



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 438. 26 Maart 1969.

No. 438. 26th March, 1969.

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

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

No. 19 van 1969: Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1969.

No. 19 of 1969: South African Medical Research Council Act, 1969.

Act No. 19, 1969 SOUTH AFRICAN MEDICAL RESEARCH COUNCIL ACT, 1969.

ACT

To provide for the promotion of research in the field of the medical sciences; for that purpose to establish a South African Medical Research Council; and to provide for matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 14th March, 1969.)*

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) "college" means a college as defined in section 1 of the Advanced Technical Education Act, 1967 (Act No. 40 of 1967); (i)
 - (ii) "council" means the South African Medical Research Council established by section 2; (iv)
 - (iii) "fixed date" means the date fixed by the State President in terms of section 2; (vii)
 - (iv) "Minister" means the Minister to whom the administration of this Act has been assigned in terms of section 24; (ii)
 - (v) "president" means the person appointed in terms of section 6 as the president of the council; (iii)
 - (vi) "Republic" includes the territory of South-West Africa; (v)
 - (vii) "university" means a university established by Act of Parliament; (vi)
 - (viii) "vice-president" means the person appointed in terms of section 6 as vice-president of the council. (viii)

Establishment of council.

2. There is hereby established, with effect from a date fixed by the State President by proclamation in the *Gazette*, a council to be known as the South African Medical Research Council which shall be a body corporate, capable in law of suing and being sued in its own name.

Objects of council.

3. The objects of the council are—
 - (a) to assist in promoting the health of the people in the Republic;
 - (b) to undertake research on and investigate problems affecting the health of individuals or communities in or the peoples of the Republic;
 - (c) to seek new knowledge or develop the application of existing knowledge in so far as it relates to the elucidation or the better understanding of the somatic and psychic processes of man;
 - (d) to stimulate research in the field of the medical sciences and research in the fields of the mathematical, physical, behavioural and biological sciences and other useful arts in so far as such research is relevant to the medical sciences;
 - (e) to survey the broad objectives and possibilities of the medical and related sciences, to formulate comprehensive projects and programmes of research, and to develop effective methods for utilizing the scientific

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WET

Om voorsiening te maak vir die bevordering van navorsing op die gebied van die mediese wetenskappe; om vir dié doel 'n Suid-Afrikaanse Mediese Navorsingsraad in te stel; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 14 Maart 1969.)

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— Woordom skrywing.

- (i) „kollege” ’n kollege soos omskryf in artikel 1 van die Wet op Gevorderde Tegniese Onderwys, 1967 (Wet No. 40 van 1967); (i)
- (ii) „Minister” die Minister aan wie die uitvoering van hierdie Wet ingevolge artikel 24 opgedra is; (iv)
- (iii) „president” die persoon wat ingevolge artikel 6 as die president van die raad aangestel is; (v)
- (iv) „raad” die Suid-Afrikaanse Mediese Navorsingsraad ingestel by artikel 2; (ii)
- (v) „Republiek” ook die gebied Suidwes-Afrika; (vi)
- (vi) „universiteit” ’n universiteit wat by ’n Wet van die Parlement ingestel is; (vii)
- (vii) „vasgestelde datum” die datum deur die Staatspresident ingevolge artikel 2 bepaal; (iii)
- (viii) „vise-president” die persoon wat ingevolge artikel 6 as vise-president van die raad aangestel is. (viii)

2. Hierby word, met ingang van ’n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal, ’n raad ingestel met die naam die Suid-Afrikaanse Mediese Navorsingsraad wat met regs persoonlikheid bekleed is, en in sy naam as eiser en verweerder in die regte kan optree. Instelling van raad.

3. Die oogmerke van die raad is—

- (a) om behulpsaam te wees met die bevordering van die gesondheid van die bevolking in die Republiek;
- (b) om navorsing te onderneem en ondersoek in te stel na probleme rakende die gesondheid van individue of gemeenskappe in of die inwoners van die Republiek;
- (c) om te soek na nuwe kennis of die toepassing van bestaande kennis te ontwikkel vir so ver dit verband hou met die toeligtig of ’n betere begrip van die somatiese en psigiese prosesse van die mens;
- (d) om navorsing op die gebied van die mediese wetenskappe en navorsing op die gebied van die wiskundige, fisiese, gedrags- en biologiese wetenskappe en ander nuttige kunste, vir sover sodanige navorsing betrekking het op die mediese wetenskappe, te prikkel;
- (e) om ’n opname te doen van die breë oogmerke en moontlikhede van die mediese en aanverwante wetenskappe, om omvattende navorsingsprojekte en -programme te formuleer, en om doelmatige metodes vir die aanwending van die wetenskaplike en tegniese hulpbronne Oogmerke van raad.

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and technical resources of the Republic for the execution of such projects;

- (f) to promote co-operation in research, at home and abroad, and to secure the effective development of medical research in the Republic by stimulating progress, minimizing duplication and ensuring concentration of effort;
- (g) to gather and collate scientific and technical information relating to the medical and related sciences, both in the Republic and abroad and in co-operation with governmental and other agencies, and to render such information available to such persons as it may deem fit;
- (h) to foster and contribute financially to the training of persons for medical research;
- (i) to foster individual initiative fundamentally important to the advancement of science.

Functions of council.

4. (1) The council shall have charge of all such matters affecting medical, dental and related biological and physical research in the Republic as may be assigned to it by the Minister, or as the council may of its own accord promote in spheres determined by the Minister either specifically or in broad outline, and shall advise the Minister on all questions of research in the field of the medical sciences affecting the public health, and the proper co-ordination and employment of scientific research and investigation to this end.

