



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Selling price • Verkoopprijs
(GST excluded/AVB uitgesluit)
Local **80c** Plaaslik
Other countries R1,10 Buitelands
Post free • Posvry

Vol. 310

CAPE TOWN, 5 APRIL 1991

KAAPSTAD, 5 APRIL 1991

No. 13125

STATE PRESIDENT'S OFFICE

No. 673.

5 April 1991

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

No. 23 of 1991: National Libraries Amendment Act, 1991.

KANTOOR VAN DIE STAATSPRESIDENT

No. 673.

5 April 1991

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

No. 23 van 1991: Wysigingswet op Nasionale Biblioteke, 1991.

Act No. 23, 1991

NATIONAL LIBRARIES AMENDMENT ACT, 1991

GENERAL EXPLANATORY NOTE:

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

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the National Libraries Act, 1985, in order to give the boards greater autonomy with regard to the determination of remuneration, allowances, subsidies and other benefits; to make different provision regarding the accumulated leave of transferred officers; to provide for remuneration and services rendered by National Libraries in terms of the Act; and to grant greater autonomy to the boards with regard to the use of funds; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 18 March 1991.)*

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

Substitution of section 7 of Act 56 of 1985

1. The following section is hereby substituted for section 7 of the National Libraries Act, 1985 (hereinafter referred to as the principal Act): 5

“Remuneration and allowances of members of boards

7. A board may pay to a member of that board who is not in the full-time employ of the State or who is not in the employ of a National Library such remuneration and **[allowance]** allowances as the Minister with the concurrence of the Minister of Finance may determine.”. 10

Amendment of section 9 of Act 56 of 1985

2. Section 9 of the principal Act is hereby amended—

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

“(2) (a) The **[salaries,]** remuneration, allowances, **[conditions of service]** subsidies and other benefits of the officers and employees of a National Library are determined by its board **[with the approval of the Minister granted with the concurrence of the Minister of Finance]**. 15

(b) A determination in terms of paragraph (a) shall be made in accordance with a system approved by the Minister with the concurrence of the Minister of Finance, as such system is amended from time to time.”; 20
and

(b) by the deletion of subsection (3).

ALGEMENE VERDUIDELIKENDE NOTA:

[]] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Nasionale Biblioteke, 1985, ten einde aan die rade groter outonomie te verleen met betrekking tot die bepaling van besoldiging, toelaes, subsidies en ander voordele; ander voorsiening te maak met betrekking tot opgelope verlof van oorgeplaaste beamptes; voorsiening te maak vir vergoeding en dienste deur Nasionale Biblioteke ingevolge die Wet gelewer; en aan die rade groter outonomie met betrekking tot die aanwending van fondse te verleen; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Maart 1991.)*

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

Vervanging van artikel 7 van Wet 56 van 1985

1. Artikel 7 van die Wet op Nasionale Biblioteke, 1985 (hieronder die Hoofwet 5 genoem), word hierby deur die volgende artikel vervang:

“Besoldiging en toelaes van lede van rade

7. **[Daar]** 'n Raad kan aan 'n lid van **[’n]** daardie raad wat nie heeltyds in diens van die Staat is nie of nie in diens van 'n Nasionale Biblioteek is nie die besoldiging en **[toelaes]** toelaes betaal **[word]** wat die Minister met die instemming van die Minister van Finansies bepaal.”

Wysiging van artikel 9 van Wet 56 van 1985

2. Artikel 9 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) (a) Die **[salarisse,]** besoldiging, toelaes, **[diensvoorwaardes]** subsidies en ander voordele van die beamptes en werknemers van 'n Nasionale Biblioteek word deur sy raad bepaal **[met die goedkeuring van die Minister verleen met die instemming van die Minister van Finansies]**.”

(b) 'n Bepaling ingevolge paragraaf (a) moet gedoen word ooreenkomstig 'n stelsel deur die Minister goedgekeur met die instemming van die Minister van Finansies, soos daardie stelsel van tyd tot tyd gewysig word.”; en

(b) deur subartikel (3) te skrap.

