



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1161.

7 June 1989

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

No. 66 of 1989: Cultural Institutions Act (House of Assembly), 1989.

No. 1161.

7 Junie 1989

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

No. 66 van 1989: Wet op Kulturele Instellings (Volksraad), 1989.

ACT

To provide for the declaration of certain institutions as declared cultural institutions under the control of councils; for the payment of subsidies to such institutions; for the establishment of advisory committees and a Committee of Heads of Declared Institutions; and for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 26 May 1989.)*

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

Definitions

1. In this Act, unless the context otherwise indicates—
- (i) “Committee of Heads” means the Committee of Heads of Declared Institutions established under section 14; (iii) 5
 - (ii) “council” means a council referred to in section 7; (v)
 - (iii) “declared institution” means an institution declared under section 3 to be subject to the provisions of this Act, or deemed to have been so declared; (vi) 10
 - (iv) “Head of the Department” means the Head of the Department of Education and Culture, Administration: House of Assembly; (i)
 - (v) “institution” means a museum, collection or any other cultural institution deemed by the Minister to be of kindred character; (ii)
 - (vi) “Minister” means the Minister of Education and Culture: House of Assembly; (iv) 15
 - (vii) “prescribed” means prescribed by regulation under section 18. (vii)

Application of Act

2. The provisions of this Act shall, subject to the provisions of item 3 of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), 20 apply in relation to matters referred to in this Act, in respect of persons who are members of the population group members of which comprise the House of Assembly.

Declaration of institutions

3. The Minister may by notice in the *Gazette* declare that an institution shall, with 25 effect from a date specified in that notice, be subject to the provisions of this Act.

Payment of subsidies to declared institutions

4. The Minister may, for such purposes and on such basis and subject to such conditions as he may with the concurrence of the Minister of the Budget and Works determine, out of moneys appropriated by the House of Assembly for the purpose, 30 pay a subsidy to a declared institution.

WET

Om voorsiening te maak vir die verklaring van sekere instellings as verklaarde kulturele instellings onder die beheer van rade; vir die betaling van subsidies aan sodanige instellings; vir die instelling van advieskomitees en 'n Komitee van Hoofde van Verklaarde Instellings; en vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 Mei 1989.)*

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

Woordomskrywing

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—
- 5 (i) "Departementshoof" die Hoof van die Departement van Onderwys en Kultuur, Administrasie: Volksraad; (iv)
- (ii) "instelling" 'n museum, versameling of enige ander kulturele instelling wat die Minister as gelyksoortig beskou; (v)
- 10 (iii) "Komitee van Hoofde" die Komitee van Hoofde van Verklaarde Instellings kragtens artikel 14 ingestel; (i)
- (iv) "Minister" die Minister van Onderwys en Kultuur: Volksraad; (vi)
- (v) "raad" 'n raad in artikel 7 bedoel; (ii)
- (vi) "verklaarde instelling" 'n instelling wat kragtens artikel 3 verklaar is onder die bepalings van hierdie Wet te val, of geag word aldus verklaar te gewees
- 15 het; (iii)
- (vii) "voorgeskryf" voorgeskryf by regulasie kragtens artikel 18. (vii)

Toepassing van Wet

2. Die bepalings van hierdie Wet is, behoudens die bepalings van item 3 van Bylae 1 by die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983),
- 20 van toepassing met betrekking tot aangeleenthede in hierdie Wet bedoel, ten opsigte van persone wat lede is van die bevolkingsgroep uit lede waarvan die Volksraad bestaan.

Verklaring van instellings

3. Die Minister kan by kennisgewing in die *Staatskoerant* verklaar dat 'n instelling,
- 25 met ingang van 'n in daardie kennisgewing vermelde datum, onder die bepalings van hierdie Wet val.

Betaling van subsidies aan verklaarde instellings

4. Die Minister kan, vir die doeleindes en op die grondslag en onderworpe aan die voorwaardes wat hy met die instemming van die Minister van Begroting en Werke
- 30 bepaal, aan 'n verklaarde instelling, uit gelde deur die Volksraad vir die doel bewillig, 'n subsidie betaal.

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Incorporation of declared institutions

5. (1) A declared institution shall be a corporate body and shall be known under the name under which it has been declared in terms of section 3.

(2) The Minister may, on the recommendation of the council concerned, change the name of a declared institution by notice in the *Gazette*.