(2) If the Council for Scientific and Industrial Research was immediately prior to the fixed date engaged in any activity in connection with any matter affecting medical, dental and related biological and physical research in the Republic, such matter shall be deemed to be a matter assigned, as from that date, to the council in terms of subsection (1).

Powers of council.

5. Without prejudice to the generality of its functions under section 4, the council may, for the purpose of the achievement of its objects—

- (a) make grants to individuals, universities, hospitals, museums, colleges and scientific institutions in aid of medical research or for the establishment of facilities for such research;
- (b) co-operate with Departments of State, Provincial Administrations, the Administration of South-West Africa, universities, colleges, scientific institutions and other persons for the promotion of research in the field of the medical sciences;
- (c) co-operate with educational authorities and scientific and technical societies and institutions, or organizations or bodies in the Republic representing employers or employees, for the promotion of—
 - (i) the teaching in schools, colleges and universities of particular aspects of the medical sciences;
 - (ii) the training of research workers, technologists, technical experts, craftsmen and skilled artisans in so far as such training is related to the development of medical research;
- (d) grant or make available bursaries and educational loans to persons desiring to train as scientists, technologists, technical experts, craftsmen and skilled artisans in so far as such training is related to the development of medical research;
- (e) co-operate with persons in other countries;
- (f) with the approval of the Minister, and either individually or jointly with any other person, purchase or otherwise acquire, or hold, alienate, hire or let movable and

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- van die Republiek te ontwikkel vir die uitvoering van sodanige projekte;
- (f) om op binne- sowel as buitelandse gebied samewerking by navorsing te bevorder, en om die doelmatige ontwikkeling van mediese navorsing in die Republiek te verseker deur vooruitgang te prikkel, oorvleueling tot die minimum terug te bring en gekonsentreerde inspanning te bewerkstellig;
 - (g) om in die Republiek sowel as in die buiteland en in samewerking met Staatsagentskappe en ander agentskappe, wetenskaplike en tegniese inligting wat verband hou met die mediese en aanverwante wetenskappe te versamel en te vergelyk, en daardie inligting beskikbaar te stel aan die persone wat hy goedvind;
 - (h) om die opleiding van persone vir mediese navorsing te bevorder en finansiële te steun;
 - (i) om individuele ondernemingsgees wat van fundamentele belang vir die vooruitgang van die wetenskap is, te bevorder.

4. (1) Die raad is belas met al die aangeleenthede rakende mediese, tandheelkundige en aanverwante biologiese en fisiese navorsing in die Republiek wat die Minister aan hom toewys, of wat die raad uit eie beweging bevorder op gebiede wat die Minister in die besonder of in breë trekke bepaal, en moet die Minister van advies dien aangaande alle vraagstukke insake navorsing op die gebied van die mediese wetenskappe wat die openbare gesondheid raak, en die behoorlike koördinasie en aanwending van wetenskaplike navorsing en ondersoek vir daardie doel.

(2) Indien die Wetenskaplike en Nywerheidsnavorsingsraad onmiddellik voor die vasgestelde datum hom besiggehou het met 'n bedrywigheid in verband met 'n aangeleentheid rakende mediese, tandheelkundige en aanverwante biologiese en fisiese navorsing in die Republiek, word sodanige aangeleentheid geag 'n aangeleentheid te wees wat vanaf daardie datum ingevolge subartikel (1) aan die raad toegewys is.

Werksaamhede van raad.

5. Sonder om afbreuk te doen aan die algemeenheid van sy werksaamhede kragtens artikel 4, kan die raad vir die bereiking van sy oogmerke—

Bevoegdhede van raad.

- (a) aan individue, universiteite, hospitale, museums, kolleges en wetenskaplike inrigtings toekennings doen ten bate van mediese navorsing of vir die totstandbrenging van fasiliteite vir sodanige navorsing;
- (b) saamwerk met Staatsdepartemente, Provinsiale Administrasies, die Administrasie van Suidwes-Afrika, universiteite, kolleges, wetenskaplike inrigtings en ander persone vir die bevordering van navorsing op die gebied van die mediese wetenskappe;
- (c) saamwerk met onderwysowerhede en wetenskaplike en tegniese verenigings en inrigtings, of organisasies of liggame in die Republiek wat werkgewers of werknemers verteenwoordig, ter bevordering van—
 - (i) die onderrig in bepaalde aspekte van die mediese wetenskappe in skole, kolleges en universiteite;
 - (ii) die opleiding van navorsers, tegnoloë, tegniese deskundiges, vakmanne en geskoolde ambagsmanne, vir sover sodanige opleiding verband hou met die ontwikkeling van mediese navorsing;
- (d) studiebeurse en -lenings toeken of beskikbaar stel aan persone wat as wetenskaplikes, tegnoloë, tegniese deskundiges, vakmanne of geskoolde ambagsmanne opgelei wil word, vir sover sodanige opleiding verband hou met die ontwikkeling van mediese navorsing;
- (e) met persone in ander lande saamwerk;
- (f) met die goedkeuring van die Minister, en of alleen of gesamentlik met iemand anders, roerende en onroerende goed aankoop of op 'n ander wyse verkry, of

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immovable property and establish laboratories or other facilities;

- (g) do all such things as are conducive to the achievement of the said objects or calculated directly or indirectly to enhance the value of or render profitable the property or rights of the council.

Constitution of council, and period of office and remuneration of its members.

6. (1) The council shall consist of a president, a vice-president and twelve other members appointed by the State President and all of whom shall be persons who have distinguished themselves in any branch of the medical or a related science.

(2) A member of the council, with the exception of the president and the vice-president, shall hold office for a period of three years but shall be eligible for reappointment.

(3) The president, the vice-president and the other members of the council, with the exception of members who are in the full-time service of the State, shall be paid out of the funds of the council such remuneration and allowances as the Minister, in consultation with the Minister of Finance, may determine.

