iemand betaalbaar sou gewees het indien hy nie 'n beampte van die raad geword het nie, deur die raad aan bedoelde pensioenfonds betaal.

(3) Iemand op wie subartikel (1) van toepassing is, kan op die voorwaardes wat die Sekretaris van Volkswelsyn en Pensioene bepaal, kies om van alle verpligtings, regte en voorregte ten opsigte van bedoelde pensioenfonds onthef te word en afstand te doen, en om lid te word van die pensioenfonds inge-

Pension scheme
and fund.

7. The council shall be deemed to have been declared in terms of section 4 of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), to be an associated institution as from the fixed date.

Transfer of certain
persons to service
of the council.

8. (1) (a) Any person who is in the full-time service of the State or an institution receiving financial aid from the State, in connection with any matter of which, in the opinion of the Minister, the council has charge, shall, unless within ninety days after having been given, by the head of the department of State or the institution concerned, the opportunity of doing so, he objects thereto in writing with the said head, be transferred to the service of the council and be deemed to have been appointed as an officer by the council, as from the date fixed by the council in consultation with the said head, and the salary of any such person shall as from that date be adjusted to the salary scale applicable to his post, at such notch on that scale as the council may determine: Provided that, subject to the provisions of this Act, the salary or salary scale at which or in accordance with which such person was remunerated immediately prior to that date, and the extra earnings to which he was entitled immediately prior to such date and in respect of which he was required to contribute to a pension or provident fund of which he was in terms of any law a member immediately prior to such date, and the monetary value of any such extra earnings for the purposes of such contribution, may not be reduced without his consent.

(b) Notwithstanding anything to the contrary contained in any other law, any extra earnings referred to in the proviso to paragraph (a) shall be part of the emoluments of the officer concerned for the purposes of his contributions to a pension or provident fund of which he is a member.

(c) Notwithstanding the provisions of paragraph (a) the Director of the Bureau of Educational and Social Research in the Department of Higher Education shall be deemed to have been appointed president in terms of this Act as from the fixed date.

(2) Notwithstanding anything to the contrary in any other law contained—

(a) any continuous full-time employment in the service of the State or the institution concerned immediately prior to the date mentioned in paragraph (a) of subsection (1), of a person referred to in that paragraph, shall, for purposes of leave, be deemed to be employment in the service of the council, and any sick and accumulative vacation leave standing to the credit of such a person on that date, shall, subject to such conditions as the council may with the approval of the Minister determine, be deemed to be leave earned in terms of his conditions of service in the service of the council;

(b) a person referred to in subsection (1) shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him for pension purposes in terms of any law administered by the State which applied to him immediately prior to the relevant date referred to in the said subsection (1); and

(c) any contribution which, in terms of any law referred to in paragraph (b), would have been payable by the State or institution concerned in respect of such person to the pension fund concerned, if he had not become an officer of the council, shall be paid by the council to that pension fund.

(3) Any person to whom subsection (1) applies may, on such conditions as the Secretary for Social Welfare and Pensions may determine, elect to be released from and to renounce all obligations, rights and privileges in respect of the said pension fund, and to become a member of the pension fund established

stel ingevolge die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), en vanaf 'n datum wat genoemde Sekretaris bepaal, is die bepalings van daardie Wet dan op hom van toepassing.

(4) Indien 'n waarborg verstrek ingevolge artikel 3 (1) van die Finansiële Wet, 1955 (Wet No. 67 van 1955), betrekking het op iemand wat ingevolge subartikel (1) van hierdie artikel 'n beamppte van die raad word en so iemand—

(a) aanhou om 'n bydraer te wees tot 'n pensioenfonds bedoel in artikel 2 (1) van die Regeringsdienspensioenwet, 1965 (Wet No. 62 van 1965); of

(b) 'n bydraer word tot die pensioenfonds bedoel in artikel 2 (1) van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963,

word daardie waarborg, tesame met enige bedinge en voorwaardes waaraan dit onderworpe is, geag deur die raad verstrek te gewees het en bly dit, ondanks 'n andersluidende bepaling daarvan, maar behoudens die ander bedinge en voorwaardes daarvan, *mutatis mutandis* ten volle van krag.

(5) 'n Bevoegdheid, plig of werksaamheid kragtens artikel 3 van die Finansiële Wet, 1955, aan die Minister van Finansies verleen of hom opgelê, word vir sover dit betrekking het op 'n waarborg wat geag word deur die raad verstrek te gewees het, deur die raad uitgeoefen of verrig, en 'n verlies wat deur die raad ten gevolge van die uitoefening of verrigting van sodanige bevoegdheid, plig of werksaamheid gely word, word uit die fondse van die raad bestry.