(3) A declared institution shall not, without the prior approval of the Minister, granted with the concurrence of the Minister of the Budget and Works, purchase or otherwise acquire, hire, sell, let, exchange or otherwise alienate, hypothecate or encumber immovable property, or invest, lend or borrow moneys unless, in the case of the investment of moneys, such investment is made in accordance with the directions determined by the Minister with the concurrence of the Minister of the Budget and Works.

(4) A declared institution may, unless the Minister otherwise determines, and subject to the provisions of the National Monuments Act, 1969 (Act No. 28 of 1969)—

(a) let, sell, exchange or otherwise alienate any specimen, collection or other movable property belonging to it; and

(b) purchase or otherwise acquire, possess or hire any specimen, collection or other movable property,

and perform all such acts as are necessary for or incidental to the exercise of its powers and the performance of its functions.

(5) When an institution is under section 3 declared to be subject to the provisions of this Act, all assets and liabilities which are, at the time of such declaration, assets and liabilities of that institution or of its governing body, shall, upon such declaration, devolve upon the institution declared as such.

Establishments and conditions of service of persons employed at declared institutions

6. (1) The Minister shall determine the establishment of a declared institution.

(2) The salaries, salary scales and allowances of persons who are appointed at or who are in the employment of a declared institution shall be determined by the Minister, and the other conditions of service and service benefits of such persons shall be as prescribed.

(3) A council may, with the prior approval of the Minister granted with the concurrence of the Minister of the Budget and Works, authorize the payment to a person employed or appointed at a declared institution of a salary which exceeds the maximum of the salary scale which is applicable to such person in terms of subsection (2).

(4) The power to appoint any person to a post at a declared institution, or to transfer a person holding such post to another such post or from a division or office of the said institution to another such division or office, or to terminate the services of a person holding such post, shall vest in the council of such institution, and shall be exercised subject to the prescribed directions: Provided that the appointment of persons to such posts as the Minister may designate, shall be subject to the prior approval of the Minister.

Establishment and constitution of a council and remuneration of members

7. (1) A declared institution shall be under the control, management and direction of a council consisting of not fewer than seven members, who shall be appointed in the prescribed manner.

(2) If any institution is at the date on which it is declared to be subject to the provisions of this Act, controlled, managed and directed by a council or other body, such council or other body shall, until the appointment of a council in terms of subsection (1) in respect of the institution, continue in office and have all the rights and obligations and exercise all the functions of a council constituted in terms of subsection (1).

(3) (a) A member of a council shall be appointed for a period of three years, unless the Minister has, upon the appointment of the member, determined a shorter period.

(b) A member of a council whose period of office has expired, may be reappointed.

(4) If a member of a council dies or vacates his office before the expiration of the period for which he has been appointed, the Minister may appoint another person to fill

Regspersoonlikheid van verklaarde instellings

5. (1) 'n Verklaarde instelling is 'n regspersoon en staan bekend onder die naam waaronder dit ingevolge artikel 3 verklaar is.
- (2) Die Minister kan, op aanbeveling van die betrokke raad, die naam van 'n verklaarde instelling by kennisgewing in die *Staatskoerant* verander.
- (3) 'n Verklaarde instelling mag nie sonder die voorafverkreë goedkeuring van die Minister, verleen met die instemming van die Minister van Begroting en Werke, onroerende goed koop of op 'n ander wyse verkry, huur, verkoop, verhuur, verruil of op 'n ander wyse vervreem, verhipotekeer of beswaar, of geld belê, uitleen of leen nie tensy, in die geval van 'n belegging van geld, die belegging geskied ooreenkomstig die voorskrifte wat die Minister met die instemming van die Minister van Begroting en Werke bepaal het.
- (4) 'n Verklaarde instelling kan, tensy die Minister anders bepaal, en behoudens die bepalings van die Wet op Nasionale Gedenkwaardighede, 1969 (Wet No. 28 van 1969)—
- (a) 'n monster, 'n versameling of ander roerende goed wat aan hom behoort, verhuur, verkoop, verruil of op 'n ander wyse vervreem; en
- (b) 'n monster, 'n versameling of ander roerende goed koop of op 'n ander wyse verkry, besit of huur,
- en alle handelinge verrig wat nodig is vir of in verband staan met die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede.
- (5) Wanneer 'n instelling kragtens artikel 3 verklaar word onder die bepalings van hierdie Wet te val, gaan al die bates en laste wat ten tyde van daardie verklaring bates en laste van daardie instelling of van sy beheerliggaam is, oor op die instelling aldus verklaar.