(4) When both the president and the vice-president are absent from a meeting of the council, the members present thereat may elect one of their number to preside at such meeting.

President of the council.

7. (1) The president shall be a medical practitioner registered in the Republic, shall be appointed for such period, not exceeding five years at a time, as the State President may determine, and the said president shall preside at meetings of the council and the executive committee referred to in section 10 at which he is present.

(2) If the president has been appointed on a full-time basis, he shall be the chief executive officer of the council, exercise supervision over the other officers and employees of the council, and manage and control the work authorized by the council.

(3) Whenever for any reason the president is absent or unable to perform his duties, or whenever there is a vacancy in the office of president, the Minister may, subject to the payment, out of the funds of the council, of such remuneration and allowances as he may, in consultation with the Minister of Finance, determine, appoint some other person to act as president during such absence or inability, or until a president has been appointed in terms of section 6.

Vice-president of council.

8. (1) The vice-president shall be a medical practitioner registered in the Republic and shall be appointed for such period, not exceeding five years at a time, as the State President may determine.

(2) The vice-president shall be the chief executive officer of the council and perform the functions contemplated in section 7 (2) if and for so long as the president holds office on a part-time basis, and shall be vice-chairman of the council, and when the president is absent or unable to perform his duties as chairman, the vice-president shall preside at meetings of the council and of the executive committee referred to in section 10 at which he is present.

Meetings of council.

9. (1) The meetings of the council shall be held at such times and places as the council may determine.

(2) The president may at any time call a special meeting of the council which shall be held at such time and place as he may direct.

(3) The quorum for a meeting of the council shall be seven members thereof.

(4) A decision of the council shall be by a resolution of the majority of the members present at a meeting of the council, and, in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote as a member of the council.

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besit, vervreem, huur of verhuur, en laboratoria of ander fasiliteite tot stand bring;

- (g) al die dinge doen wat bevorderlik is vir die bereiking van genoemde oogmerke, of wat daarop bereken is om regstreeks of onregstreeks die waarde van die raad se eiendom of regte te verhoog of dit winsgewend te maak.

6. (1) Die raad bestaan uit 'n president, 'n vise-president en twaalf ander lede wat die Staatspresident aanstel en wat almal persone moet wees wat hulle in die een of ander vertakking van die mediese of 'n aanverwante wetenskap onderskei het. Samestelling van raad, en ampstermyn en besoldiging van sy lede.

(2) 'n Lid van die raad, met uitsondering van die president en die vise-president, bekleë sy amp vir 'n tydperk van drie jaar, maar kan weer aangestel word.

(3) Aan die president, die vise-president en die ander lede van die raad, met uitsondering van lede wat in die heeltidse diens van die Staat is, word uit die fondse van die raad die besoldiging en toelaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.

(4) Wanneer die president en die vise-president altwee van 'n vergadering van die raad afwesig is, kan die lede wat daarop aanwesig is, een uit hul midde kies om op d'é vergadering voor te sit.

7. (1) Die president moet 'n in die Republiek geregistreerde geneesheer wees, word aangestel vir die tydperk, maar van hoogstens vyf jaar op 'n keer, wat die Staatspresident bepaal, en genoemde president sit voor op die vergaderings van die raad en van die uitvoerende komitee vermeld in artikel 10 waarop hy aanwesig is. President van die raad.

(2) Indien die president op 'n heeltidse grondslag aangestel is, is hy die hoof- uitvoerende amptenaar van die raad, hou hy toesig oor die ander amptenare en werknemers van die raad en bestuur en beheer hy die werk wat deur die raad gemagtig is.

(3) Wanneer die president om die een of ander rede afwesig is of nie in staat is om sy pligte uit te voer nie, of wanneer die amp van president vakant is, kan die Minister, onderworpe aan die betaling uit die fondse van die raad van die besoldiging en toelaes wat hy in oorleg met die Minister van Finansies bepaal, iemand anders aanstel om as president op te tree tydens sodanige afwesigheid of onvermoë, of totdat 'n president ingevolge artikel 6 aangestel is.

8. (1) Die vise-president moet 'n in die Republiek geregistreerde geneesheer wees en word aangestel vir die tydperk, maar van hoogstens vyf jaar op 'n keer, wat die Staatspresident bepaal. Vise-president van die raad.

(2) Die vise-president is hoof- uitvoerende amptenaar van die raad en verrig die werksaamhede beoog in artikel 7 (2) indien en so lank die president sy amp op 'n deeltidse grondslag bekleë, en is ondervoorsitter van die raad, en wanneer die president afwesig is of nie in staat is om sy pligte as voorsitter uit te voer nie, sit die vise-president voor op vergaderings van die raad en van die uitvoerende komitee vermeld in artikel 10 waarop hy aanwesig is.

9. (1) Die vergaderings van die raad word gehou op die tye en plekke wat die raad bepaal. Vergaderings van raad.

(2) Die president kan te eniger tyd 'n spesiale vergadering van die raad belê wat gehou word op die tyd en plek wat die president gelas.

(3) Die kworum vir 'n vergadering van die raad is sewe lede daarvan.

(4) 'n Besluit van die raad moet geskied by 'n besluit van die meerderheid van die lede wat op 'n vergadering van die raad aanwesig is, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering voorsit, 'n beslissende stem benewens sy beraadslagende stem as lid van die raad.

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Executive committee.

10. (1) The council shall have an executive committee consisting of the president, the vice-president and two other members of the council elected annually by the council.

(2) The quorum for a meeting of the executive committee shall be three members thereof.

(3) Under the supervision of the council the executive committee may exercise all the powers and perform all the functions of the council.