(6) Ondanks andersluidende bepalings van enige wet kan 'n bedrag wat op die datum van sy uitdienstreding of ontslag deur iemand bedoel in subartikel (4) aan die raad betaalbaar is of wat die raad dan ten opsigte van hom moet betaal, in 'n enkele bedrag of die paaielemente wat die Sekretaris van Volkswelsyn en Pensioene bepaal, afgetrek word van 'n voordeel wat uit die betrokke pensioenfonds aan so iemand betaalbaar is, vir oorbetalings aan die raad.

9. (1) Behoudens die bepalings van subartikel (4) van hierdie artikel en van artikel 10, berus die regte op 'n uitvinding deur 'n beamppte of werknemer of deur iemand wat 'n navorsingsbeurs van die raad ontvang, as gevolg van navorsing deur hom onderneem, by die raad, wat so 'n uitvinding beskikbaar moet stel vir gebruik in die openbare belang op die voorwaardes en onderworpe aan die betaling van dié gelde of tantiemes wat die raad bepaal.

Uitvindings deur beamptes en werknemers van raad en andere, en toekenning van bonusse aan sodanige persone.

(2) Indien die regte op 'n uitvinding ingevolge subartikel (1) by die raad berus, kan die raad aan die betrokke uitvinder dié bonus toeken, of voorsiening maak vir geldelike deelname deur so iemand in die winste verkry uit dié uitvinding in dié mate wat die Minister in oorleg met die Minister van Finansies bepaal.

(3) Die raad kan aansoek doen om 'n patent ten opsigte van 'n uitvinding bedoel in subartikel (1), en by die toepassing van die Wet op Patente, 1952 (Wet No. 37 van 1952), word die raad beskou as die sessionaris van die betrokke uitvinder.

(4) Die bepalings van hierdie artikel is nie van toepassing nie ten opsigte van 'n uitvinding bedoel in subartikel (1) wat, na die oordeel van die Minister, deur die betrokke persoon gedoen is anders as in die loop van sy werk as 'n beamppte of werknemer of anders as in die loop van die navorsing ten opsigte waarvan hy 'n beurs van die raad ontvang, en geen verband met sodanige werk of navorsing hou nie.

10. Die regte op 'n uitvinding wat gedoen word as gevolg van 'n ondersoek wat ingevolge artikel 3 (2) ingestel word, berus of by die raad of by die persoon wat die ondersoek aangevra het, soos vooraf ooreengekom, en daar word, indien dit by die raad berus, verder mee gehandel soos in artikel 9 (1) bepaal.

Regte op uitvindings as gevolg van navorsing op versoek onderneem.

11. (1) Behoudens die bepalings van artikels 9 en 10 en van die wette op amptelike geheimhouding, indien iemand bedoel in artikel 9 (1) as gevolg van navorsing deur hom onderneem 'n feit vasstel wat voorheen onbekend was, moet hy die toepaslike besonderhede daaromtrent aan die raad mededeel en

Geheimhouding.

in terms of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), and as from a date fixed by the said Secretary the provisions of that Act shall then apply to him.

(4) If any guarantee given in terms of section 3 (1) of the Finance Act, 1955 (Act No. 67 of 1955), relates to a person who in terms of subsection (1) of this section becomes an officer of the council and such person—

(a) continues to be a contributor to a pension fund referred to in section 2 (1) of the Government Service Pensions Act, 1965 (Act No. 62 of 1965); or

(b) becomes a contributor to the pension fund referred to in section 2 (1) of the Associated Institutions Pension Fund Act, 1963,

such guarantee, together with any terms and conditions to which it is subject, shall be deemed to have been given by the council and shall, notwithstanding anything to the contrary contained in any provision thereof, but subject to the other terms and conditions thereof, *mutatis mutandis* remain of full force and effect.

(5) Any power, duty or function conferred or imposed upon the Minister of Finance under section 3 of the Finance Act, 1955, shall, in so far as it relates to a guarantee deemed to have been given by the council, be exercised or performed by the council, and any loss suffered by the council as a result of the exercise or performance of such power, duty or function, shall be defrayed out of the funds of the council.

(6) Notwithstanding anything to the contrary in any law contained, any amount which is payable to the council by any person referred to in subsection (4) on the date of his retirement or discharge, or which the council is then liable to pay in respect of him, may be deducted from any benefit which is payable to such person out of the pension fund concerned, in a lump sum or in such instalments as the Secretary for Social Welfare and Pensions may determine, for payment to the council.

Inventions by officers and employees of council and others, and the award of bonuses to such persons.