Diensstate en diensvoorwaardes van persone in diens by verklaarde instellings

6. (1) Die Minister bepaal die diensstaat van 'n verklaarde instelling.
- (2) Die salarisse, salarisskale en toelaes van persone wat aangestel word of in diens is by 'n verklaarde instelling word deur die Minister bepaal, en die ander diensvoorwaardes en diensvoordele van sodanige persone is soos voorgeskryf.
- (3) 'n Raad kan, met die voorafverkreë goedkeuring van die Minister verleen met die instemming van die Minister van Begroting en Werke, die betaling aan 'n persoon wat by 'n verklaarde instelling in diens is of aangestel word, magtig van 'n salaris wat die maksimum van die salarisskaal wat ingevolge subartikel 2 op hom van toepassing is, oorskry.
- (4) Die bevoegdheid om iemand in 'n pos by 'n verklaarde instelling aan te stel, of om iemand wat so 'n pos beklee na 'n ander sodanige pos of van 'n afdeling of kantoor van so 'n instelling na 'n ander sodanige afdeling of kantoor oor te plaas, of om iemand wat so 'n pos beklee se dienste te beëindig, berus by die raad van die betrokke instelling, en word onderworpe aan die voorgeskrewe voorskrifte uitgeoefen: Met dien verstande dat die Minister vooraf goedkeuring moet verleen vir die aanstelling van persone in dié poste wat die Minister aangewys het.

Instelling en samestelling van 'n raad en vergoeding van lede

7. (1) 'n Verklaarde instelling staan onder die beheer, bestuur en leiding van 'n raad bestaande uit minstens sewe lede, wat op die voorgeskrewe wyse aangestel word.
- (2) Indien 'n instelling op die datum waarop hy verklaar word onder die bepalings van hierdie Wet te val, beheer en bestuur word deur en onder die leiding staan van 'n raad of ander liggaam, bly daardie raad of ander liggaam, totdat 'n raad ingevolge subartikel (1) ten opsigte van die instelling aangestel word, in sy amp aan en het hy al die regte en verpligtinge en verrig hy al die werksaamhede van 'n raad ingevolge subartikel (1) saamgestel.
- (3) (a) 'n Lid van 'n raad word vir 'n tydperk van drie jaar aangestel, tensy 'n korter tydperk by die aanstelling van die lid deur die Minister vasgestel is.
- (b) 'n Lid van 'n raad wie se ampstermyn verstryk het, kan weer aangestel word.
- (4) Indien 'n lid van 'n raad voor die verstryking van die tydperk waarvoor hy aangestel is, te sterwe kom of sy amp ontruim, kan die Minister 'n ander persoon

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the vacancy for the unexpired portion of the period for which such person was appointed.

(5) A member of a council shall vacate his office—

- (a) if he resigns in writing;
- (b) if he has been absent from three consecutive meetings of the council concerned without its leave;
- (c) if he is an unrehabilitated insolvent;
- (d) if he becomes of unsound mind; or
- (e) if he is convicted of an offence and sentenced to imprisonment without the option of a fine.

(6) A member of a council who is not in the full-time employment of the State, shall receive out of the funds of that council, when he is engaged in the business of that council, the allowances that the Minister with the concurrence of the Minister of the Budget and Works determines.

Chairman of a council

8. (1) The chairman of a council shall be appointed by the Minister from the members of the council and shall hold his office for the period or the unexpired portion of the period for which he has been appointed as a member of the council.

(2) If the chairman of a council vacates his office as chairman before the expiration of the period for which he was appointed, another member of the council shall, subject to the provisions of subsection (1), be appointed as chairman of the council by the Minister.

(3) If the chairman is absent from a meeting of a council or not able to preside at such meeting, the members present shall elect one of their number to preside at that meeting and the person so elected to preside may, during that meeting and until the chairman resumes his duties, perform all the functions of the chairman.

Functions of a council

9. (1) The functions of a council shall be—

- (a) to hold and preserve all movable property of whatever kind placed in the care of or loaned or belonging to the declared institution concerned;
- (b) to receive, hold and preserve all specimens, collections or other movable property placed under its care and control in terms of section 11;
- (c) to manage and control the moneys received by the institution and to utilize such moneys for defraying expenses in connection with the performance of its functions;
- (d) to keep a proper record of the property of the institution, submit to the Head of the Department any returns required by him in regard thereto and ensure that proper books of account are kept;
- (e) to determine subject to the provisions of this Act the objects and functions of the institution with the approval of the Minister; and
- (f) generally to carry out the purposes and objects of the institution.

(2) A council may determine the hours during which and the conditions and restrictions subject to which the public or any group of persons may visit the declared institution concerned, or portion thereof, and the admission charges which shall be payable.