(4) The council may out of its funds pay to a member of the executive committee (excluding the president, the vice-president or a member who is in the full-time service of the State) such additional remuneration and allowances as the Minister, in consultation with the Minister of Finance, may determine.

Subsidiary committees.

11. (1) The council may establish subsidiary committees to assist it in the exercise of its powers and the performance of its functions, and may appoint such persons, including officers of the council, as it may deem fit, to be members of any such committee.

(2) The members of any such committee who are not members or officers of the council or in the full-time service of the State, may, out of the funds of the council, be paid such remuneration and allowances by the council as the Minister, in consultation with the Minister of Finance, may determine.

Delegation of powers.

12. The council may from time to time in its discretion delegate any of its powers to a committee established under section 11, or to any member or officer of the council, but shall not be divested of any power so delegated.

Officers and employees.

13. (1) The council may at such remuneration and allowances as may be approved by the Minister, in consultation with the Minister of Finance, appoint such officers and employees as it may deem necessary to assist it in the performance of its functions under this Act.

(2) Any person who is in the service of the Council for Scientific and Industrial Research for the purpose of any matter of which the council has charge in terms of section 4, shall be transferred to the service of the council and be deemed to have been appointed in terms of subsection (1) to the service of the council as from a date fixed by the council in consultation with the said Council for Scientific and Industrial Research.

(3) Any continuous employment of any person referred to in subsection (2) in the service of the Council for Scientific and Industrial Research and any employment of any such person which is in terms of any law deemed to be such employment, shall, for purposes of leave, be deemed to be continuous employment in the service of the council.

(4) Any sick and accumulative vacation leave standing to the credit of any person referred to in subsection (2) on the relevant date referred to in that subsection shall be deemed to be leave earned in the service of the council.

(5) Any person referred to in subsection (2) who immediately prior to the relevant date referred to in that subsection was a member of a pension fund established by law and administered by the State, shall retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him in respect of such pension fund.

(6) Any contribution to a pension fund referred to in subsection (5) which would have been payable by the Council for Scientific and Industrial Research in respect of any person referred to in the said subsection if he had not been transferred to the service of the council, shall as from the date of such transfer be paid by the council.

(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), an associated institution as from the fixed date: Provided that the provisions of section 3 of that Act shall not apply to any person referred to in subsection (5) of this section who on the day immediately preceding

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10. (1) Die raad het 'n uitvoerende komitee wat bestaan uit die president, die vise-president en twee ander lede van die raad wat jaarliks deur die raad gekies word. Uitvoerende komitee.

(2) Die kworum vir 'n vergadering van die uitvoerende komitee is drie lede daarvan.

(3) Onder die toesig van die raad kan die uitvoerende komitee al die bevoegdhede van die raad uitoefen en al sy werksaamhede verrig.

(4) Die raad kan uit sy fondse aan 'n lid van die uitvoerende komitee (met die uitsondering van die president, die vise-president en 'n lid wat in die heeltidse diens van die Staat is) die bykomende besoldiging en toelaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.

11. (1) Die raad kan hulpkomitees instel om hom by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede behulpsaam te wees, en kan die persone wat hy goedvind, met inbegrip van amptenare van die raad, as lede van enige sodanige komitee aanstel. Hulpkomitees.

(2) Die raad kan uit sy fondse aan die lede van so 'n komitee wat nie lede of amptenare van die raad of in die heeltidse diens van die Staat is nie, die besoldiging en toelaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.

12. Die raad kan na goeddunke van tyd tot tyd van sy bevoegdhede aan 'n komitee kragtens artikel 11 ingestel, of aan 'n lid of amptenaar van die raad delegeer, maar word nie ontdoen van 'n bevoegdheid aldus gedelegeer nie. Delegering van bevoegdhede.

13. (1) Die raad kan teen die besoldiging en toelaes wat die Minister in oorleg met die Minister van Finansies goedkeur, die amptenare en werknemers aanstel wat hy nodig ag om hom by die verrigting van sy werksaamhede kragtens hierdie Wet behulpsaam te wees. Amptenare en werknemers.

(2) Iemand wat in diens van die Wetenskaplike en Nywerheidnavorsingsraad is vir die doeleindes van 'n aangeleentheid waarvoor die raad ingevolge artikel 4 beheer het, word na die diens van die raad oorgeplaas en geag ingevolge subartikel (1) in die diens van die raad aangestel te gewees het vanaf 'n datum wat die raad in oorleg met genoemde Wetenskaplike en Nywerheidnavorsingsraad bepaal.

(3) Ononderbroke diens van iemand bedoel in subartikel (2) by die Wetenskaplike en Nywerheidnavorsingsraad, en diens van so iemand wat ingevolge die een of ander wet geag word sodanige diens te wees, word vir verlofdoeleindes geag ononderbroke diens by die raad te wees.

(4) Siekte- en oplopende vakansieverlof wat op die toepaslike datum bedoel in subartikel (2) staan op naam van iemand bedoel in dié subartikel, word geag verlof te wees wat in die diens van die raad verdien is.

(5) Iemand bedoel in subartikel (2), wat onmiddellik voor die toepaslike datum bedoel in dié subartikel lid was van 'n pensioenfonds wat by wet ingestel is en deur die Staat geadministreer word, behou al die regte en voorregte en bly onderworpe aan al die verpligtings wat hy ten opsigte van sodanige pensioenfonds verkry of opgeloop het.

(6) 'n Bydrae tot 'n pensioenfonds bedoel in subartikel (5) wat deur die Wetenskaplike en Nywerheidnavorsingsraad ten opsigte van iemand bedoel in genoemde subartikel betaalbaar sou gewees het indien hy nie na die diens van die raad oorgeplaas was nie, word vanaf die datum van sodanige oorpasing deur die raad betaal.