9. (1) Subject to the provisions of subsection (4) of this section and of section 10, the rights in any invention made by an officer or employee or by a person in receipt of a research bursary from the council as a result of research undertaken by him, shall vest in the council, which shall make such invention available for use in the public interest subject to such conditions and the payment of such fees or royalties as the council may determine.

(2) If the rights in any invention are in terms of subsection (1) vested in the council, the council may award to the inventor in question such bonus, or make provision for financial participation by him in the profits derived from such invention to such extent as the Minister may, in consultation with the Minister of Finance, determine.

(3) The council may apply for a patent in respect of any invention contemplated in subsection (1) and shall, for the purposes of the Patents Act, 1952 (Act No. 37 of 1952), be regarded as the assignee of the inventor in question.

(4) The provisions of this section shall not apply in respect of an invention contemplated in subsection (1) which, in the opinion of the Minister, was made by the person in question otherwise than in the course of his employment as an officer or employee or otherwise than in the course of the research in respect of which he received a bursary from the council, and was not connected with such employment or research.

Rights in inventions as result of research undertaken on request.

10. The rights in any invention made as a result of an investigation conducted in terms of section 3 (2) shall vest either in the council or in the person who requested the investigation, as agreed upon previously, and shall, if they vest in the council, be further dealt with as provided in section 9 (1).

Secrecy.

11. (1) Subject to the provisions of sections 9 and 10 and of the laws relating to official secrets, if any person referred to in section 9 (1), as a result of any research undertaken by him, ascertains any fact which was previously unknown, he shall report the appropriate particulars thereanent to the council

mag hy dit nie sonder die toestemming van die raad aan iemand anders as die raad openbaar maak nie.

(2) Die bepalings van artikel 9 (4) is *mutatis mutandis* van toepassing ten opsigte van die vasstelling van 'n feit beoog in subartikel (1) van hierdie artikel.

(3) Iemand wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand.

12. (1) Die fondse van die raad bestaan uit—

Finansiering
van raad.

- (a) geld wat die Parlement bewillig ten einde die raad in staat te stel om sy werksaamhede uit te voer;
- (b) inkomste verkry uit hoofde van die bepalings van subartikel (4);
- (c) gelde of tantièmes bedoel in artikel 9 (1) wat aan die raad betaal word;
- (d) skenkings of bydraes wat die raad van iemand ontvang of die Wetgewende Vergadering van Suidwes-Afrika ten bate van die raad bewillig.

(2) (a) Behoudens die bepalings van subartikel (5), wend die raad sy fondse aan om uitgawes in verband met die uitvoering van sy werksaamhede te bestry.

(b) Die raad moet die geld beoog in subartikel (1) (a) aanwend ooreenkomstig die betrokke staat van sy geraamde inkomste en uitgawes vermeld in subartikel (3), soos deur die Minister goedgekeur: Met dien verstande dat, behoudens die bepalings van paragraaf (a), die raad 'n bedrag of gedeelte van 'n bedrag wat vir 'n besondere doel in verband met 'n bepaalde aangeleentheid aangewend moet word, vir 'n ander doel in verband met daardie aangeleentheid kan aanwend: Met dien verstande voorts dat die raad die saldo van sodanige geld wat aan die end van die betrokke boekjaar van die raad oorbly, vir enige uitgawes in verband met die uitvoering van sy werksaamhede kan aanwend.

(c) Die raad moet 'n skenking of bydrae beoog in subartikel (1) (d) aanwend ooreenkomstig die voorwaardes (indien daar is) wat die betrokke skenker of bydraer voorgeskryf het.

(3) Die raad moet in elke boekjaar, en wel op 'n tydstop deur die Minister bepaal, 'n staat van sy geraamde inkomste en uitgawes gedurende die daaropvolgende boekjaar aan die Minister voorlê vir sy goedkeuring in oorleg met die Minister van Finansies.

(4) Die raad kan 'n onbestede gedeelte van sy geld belê by die Staatskuldkommissaris of op die ander wyse wat die Minister in oorleg met die Minister van Finansies bepaal.

(5) Die raad kan die reserwefondse instel wat hy goed ag, en daarin die bedrae stort wat die Minister goedkeur.

13. (1) Die boekjaar van die raad eindig op 31 Maart in elke jaar.

Ouditen
jaarverslag.

(2) Die raad moet behoorlik boekhou van sy eiendom en sy finansiële transaksies.

(3) Die Kontroleur en Ouditeur-generaal moet die rekenings van die raad ouditeer.

(4) (a) Die raad moet aan die Minister die inligting verstrek wat hy van tyd tot tyd verlang in verband met die werksaamhede en geldelike toestand van die raad, en moet daarbenewens so spoedig doenlik na die end van elke boekjaar aan die Minister 'n jaarverslag voorlê, met inbegrip van 'n balansstaat en 'n staat van inkomste en uitgawe deur die Kontroleur en Ouditeur-generaal gesertifiseer, en die ander besonderhede wat die Minister verlang.