(3) The Minister may publish the objects and functions of a declared institution determined under subsection (1) (e), in the *Gazette*.

Placing of immovable property at disposal of councils

10. (1) The Minister may, with the concurrence of the Minister of the Budget and Works, on such basis and on such conditions as he may determine, make available to a council any land or building for use by that council in order to enable the council to carry out its functions in relation to the declared institution concerned, and may take steps for the maintenance of such building.

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aanstel om dié amp te beklee vir die onverstreke gedeelte van die tydperk waarvoor so 'n lid aangestel was.

- (5) 'n Lid van 'n raad ontruim sy amp—
- (a) indien hy skriftelik bedank;
 - 5 (b) indien hy sonder toestemming van die betrokke raad van drie agtereenvolgende vergaderings van die raad afwesig was;
 - (c) indien hy 'n ongerehabiliteerde insolvent is;
 - (d) indien hy geestelik versteurd raak; of
 - 10 (e) indien hy aan 'n misdryf skuldig bevind en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word.
- (6) 'n Lid van 'n raad wat nie in die heeltydse diens van die Staat is nie, ontvang uit die fondse van daardie raad, wanneer hy met die sake van daardie raad besig is, die toelaes wat die Minister met die instemming van die Minister van Begroting en Werke bepaal.

15 Voorsitter van 'n raad

8. (1) Die voorsitter van 'n raad word deur die Minister uit die lede van die raad aangestel en beklee sy amp vir die tydperk of die onverstreke gedeelte van die tydperk waarvoor hy as 'n lid van die raad aangestel is.

(2) Indien die voorsitter van 'n raad sy amp as voorsitter ontruim voor die verstryking van die tydperk waarvoor hy aangestel is, word 'n ander lid van die raad, behoudens die bepalings van subartikel (1), as voorsitter van die raad deur die Minister aangestel.

(3) Indien die voorsitter van 'n vergadering van 'n raad afwesig is of nie as voorsitter by so 'n vergadering kan optree nie, moet die aanwesige lede 'n persoon uit hul midde kies om op daardie vergadering voor te sit, en die persoon aldus gekies om voor te sit, kan gedurende daardie vergadering en totdat die voorsitter sy ampspligte hervat, al die werksaamhede van die voorsitter verrig.

Werksaamhede van 'n raad

9. (1) Die werksaamhede van 'n raad is—
- 30 (a) om alle roerende goed van watter aard ook al wat in die bewaring van die betrokke verklaarde instelling geplaas is of daaraan geleen is of behoort, in sy besit te hou en te bewaar;
 - (b) om alle monsters, versamelings of ander roerende goed wat ingevolge artikel 11 aan sy sorg en beheer toevertrou is, te ontvang, in sy besit te hou en te bewaar;
 - 35 (c) om die gelde deur die instelling ontvang, te bestuur en te beheer en sodanige gelde aan te wend vir die bestryding van onkoste in verband met die verrigting van sy werksaamhede;
 - (d) om behoorlik boek te hou van die eiendom van die instelling, aan die Departementshoof enige opgawes deur hom in verband daarmee vereis, voor te lê en toe te sien dat behoorlike rekeningboeke gehou word;
 - 40 (e) om behoudens die bepalings van hierdie Wet die oogmerke en werksaamhede van die instelling met die goedkeuring van die Minister te bepaal; en
 - (f) om in die algemeen die doeleindes en oogmerke van die instelling te verwesenlik.
 - 45 (2) 'n Raad kan bepaal gedurende watter ure en onderworpe aan watter voorwaardes en beperkings die publiek of enige groep persone die betrokke verklaarde instelling, of gedeelte daarvan, kan besoek, en watter toegangsgelde betaal moet word.
 - 50 (3) Die Minister kan die oogmerke en werksaamhede van 'n verklaarde instelling wat kragtens subartikel (1) (e) bepaal is, in die *Staatskoerant* bekend maak.

Besikbaarstelling aan rade van onroerende eiendom

10. (1) Die Minister kan, met die instemming van die Minister van Begroting en Werke, op die grondslag en voorwaardes wat hy bepaal, aan 'n raad enige grond of
- 55 gebou beskikbaar stel vir gebruik deur daardie raad ten einde die raad in staat te stel om sy werksaamhede met betrekking tot die betrokke verklaarde instelling te verrig, en kan maatreëls tref vir die instandhouding van so 'n gebou.

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(2) The Minister may, subject to the provisions of the State Land Disposal Act, 1961 (Act No. 48 of 1961), on such terms and conditions as he may determine, assign to a declared institution any immovable property which belongs to the State, in order to enable that declared institution to perform its functions.