(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: Met dien verstande dat die bepaling van artikel 3 van daardie Wet nie van toepassing is nie op iemand bedoel in subartikel (5) van hierdie artikel wat op die dag on-

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the date of his transfer to the service of the council was not a member of the fund defined in section 1 of the said Act.

(8) Subject to the provisions of any law the pensionable emoluments at which, and the progress according to the salary scale in accordance with which any person referred to in subsection (2) was remunerated immediately prior to his transfer to the service of the council, shall not be altered without his consent, and any other rights or privileges, not elsewhere mentioned in this section, acquired by any such person in respect of his employment in the service of the Council for Scientific and Industrial Research, shall be deemed to have been acquired in respect of his employment in the service of the council.

Compensation in respect of personal injuries suffered or diseases contracted by persons employed by council.

14. (1) If a person while employed in any capacity by or on behalf of the council suffers a personal injury or contracts a disease which is attributable to such employment, the Minister may, in consultation with the Minister of Finance, authorize the payment of compensation to such person, or, in the event of his death, to his dependants, out of the funds of the council.

(2) The provisions of subsection (1) shall not affect the right of any person to compensation for any damage suffered in consequence of any injury or disease referred to in that subsection.

Transfer of certain assets to council.

15. (1) Any movable property belonging to the Council for Scientific and Industrial Research which, in the opinion of the Minister of Planning, was immediately prior to the fixed date being used exclusively in connection with any matter referred to in section 4 (2), shall, with effect from that date, vest in the council without any obligation to pay compensation in respect thereof.

(2) Any immovable property belonging to the Council for Scientific and Industrial Research which immediately prior to the fixed date was being used exclusively in connection with any matter referred to in section 4 (2), and which the Minister of Planning may determine, shall with effect from that date vest in the council without any obligation to pay compensation in respect thereof.

(3) The officer in charge of any Deeds Registry in which any immovable property which so vested in the council is registered, shall, on production to him of the title deeds of such property and a certificate by the Minister of Planning that such property has vested in the council, endorse the said title deeds to that effect and make suitable entries of such vesting in the records in his office.

(4) No transfer duty, stamp duty or other fee shall be payable in connection with the vesting of any immovable property in the council in terms of this section.

Passing of certain moneys and liabilities to council.

16. (1) Any moneys appropriated by Parliament for payment to the Council for Scientific and Industrial Research for the purpose of any matter referred to in section 4 (2) and held by any Department of State shall as from the fixed date become payable to the council.

(2) Any moneys held by the Council for Scientific and Industrial Research for any purposes referred to in subsection (1) shall as soon as may be after the fixed date be paid over to the council.

(3) Any liabilities of the Council for Scientific and Industrial Research in regard to any research in connection with any matter referred to in section 4 (2) undertaken by or on behalf of it or for or on behalf of any Department of State or any person shall with effect from the fixed date pass to the council.

Experimentation with human and animal material.

17. The council shall exercise proper control over the use of human or animal material in experimentation in connection with any matter of which the council has charge.

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middelklik vóór die datum van sy oorplasing na die diens van die raad nie 'n lid van die fonds omskryf in artikel 1 van gemelde Wet was nie.

(8) Behoudens die bepalings van die een of ander wet, word die pensioendraende besoldiging waarteen iemand bedoel in subartikel (2) besoldig was, en sy vordering volgens die salaris-skaal waarvolgens hy besoldig was onmiddellik vóór sy oorplasing na die diens van die raad, nie sonder sy toestemming verander nie, en enige ander regte en voorregte wat nie elders in hierdie artikel vermeld word nie en deur so iemand verkry is ten opsigte van sy diens by die Wetenskaplike en Nywerheidsnavorsingsraad, word geag ten opsigte van sy diens by die raad verkry te gewees het.

14. (1) Indien iemand terwyl hy in enige hoedanigheid in diens van die raad of ten behoeve van die raad in diens is, 'n persoonlike besering opdoen of 'n siekte oploop wat toe te skryf is aan sodanige diens, kan die Minister in oorleg met die Minister van Finansies magtiging verleen vir die betaling uit die fondse van die raad van skadeloosstelling aan so iemand, of, ingeval van sy dood, aan sy afhanklikes.

Skadeloosstelling ten opsigte van persoonlike beserings opgedoen of siektes opgelopen deur persone in diens van raad.

(2) Die bepalings van subartikel (1) raak nie iemand se reg op vergoeding van skade gely ten gevolge van 'n besering of siekte in daardie subartikel bedoel nie.

15. (1) Roerende goed wat aan die Wetenskaplike en Nywerheidsnavorsingsraad behoort en volgens die oordeel van die Minister van Beplanning onmiddellik vóór die vasgestelde datum uitsluitlik gebruik was in verband met 'n aangeleentheid bedoel in artikel 4 (2), gaan met ingang van daardie datum op die raad oor sonder 'n verpligting om vergoeding ten opsigte daarvan te betaal.

Oordrag van sekere bates aan raad.

(2) Onroerende goed wat aan die Wetenskaplike en Nywerheidsnavorsingsraad behoort en onmiddellik vóór die vasgestelde datum uitsluitlik in verband met 'n aangeleentheid bedoel in artikel 4 (2) gebruik was en wat die Minister van Beplanning bepaal, gaan met ingang van daardie datum op die raad oor sonder 'n verpligting om vergoeding ten opsigte daarvan te betaal.

(3) Die beamppte in beheer van 'n Aktekantoor waarin onroerende goed geregistreer is wat aldus op die raad oorgegaan het, moet, by voorlegging aan hom van die titelbewys van sodanige goed en 'n sertifikaat deur die Minister van Beplanning dat daardie goed op die raad oorgegaan het, op genoemde titelbewys 'n aantekening te dien effekte aanbring, en in die registers in sy kantoor gepaste aantekeninge van sodanige oorgang aanbring.