(b) Die Minister moet so 'n verslag in die Senaat en in die Volksraad ter Tafel lê binne veertien dae na ontvangs daarvan, indien die Parlement in gewone sessie

and shall not without the consent of the council disclose it to any person other than the council.

(2) The provisions of section 9 (4) shall *mutatis mutandis* apply in respect of the ascertaining of any fact contemplated in subsection (1) of this section.

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand.

Financing of council.

12. (1) The funds of the council shall consist of—

- (a) moneys appropriated by Parliament to enable the council to perform its functions;
- (b) revenue obtained by virtue of the provisions of subsection (4);
- (c) fees or royalties referred to in section 9 (1) which are paid to the council;
- (d) donations or contributions which the council may receive from any person or which the Legislative Assembly of South-West Africa may appropriate in aid of the council.

(2) (a) Subject to the provisions of subsection (5), the council shall utilize its funds for defraying expenses in connection with the performance of its functions.

(b) The council shall utilize the moneys contemplated in subsection (1) (a) in accordance with the statement in question of its estimated income and expenditure referred to in subsection (3), as approved by the Minister: Provided that, subject to the provisions of paragraph (a), the council may utilize an amount or portion of an amount required to be utilized for a particular purpose in connection with a specific matter, for any other purpose in connection with that matter: Provided further that the council may utilize the balance of such moneys remaining at the end of the council's financial year in question, for any expenses in connection with the performance of its functions.

(c) The council shall utilize any donation or contribution contemplated in subsection (1) (d) in accordance with the conditions (if any) imposed by the donor or contributor in question.

(3) The council shall in each financial year, at a time determined by the Minister, submit a statement of its estimated income and expenditure during the following financial year to the Minister for his approval in consultation with the Minister of Finance.

(4) The council may invest any unexpended portion of its moneys with the Public Debt Commissioners or in such other manner as may be determined by the Minister in consultation with the Minister of Finance.

(5) The council may establish such reserve funds as it may deem expedient and pay into any such fund such amounts as the Minister may approve.

Auditing and annual report.

13. (1) The financial year of the council shall terminate on the 31st day of March in each year.

(2) The council shall keep a proper record of its property and of its financial transactions.

(3) The accounts of the council shall be audited by the Controller and Auditor-General.

(4) (a) The council shall furnish to the Minister such information in connection with the activities and financial position of the council as he may from time to time require, and shall in addition, as soon as possible after the end of every financial year, submit to the Minister an annual report, including a balance sheet and a statement of income and expenditure certified by the Controller and Auditor-General, and such other particulars as the Minister may require.

(b) The Minister shall lay the said report upon the Table of the Senate and of the House of Assembly within fourteen days after receipt thereof, if Parliament is in

is, of, indien die Parlement nie in gewone sessie is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sessie.

14. Die Minister kan regulasies uitvaardig betreffende— Regulasies.

(a) die ampstermyn, bedanking en ontslag van die lede van die raad; en

(b) 'n ander aangeleentheid ten opsigte waarvan hy dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.

15. Ondanks 'n andersluidende bepaling van die „Zuidwest-Afrika Konstitutie Wet, 1925” (Wet No. 42 van 1925), of 'n ander Wet, kan die Wetgewende Vergadering van Suidwes-Afrika geld uit die Inkomstefonds van Suidwes-Afrika ten bate van die raad bewillig. Bewilliging deur Wetgewende Vergadering van Suidwes-Afrika van gelde vir werksaamhede van raad.

16. Hierdie Wet en iedere wysiging daarvan is ook in die gebied Suidwes-Afrika van toepassing. Toepassing van Wet in Suidwes-Afrika.

17. Hierdie Wet heet die Wet op Geesteswetenskaplike Navorsing, 1968, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

ordinary session or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Regulations.

14. The Minister may make regulations as to—

- (a) the period of office, resignation and dismissal of members of the council; and
- (b) any other matter in respect of which he deems it necessary or expedient to make regulations to achieve the objects of this Act.

**Appropriation
by Legislative
Assembly of
South-West
Africa of moneys
for functions
of council.**

15. Notwithstanding anything to the contrary contained in the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925), or any other law, the Legislative Assembly of South-West Africa may appropriate moneys from the Revenue Fund of South-West Africa in aid of the council.

**Application of
Act in South-
West Africa.**

16. This Act and every amendment thereof shall also apply in the territory of South-West Africa.

**Short title and
commencement.**

17. This Act shall be called the Human Sciences Research Act, 1968, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.