The Minister may place property under care of a council

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11. The Minister may place any specimen, collection or other movable property which belongs, has been given or has been bequeathed to the Government or to the Republic or its inhabitants, or given or bequeathed on condition that the gift or bequest shall be for the use or benefit of the Republic and its inhabitants or any section of its inhabitants, or any portion of any such specimen, collection or other property, under the care and management of the council of any declared institution, unless the donor or testator has made other provision for the care thereof.

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Auditing of accounts

12. The accounts of a council shall be audited by the Auditor-General.

Committees

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13. (1) The Minister may establish committees to advise him in respect of matters relating to one or more declared institutions.

(2) A member of a committee referred to in subsection (1) who is not in the full-time employment of the State, shall receive, out of the moneys appropriated by the House of Assembly for this purpose, in respect of his functions as such member, the compensatory and other allowances that the Minister with the concurrence of the Minister of the Budget and Works determines.

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Committee of Heads of Declared Institutions

14. (1) There is a committee known as the Committee of Heads of Declared Institutions and consisting of the persons in charge of each declared institution.

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(2) If the office of any such person is vacant or he is unable to attend any meeting of the Committee of Heads, the council of the declared institution concerned may nominate another person to represent that institution at such meeting.

Functions of Committee of Heads

15. The Committee of Heads shall—

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- (a) determine the time and place of, the quorum for and the procedure at its meetings;
- (b) perform such duties as the Minister may from time to time assign to it; and
- (c) consider and make recommendations to the Minister or the Head of the Department regarding matters which may be referred to it by the Minister or the Head of the Department, or which it considers to be of common interest to the declared institutions.

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Abolition of declared institutions

16. (1) The Minister may, after consultation with the council of the declared institution concerned, by notice in the *Gazette* withdraw, with effect from a date specified in such notice, the notice issued under section 3 in regard to that declared institution.

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(2) The declared institution shall cease to exist with effect from such date.

(3) All the assets, rights, liabilities and obligations of that declared institution, as they existed immediately prior to the date referred to in subsection (1), shall vest in a declared institution or other person determined prior to the date in question, by the Minister after consultation with the council of the first-mentioned declared institution and published in the notice mentioned in subsection (1).

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(2) Die Minister kan, behoudens die bepalings van die Wet op die Beskikking oor Staatsgrond, 1961 (Wet No. 48 van 1961), op die bedinge en voorwaardes wat hy mag bepaal, aan 'n verklaarde instelling enige onroerende goed wat aan die Staat behoort, oordra ten einde daardie verklaarde instelling in staat te stel om sy werksaamhede te verrig.

Minister kan goed aan sorg van 'n raad toevertrou

11. Die Minister kan 'n monster, versameling of ander roerende goed wat aan die Regering of aan die Republiek of sy inwoners behoort, geskenk of bemaak is of wat geskenk of bemaak is op voorwaarde dat die skenking of bemaking vir die gebruik of tot voordeel van die Republiek en sy inwoners of 'n deel van sy inwoners staan; of 'n deel van so 'n monster, versameling of ander goed, aan die sorg en beheer van die raad van 'n verklaarde instelling toevertrou, tensy die skenker of erflater vir die bewaring daarvan ander voorsiening gemaak het.

Ouditering van rekenings

12. Die rekenings van 'n raad word deur die Ouditeur-generaal geouditeer.

Komitees

13. (1) Die Minister kan komitees instel om hom te adviseer ten opsigte van aangeleenthede wat op een of meer verklaarde instellings betrekking het.

(2) 'n Lid van 'n komitee bedoel in subartikel (1) wat nie in die heeltydse diens van die Staat is nie, ontvang, uit die geld wat die Volksraad vir dié doel bewillig, ten opsigte van sy werksaamhede as sodanige lid, die vergoedende en ander toelaes wat die Minister met die instemming van die Minister van Begroting en Werke bepaal.

Komitee van Hoofde van Verklaarde Instellings

14. (1) Daar is 'n komitee wat bekend staan as die Komitee van Hoofde van Verklaarde Instellings en wat bestaan uit die persone wat aan die hoof staan van elk van die verklaarde instellings.

(2) Indien die amp van so 'n persoon vakant is of hy nie in staat is om 'n vergadering van die Komitee van Hoofde by te woon nie, kan die raad van die betrokke verklaarde instelling iemand anders benoem om daardie instelling by sodanige vergadering te verteenwoordig.