(4) Geen hereregte, seëlregte of ander gelde is in verband met die oorgang van onroerende goed op die raad ingevolge hierdie artikel betaalbaar nie.

16. (1) Geld wat deur die Parlement bewillig is vir oorbetalings aan die Wetenskaplike en Nywerheidsnavorsingsraad vir 'n aangeleentheid bedoel in artikel 4 (2) en wat deur 'n Staatsdepartement besit word, word vanaf die vasgestelde datum aan die raad betaalbaar.

Oorgang van sekere geld en verpligtings op raad.

(2) Geld wat die Wetenskaplike en Nywerheidsnavorsingsraad besit vir 'n doeleinde beoog in subartikel (1), word so spoedig doenlik na die vasgestelde datum aan die raad oorbetal.

(3) Verpligtinge van die Wetenskaplike en Nywerheidsnavorsingsraad met betrekking tot navorsing in verband met 'n aangeleentheid bedoel in artikel 4 (2), wat onderneem is deur of ten behoeve van hom of vir of ten behoeve van 'n Staatsdepartement of iemand, gaan met ingang van die vasgestelde datum op die raad oor.

17. Die raad moet behoorlike beheer uitoefen oor die aanwending van mense- of dieremateriaal by proefnemings in verband met 'n aangeleentheid waarvoor die raad beheer het.

Proefneming met mense- en dieremateriaal.

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**Discoveries,
inventions and
improvements.**

18. (1) Subject to the provisions of subsection (4) and of section 19 the rights in all discoveries and inventions and in all improvements in respect of processes, apparatus and machines made by officers or employees of the council or by persons receiving bursaries or grants from the council, shall vest in the council, and the council shall make such discoveries, inventions and improvements available for use in the public interest subject to such conditions and the payment of such fees or royalties as the council may, in accordance with regulations made in terms of section 23, determine.

(2) If the rights in any discovery, invention or improvement are in terms of subsection (1) vested in the council, the council may award to the discoverer or inventor in question such bonus, or make provision for financial participation by him in the profits derived from such discovery, invention or improvement 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 discovery, invention or improvement 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 discoverer or inventor in question.

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

**Investigations
by request.**

19. (1) The council may, at the request of any person, and at such place and subject to such conditions and the payment of such charges as may be agreed upon, carry out or cause to be carried out any investigation consistent with the objects of the council.

(2) The rights in any discovery, invention or improvement arising from any investigation in terms of subsection (1) shall vest in the council, unless such rights, in terms of a written agreement entered into prior to the investigation, vest in either the person who requested the investigation or the person who made the discovery, invention or improvement.

(3) If the rights in any discovery, invention or improvement vest in the council in terms of subsection (2), the council shall make such discovery, invention or improvement available for use in the public interest, and the council may apply for a patent in respect thereof, as if it were a discovery, invention or improvement contemplated in section 18 (1).

(4) If the rights in any discovery, invention or improvement vest in any person other than the council in pursuance of an agreement contemplated in subsection (2), the said discovery, invention or improvement shall be used or be made available for use in the public interest subject to such conditions as may be provided by the agreement.

**Transfer of
certain rights to
the South African
Inventions
Development
Corporation.**

20. (1) If the rights in any discovery, invention or improvement vest in the council in terms of section 18 or 19 the council may, notwithstanding the provisions of the said sections, request the corporation established by section 2 of the Inventions Development Act, 1962 (Act No. 31 of 1962), to develop or exploit such discovery, invention or improvement in terms of the provisions of that Act.

(2) If the council requests the said corporation in terms of subsection (1) to develop or exploit any discovery, invention or improvement, the council shall be divested of all its rights in respect of that discovery, invention or improvement and—

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18. (1) Behoudens die bepalings van subartikel (4) en van artikel 19, berus die regte op alle ontdekkings en uitvindings en op alle verbeterings ten opsigte van prosesse, apparaat en masjiene wat gedoen word deur amptenare of werknemers van die raad of deur persone wat beurse of toekennings van die raad ontvang, by die raad, en die raad moet sodanige ontdekkings, uitvindings en verbeterings beskikbaar stel vir gebruik in die openbare belang op die voorwaardes en onderworpe aan die betaling van dié gelde of tantiemes wat die raad bepaal ooreenkomstig regulasies uitgevaardig ingevolge artikel 23.

Ontdekkings,
uitvindings en
verbeterings.

(2) Indien die regte op 'n ontdekking, uitvinding of verbetering ingevolge subartikel (1) by die raad berus, kan die raad aan die betrokke ontdekker of uitvinder die bonus toeken, of voorsiening maak vir geldelike deelname deur so iemand in die winste verkry uit dié ontdekking, uitvinding of verbetering in die 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 ontdekking, uitvinding of verbetering 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 ontdekker of uitvinder.

(4) Die bepalings van hierdie artikel is nie van toepassing nie ten opsigte van 'n ontdekking, uitvinding of verbetering bedoel in subartikel (1), wat, volgens die oordeel van die raad, deur die betrokke persoon gedoen is op 'n ander wyse as in die loop van sy werk as amptenaar of werknemer van die raad of in die loop van navorsing ten opsigte waarvan hy 'n beurs of toekenning van die raad ontvang, en geen verband met sodanige werk of navorsing hou nie.

19. (1) Die raad kan op versoek van iemand, en op die plek en op die voorwaardes en onderworpe aan die betaling van die koste waarop ooreengekom word, enige ondersoek in ooreenstemming met die oogmerke van die raad instel of laat instel.

Ondersoeke op
versoek.