Werksaamhede van Komitee van Hoofde

15. (1) Die Komitee van Hoofde—

- (a) bepaal die tyd en plek van, die kworum vir en die prosedure by sy vergaderings;
- (b) voer die pligte uit wat die Minister van tyd tot tyd aan hom opdra; en
- (c) oorweeg en doen aanbevelings aan die Minister of die Departementshoof aangaande aangeleenthede wat die Minister of die Departementshoof na hom verwys, of wat hy meen van algemene belang vir die verklaarde instellings is.

Afskaffing van verklaarde instellings

16. (1) Die Minister kan, na oorlegpleging met die raad van die betrokke verklaarde instelling, by kennisgewing in die *Staatskoerant* en met ingang van 'n datum in daardie kennisgewing vermeld, die kragtens artikel 3 uitgereikte kennisgewing aangaande daardie verklaarde instelling intrek.

(2) Die verklaarde instelling hou met ingang van sodanige datum op om te bestaan.

(3) Al die bates, regte, laste en verpligtinge van daardie verklaarde instelling soos dit onmiddellik voor die in subartikel (1) bedoelde datum bestaan het, vestig vanaf daardie datum in 'n verklaarde instelling of ander persoon deur die Minister voor bedoelde datum na oorleg met die raad van eersbedoelde verklaarde instelling bepaal en in die in subartikel (1) bedoelde kennisgewing bekend gemaak.

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(4) A reference in any law or document to a declared institution mentioned in subsection (1) shall, with effect from the date mentioned in that subsection, be deemed to be a reference to such other declared institution, person, officer of any State department or Minister as may be prescribed.

(5) The registrar of deeds concerned shall cause all such notes and endorsements to be made in his registers and on the title deeds relating to land owned by a declared institution referred to in subsection (1) immediately prior to the date referred to in that subsection, as may be necessary to give effect to the provisions of this section.

(6) All property referred to in section 9 (1) (a) or (b) which is held by the council of the declared institution referred to in subsection (1) immediately prior to the date referred to in that subsection, shall as from that date be dealt with as the Minister may determine.

Delegation of powers

17. (1) The Minister may, subject to the conditions he determines, delegate any of his powers under this Act, except the power to make regulations, and assign any of his duties in terms of this Act, to an official employed by the Department of Education and Culture, Administration: House of Assembly.

(2) A delegation under subsection (1) shall not prevent the Minister from exercising such power or performing such duty, as the case may be, himself.

Regulations

18. (1) The Minister may make regulations as to—

- (a) the appointment of members of a council and the filling of a casual vacancy in a council;
- (b) the convening of, the procedure at and the quorum for meetings of a council, and the manner in which such a council shall make decisions;
- (c) the safety, good custody and preservation of the property of a declared institution;
- (d) the investigation of charges of misconduct or inefficiency against a person employed by a declared institution, or of any alleged irregularity in connection with the affairs of a declared institution, the procedure to be followed and the summons and attendances of witnesses to give evidence thereat, and the punishment to be imposed on or other steps to be taken against such person against whom such a charge has been established, and the meaning of misconduct for the purposes of such regulations;
- (e) the management, control, utilization and disposal of all moneys received by a council;
- (f) the keeping of records and the times when and form in which, and the persons to whom, financial accounts and reports shall be rendered in respect of declared institutions;
- (g) any matter which shall or may be prescribed by regulation under this Act; and
- (h) in general, any matter which the Minister may deem necessary or expedient to prescribe in order to achieve the objects of this Act, and the generality of this paragraph shall not be limited by the preceding paragraphs.

(2) The Minister shall make no regulation relating to any moneys or allowances payable to or by any person, or relating to the control of money, except with the concurrence of the Minister of the Budget and Works, and subject to the provisions of any other applicable law.

(3) Different regulations may be made under subsection (1) in respect of different declared institutions.

(4) A regulation made under subsection (1) may, for a contravention thereof or failure to comply therewith, prescribe a penalty not exceeding a fine of R2 000.

WET OP KULTURELE INSTELLINGS (VOLKSRAAD), 1989.

Wet No. 66, 1989

- (4) 'n Verwysing in 'n wet of dokument na die in subartikel (1) bedoelde verklaarde instelling word, met ingang van die in daardie subartikel vermelde datum, geag 'n verwysing te wees na die ander verklaarde instelling, persoon, beampte van 'n Staatsdepartement of Minister wat voorgeskryf mag word.
- 5 (5) Die betrokke registrateur van aktes laat alle aantekeninge en endossemente in sy registers en op die titelbewyse met betrekking tot grond behorende aan die in subartikel (1) bedoelde verklaarde instelling onmiddellik voor die in daardie subartikel vermelde datum, aanbring wat nodig is om gevolg te gee aan die bepalinge van hierdie artikel.
- 10 (6) Alle in artikel 9 (1) (a) of (b) bedoelde goed wat deur die raad van die in subartikel (1) bedoelde verklaarde instelling in sy besit gehou word onmiddellik voor die in daardie subartikel bedoelde datum, word vanaf daardie datum mee gehandel soos die Minister bepaal.

Delegering van bevoegdhede

- 15 17. (1) Die Minister kan, behoudens die voorwaardes wat hy bepaal, enige van sy bevoegdhede kragtens hierdie Wet, uitgesonderd die bevoegdheid om regulasies uit te vaardig, delegeer, en enige van sy pligte ingevolge hierdie Wet, opdra, aan 'n beampte in diens van die Departement van Onderwys en Kultuur, Administrasie: Volksraad.
- 20 (2) 'n Delegering kragtens subartikel (1) belet nie die Minister om die betrokke bevoegdheid of plig, na gelang van die geval, self uit te oefen of uit te voer nie.

Regulasies

18. (1) Die Minister kan regulasies uitvaardig betreffende—
- 25 (a) die aanstelling van lede van 'n raad en die vul van 'n toevallige vakature in 'n raad;
- (b) die byeenroeping van, die prosedure by en die kworum vir vergaderings van 'n raad, asook die wyse waarop besluite deur so 'n raad geneem moet word;
- 30 (c) die veiligheid, goeie bewaring en behoud van die eiendom van 'n verklaarde instelling;
- (d) die ondersoek van aanklagte van wangedrag of onbekwaamheid teen 'n persoon in diens van 'n verklaarde instelling, of van enige beweerde onreëlmatigheid in verband met die werksaamhede van 'n verklaarde instelling, die prosedure wat daarby gevolg moet word en die dagvaarding en bywoning van getuies om daarby getuienis af te lê, en die straf wat opgelê moet word aan of ander stappe wat gedoen moet word teen so 'n persoon teen wie so 'n aanklag bewys is, en die betekenis van wangedrag vir doeleindes van sodanige regulasies;
- 35 (e) die bestuur, beheer en aanwending van en beskikking oor alle gelde deur 'n raad ontvang;
- 40 (f) die hou van aantekeninge en die tye wanneer, die vorm waarin en die persone aan wie finansiële state en verslae ten opsigte van verklaarde instellings verstrek moet word;
- (g) 'n aangeleentheid wat kragtens hierdie Wet by regulasie voorgeskryf moet of kan word; en
- 45 (h) in die algemeen, 'n aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik, en die algemeenheid van hierdie paragraaf word nie deur die voorafgaande paragrawe beperk nie.
- 50 (2) Die Minister vaardig geen regulasie betreffende enige geld of toelae betaalbaar aan of deur iemand, of betreffende die beheer oor geld, uit nie behalwe, behoudens die bepalinge van 'n ander toepaslike wet, met die instemming van die Minister van Begroting en Werke.
- (3) Verskillende regulasies kan kragtens subartikel (1) ten opsigte van verskillende
- 55 verklaarde instellings uitgevaardig word.
- (4) 'n Regulasie beoog in subartikel (1) kan vir 'n oortreding daarvan of versuim om daaraan te voldoen, 'n straf voorskryf wat 'n boete van R2 000 nie te bowe gaan nie.

Act No. 66, 1989

CULTURAL INSTITUTIONS ACT (HOUSE OF ASSEMBLY), 1989

Repeal of laws, and savings

19. (1) Subject to the provisions of section 2 and this section, those provisions of the Cultural Institutions Act, 1969 (Act No. 29 of 1969), which entrusted to the Minister of National Education powers, duties and functions and which were with effect from 17 September 1984 assigned under section 26 of the Republic of South Africa Constitution Act, 1983, to the Minister of Education and Culture: House of Assembly, shall at the commencement of this Act cease to apply in so far as this Act is applicable. 5

(2) The institutions—

- (a) National Cultural History and Open Air Museum, Pretoria; 10
- (b) South African Cultural History Museum, Cape Town;
- (c) Voortrekker Museum, Pietermaritzburg;
- (d) War Museum of the Boer Republics, Bloemfontein;
- (e) Michaelis collection, Cape Town;
- (f) William Fehr collection, Cape Town; and 15
- (g) Engelenburghuis collection, Pretoria,

which have, under the Cultural Institutions Act, 1969, been declared to be subject to the provisions of that Act or which have been deemed to be so declared, as the case may be, shall, if such declaration is in force immediately prior to the commencement of this Act, be deemed to have been declared under section 3 to be institutions which are subject to the provisions of this Act. 20