(2) Die regte op 'n ontdekking, uitvinding of verbetering wat voortspruit uit 'n ondersoek ingevolge subartikel (1), berus by die raad, tensy sodanige regte ingevolge 'n skriftelike ooreenkoms aangegaan vóór die ondersoek, berus by of die persoon wat die ondersoek aangevra het of die persoon wat die ontdekking, uitvinding of verbetering gedoen het.

(3) Indien die regte op 'n ontdekking, uitvinding of verbetering ingevolge subartikel (2) by die raad berus, moet die raad dié ontdekking, uitvinding of verbetering beskikbaar stel vir gebruik in die openbare belang, en kan die raad aansoek doen om 'n patent ten opsigte daarvan, asof dit 'n ontdekking, uitvinding of verbetering bedoel in artikel 18 (1) was.

(4) Indien ten gevolge van 'n ooreenkoms bedoel in subartikel (2), die regte op 'n ontdekking, uitvinding of verbetering by iemand anders as die raad berus, moet dié ontdekking, uitvinding of verbetering gebruik word of beskikbaar gestel word vir gebruik in die openbare belang, op dié voorwaardes wat by die ooreenkoms bepaal word.

20. (1) Indien die regte op 'n ontdekking, uitvinding of verbetering ingevolge artikel 18 of 19 by die raad berus, kan die raad, ondanks die bepalings van genoemde artikels, die korporasie ingestel by artikel 2 van die Wet op die Ontwikkeling van Uitvindings, 1962 (Wet No. 31 van 1962), versoek om die ontdekking, uitvinding of verbetering ingevolge die bepalings van daardie Wet te ontwikkel of te benut.

Oordrag van
sekere regte aan
die Suid-
Afrikaanse
Ontwikkelings-
korporasie vir
Uitvindings.

(2) Indien die raad genoemde korporasie ingevolge subartikel (1) versoek om 'n ontdekking, uitvinding of verbetering te ontwikkel of te benut, word die raad van al sy regte ten opsigte van dié ontdekking, uitvinding of verbetering ontdoen en—

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- (a) the said corporation shall for the purposes of the Patents Act, 1952 (Act No. 37 of 1952), be regarded as the assignee of the discoverer or inventor in question; and
- (b) if the council has been granted a patent in respect of the discovery, invention or improvement, the council shall be deemed to have ceded such patent to the said corporation.

Auditing and
annual report.

21. (1) The Controller and Auditor-General shall audit the accounts and balance sheet of the council.

(2) The council shall furnish the Minister with such information as he may call for from time to time in connection with the activities and financial position of the council, and shall in addition 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.

(3) The Minister shall lay the annual report of the council on the Table of the Senate and of the House of Assembly within fourteen days after the receipt thereof, if Parliament is in ordinary session, or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Financing of
council.

22. (1) The funds of the Council shall consist of—

- (a) any moneys referred to in section 16;
- (b) moneys appropriated by Parliament in aid of the council;
- (c) revenue obtained by virtue of the provisions of subsections (6) and (7);
- (d) fees or royalties referred to in section 18 (1); and
- (e) donations, bequests or contributions which the council may receive from any other source.

(2) Subject to the provisions of subsections (7) and (8), the council shall utilize its funds for defraying expenses in connection with the performance of its functions.

(3) The council shall utilize any moneys appropriated by Parliament in aid of the council in accordance with the statement in question of its estimated income and expenditure referred to in subsection (5) as approved by the Minister: Provided that, subject to the provisions of subsection (2), the council may utilize any amount or portion of any amount required to be so utilized for a particular purpose in connection with a specified matter, for any other purpose in connection with that matter: Provided further that the council may utilize any 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.

(4) The council shall utilize any donations, bequests or contributions contemplated in subsection (1) (e) in accordance with the conditions (if any) imposed by the donor, testator or contributor in question.

(5) 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.

(6) Subject to the provisions of any regulation made under section 23 the council may, in respect of any services rendered by it under this Act, charge such fees or make such other financial arrangements as it may deem fit.

(7) 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.

(8) The council may establish such reserve funds as it may deem necessary or expedient and pay therein such amounts as the Minister may approve.

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- (a) word genoemde korporasie by die toepassing van die Wet op Patente, 1952 (Wet No. 37 van 1952), beskou as die sessionaris van die betrokke ontdekker of uitvinder; en
- (b) indien aan die raad 'n patent ten opsigte van die ontdekking, uitvinding of verbetering verleen is, word die raad geag dié patent aan genoemde korporasie te gesedeer het.

21. (1) Die Kontroleur en Ouditeur-generaal moet die rekenings en balansstaat van die raad ouditeer. Ouditering en jaarverslag.

(2) Die raad moet aan die Minister die inligting verstrek wat hy van tyd tot tyd aanvra in verband met die werksaamhede en finansiële omstandighede van die raad, en moet daarbenewens aan die Minister 'n jaarverslag voorlê, met inbegrip van 'n balansstaat en 'n staat van inkomste en uitgawes deur die Kontroleur en Ouditeur-generaal gesertifiseer, en die ander besonderhede wat die Minister verlang.

(3) Die Minister moet die jaarverslag van die raad in die Senaat en in die Volksraad ter Tafel lê binne veertien dae ná ontvangs daarvan, indien die Parlement in gewone sessie is, of, indien die Parlement nie in gewone sessie is nie, binne veertien dae ná die aanvang van sy eersvolgende gewone sessie.

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

Finansiering van raad.

- (a) geld vermeld in artikel 16;
- (b) geld deur die Parlement ten bate van die raad bewillig;
- (c) inkomste verkry uit hoofde van die bepalings van subartikels (6) en (7);
- (d) gelde of tantièmes bedoel in artikel 18 (1); en
- (e) skenkings, erflatings of bydraes wat die raad uit enige ander bron ontvang.