(3) A council as constituted in terms of section 6 of the Cultural Institutions Act, 1969, of an institution mentioned in subsection (2), and existing immediately prior to the commencement of this Act, shall be deemed to be a council, constituted in terms of section 7 of this Act, of the institution concerned as a declared institution, but shall cease to exist upon the date on which a council is constituted for the first time after the commencement of this Act for the institution concerned. 25

(4) A regulation made or a notice issued under the Cultural Institutions Act, 1969, shall, in so far as such regulation or such notice is applicable to an institution mentioned in subsection (2) and is in force immediately prior to the commencement of this Act, remain in force after the commencement of this Act, except in so far as it is inconsistent with a provision of this Act, until such regulation or such notice is repealed or withdrawn. 30

(5) Subject to the provisions of subsections (2), (3) and (4), anything done or deemed to have been done in terms of a provision of the Cultural Institutions Act, 1969, shall be deemed to have been done in terms of the corresponding provision of this Act. 35

Short title and commencement

20. This Act shall be called the Cultural Institutions Act (House of Assembly), 1989, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 40

WET OP KULTURELE INSTELLINGS (VOLKSRAAD), 1989

Wet No. 66, 1989

Herroeping van wette, en voorbehoude

19. (1) Behoudens die bepalings van artikel 2 en van hierdie artikel hou daardie bepalings van die Wet op Kulturele Inrigtings, 1969 (Wet No. 29 van 1969), wat aan die Minister van Nasionale Opvoeding bevoegdheid, pligte en werksaamhede toegewys het en wat met ingang van 17 September 1984 kragtens artikel 26 van die Grondwet van die Republiek van Suid-Afrika, 1983, aan die Minister van Onderwys en Kultuur: Volksraad opgedra is, by die inwerkingtreding van hierdie Wet op om van toepassing te wees vir sover hierdie Wet toepassing vind.
- (2) Die inrigtings—
- 10 (a) Nasionale Kultuurhistoriese en Opelugmuseum, Pretoria;
 - (b) Suid-Afrikaanse Kultuurhistoriese Museum, Kaapstad;
 - (c) Voortrekkermuseum, Pietermaritzburg;
 - (d) Oorlogsmuseum van die Boererepublieke, Bloemfontein;
 - (e) Michaelisversameling, Kaapstad;
 - 15 (f) William Fehrversameling, Kaapstad; en
 - (g) Engelenburghuiskunsversameling, Pretoria,
- wat kragtens die Wet op Kulturele Inrigtings, 1969, verklaar is om onder die bepalings van daardie Wet te val of wat geag is aldus verklaar te gewees het, na gelang van die geval, word, indien so 'n verklaring onmiddellik voor die inwerking-
- 20 treding van hierdie Wet van krag is, geag kragtens artikel 3 verklaar te wees as instellings wat onder die bepalings van hierdie Wet val.
- (3) 'n Raad soos saamgestel ingevolge artikel 6 van die Wet op Kulturele Inrigtings, 1969, van 'n inrigting vermeld in subartikel (2), en wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan, word geag 'n raad, saamgestel
- 25 ingevolge artikel 7 van hierdie Wet, van die betrokke inrigting as verklaarde instelling te wees, maar hou op die datum waarop 'n raad vir die eerste maal na die inwerkingtreding van hierdie Wet vir die betrokke instelling saamgestel word, op om te bestaan.
- (4) 'n Regulasie uitgevaardig of 'n kennisgewing uitgereik kragtens die Wet op
- 30 Kulturele Inrigtings, 1969, bly, vir sover so 'n regulasie of kennisgewing van toepassing is op 'n inrigting vermeld in subartikel (2) en van krag is onmiddellik voor die inwerkingtreding van hierdie Wet, na die inwerkingtreding van hierdie Wet van krag, behalwe vir sover dit onbestaanbaar is met 'n bepaling van hierdie Wet, totdat so 'n regulasie of kennisgewing kragtens hierdie Wet herroep of ingetrek word.
- 35 (5) Behoudens die bepalings van subartikels (2), (3) en (4) word enigiets wat ingevolge 'n bepaling van die Wet op Kulturele Inrigtings, 1969, gedoen is of geag is gedoen te gewees het, geag ingevolge die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het.

Kort titel en inwerkingtreding

- 40 20. Hierdie Wet heet die Wet op Kulturele Instellings (Volksraad), 1989, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