(2) Behoudens die bepalings van subartikels (7) en (8) moet die raad sy fondse aanwend om uitgawes in verband met die verrigting van sy werksaamhede te bestry.

(3) Die raad moet geld wat die Parlement ten bate van die raad bewillig het, aanwend ooreenkomstig die betrokke staat van sy geraamde inkomste en uitgawes vermeld in subartikel (5), soos deur die Minister goedgekeur. Met dien verstande dat, behoudens die bepalings van subartikel (2), die raad 'n bedrag of gedeelte van 'n bedrag wat vir 'n besondere doel in verband met 'n bepaalde aangeleentheid aldus aangewend moet word, vir enige ander doel in verband met daardie aangeleentheid kan aanwend: Met dien verstande voorts dat die raad enige saldo van sodanige geld wat aan die end van die betrokke boekjaar van die raad oorbly, vir enige uitgawes in verband met die verrigting van sy werksaamhede kan aanwend.

(4) Die raad moet skenkings, erflatings of bydraes beoog in subartikel (1) (e) aanwend ooreenkomstig die voorwaardes (indien daar is) wat die betrokke skenker, erflater of bydraer voorgeskryf het.

(5) Die raad moet in elke boekjaar, en wel op 'n tydstip 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.

(6) Die raad kan, behoudens die bepalings van 'n regulasie kragtens artikel 23 uitgevaardig, ten opsigte van dienste wat hy kragtens hierdie Wet lewer, die gelde vorder of die ander geldelike reëlins tref wat hy goedvind.

(7) Die raad kan enige 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.

(8) Die raad kan die reserwefondse instel wat hy nodig of wenslik ag, en daarin die bedrae stort wat die Minister goedkeur.

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Regulations.

23. (1) The State President may make regulations as to—
- (a) the circumstances under which a member of the council shall vacate his office;
 - (b) the filling of casual vacancies on the council and the appointment of persons to act for absent members;
 - (c) the conditions of service (excluding such conditions relating to remuneration and allowances) of the president, the vice-president and the other members of the council;
 - (d) the matters in respect of which fees shall be payable to the council, the amount of such fees and the persons who shall be liable for the payment thereof;
 - (e) the circumstances in which any fees so paid shall be refunded;
 - (f) the conditions under which the discoveries and inventions and the improvements in respect of processes, apparatus and machines referred to in sections 18 and 19 shall be made available for use;
 - (g) the payment of bursaries and grants;
 - (h) the control over the use of human or animal material in experimentation referred to in section 17;
 - (i) the procedure at meetings of the council and of the executive committee and subsidiary committees thereof,

and generally, as to any matter in respect of which he considers it necessary or expedient to make regulations to achieve the objects of this Act.

(2) A regulation made in terms of subsection (1) (f) shall not apply with reference to any discovery, invention or improvement in respect of which the council has exercised its powers in terms of section 20 (1).

Minister by whom Act is administered.

24. The State President may by proclamation in the *Gazette* assign the administration of this Act to any Minister, and prescribe that any power or duty conferred or imposed by this Act on such Minister shall be exercised or performed by that Minister after or in consultation with one or more other Ministers.

Application of Act in South-West Africa.

25. This Act, and any amendment thereof, shall also apply in the territory of South-West Africa.

Short title and commencement.

26. This Act shall be called the South African Medical Research Council Act, 1969, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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23. (1) Die Staatspresident kan regulasies uitvaardig be- Regulasies.
treffende—

- (a) die omstandighede waaronder 'n lid van die raad sy amp ontruim;
- (b) die aanvulling van toevallige vakatures in die raad, en die aanstelling van persone om namens afwesige lede op te tree;
- (c) die diensvoorwaardes (uitgesonderd diensvoorwaardes betreffende besoldiging en toelae) van die president, die vise-president en die ander lede van die raad;
- (d) die aangeleenthede ten opsigte waarvan gelde aan die raad betaalbaar is, die bedrag van sodanige gelde en die persone wat vir die betaling daarvan aanspreeklik is;
- (e) die omstandighede waaronder gelde wat aldus betaal is, terugbetaal moet word;
- (f) die voorwaardes waarop die ontdekkings en uitvindings en die verbeterings ten opsigte van prosesse, apparaat en masjiene vermeld in artikels 18 en 19 vir gebruik beskikbaar gestel moet word;
- (g) die uitkering van beurse en toekennings;
- (h) die beheer oor die aanwending van mense- of diere-materiaal by proefnemings vermeld in artikel 17;
- (i) die prosedure op vergaderings van die raad, en van die uitvoerende komitee en hulpkomitees daarvan, en in die algemeen, betreffende enige aangeleentheid ten opsigte waarvan hy dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.

(2) 'n Regulasie ingevolge subartikel (1) (f) uitgevaardig, is nie van toepassing nie met betrekking tot 'n ontdekking, uitvinding of verbetering ten opsigte waarvan die raad sy bevoegdheede ingevolge artikel 20 (1) uitgeoefen het.

24. Die Staatspresident kan by proklamasie in die *Staats-* Minister deur
koerant die uitvoering van hierdie Wet aan enige Minister wie Wet
opdra, en voorskryf dat 'n bevoegdheid of plig by hierdie Wet uitgevoer word.
aan daardie Minister verleen of hom opgelê, uitgeoefen of
verrig moet word deur daardie Minister na of in oorleg met
een of meer ander Ministers.

25. Hierdie Wet, en enige wysiging daarvan, is ook in die Toepassing
gebied Suidwes-Afrika van toepassing. van Wet in
Suidwes-Afrika.

26. Hierdie Wet heet die Wet op die Suid-Afrikaanse Mediese Kort titel en
Navorsingsraad, 1969, en tree in werking op 'n datum wat die inwerkingtreding.
Staatspresident by proklamasie in die *Staatskoerant* bepaal.