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Amendment of section 10 of Act 56 of 1985

3. Section 10 of the principal Act is hereby amended—

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

“(a) any continuous full-time employment with the State or the institution concerned immediately prior to the fixed date of a person transferred in terms of subsection (1) is deemed for the purposes of leave to be employment with the National Library concerned, and any sick or vacation leave which has on that date accrued in his favour is deemed, subject to such conditions as the board **[with the approval of the Minister]** may determine, to be leave which has accrued in his favour in terms of his conditions of service in the employ of that National Library.”;

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

“(3) A person transferred in terms of subsection (1) may, on such conditions as the Director-General: **[Health and Welfare]** Finance may determine, elect to be released from and to renounce all obligations, rights and privileges in respect of the pension fund **[intended]** contemplated in that subsection and to become a member of the pension fund established in terms of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), and from a date fixed by the said Director-General the provisions of that Act shall then apply to him.”; and

- (c) by the substitution for subsection (6) of the following subsection:

“(6) Notwithstanding anything to the contrary in any law, any amount which is payable to a National Library by any person transferred in terms of subsection (1) on the date of his retirement or discharge or which a National Library is then liable to pay in respect of him, may be deducted from any benefit which is payable to him out of the pension fund concerned in a lump sum or in such instalments as the Director-General: **[Health and Welfare]** Finance may determine, for payment to the National Library.”.

Amendment of section 11 of Act 56 of 1985

4. Section 11 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of section 2 of the State Land Disposal Act, 1961 (Act No. 48 of 1961), the Minister may, with the concurrence of the Minister of **[Communications]** Transport and of Public Works and Land Affairs and of the Minister of Finance, and on such conditions as he may determine, transfer to a National Library any immovable property belonging to the State in order to enable that National Library to perform its functions.”.

Amendment of section 16 of Act 56 of 1985

5. Section 16 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (f) of the following paragraph:

“(f) money accruing to the National Library from any other source, including remuneration for services rendered in terms of this Act.”;

- (b) by the deletion of paragraph (b) of subsection (2);

- (c) by the deletion of subsection (3); and

- (d) by the substitution for subsection (5) of the following subsection:

“(5) A board may establish and operate a reserve fund and may deposit therein such amounts as **[the Minister may approve]** become available from time to time.”.

Amendment of section 19 of Act 56 of 1985

6. Section 19 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

Wysiging van artikel 10 van Wet 56 van 1985

3. Artikel 10 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (2) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) word ononderbroke heeltydse diens by die Staat of die betrokke inrigting onmiddellik voor die vasgestelde datum van iemand oorgeplaas ingevolge subartikel (1), vir verlofdoeleindes geag diens by die betrokke Nasionale Biblioteek te wees, en word, behoudens die voorwaardes wat die raad **[met die goedkeuring van die Minister]** bepaal, siekte- of vakansieverlof wat op daardie datum ten gunste van hom opgehoop het, geag verlof te wees wat ingevolge sy diensvoorwaardes in diens van **[die]** daardie Nasionale Biblioteek ten gunste van hom opgehoop het;”;

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Iemand oorgeplaas ingevolge subartikel (1) kan op die voorwaardes wat die Direkteur-generaal: **[Gesondheid en Welsyn]** Finansies bepaal, kies om van alle verpligtinge, regte en voorregte ten opsigte van die pensioenfonds bedoel in daardie subartikel onthef te word en afstand te doen en om lid te word van die pensioenfonds ingestel ingevolge die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), en vanaf 'n datum deur genoemde Direkteur-generaal bepaal, is die bepalings van daardie Wet dan op hom van toepassing.”; en

(c) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Ondanks andersluidende bepalings van die een of ander wet kan 'n bedrag wat op die datum van die uitdienstreding of ontslag van iemand oorgeplaas ingevolge subartikel (1), aan 'n Nasionale Biblioteek deur hom betaalbaar is of wat 'n Nasionale Biblioteek dan ten opsigte van hom moet betaal, in 'n enkele bedrag of dié paaïemente wat die Direkteur-generaal: **[Gesondheid en Welsyn]** Finansies bepaal, afgetrek word van 'n voordeel wat uit die betrokke pensioenfonds aan hom betaalbaar is, vir oorbetaling aan die Nasionale Biblioteek.”.

Wysiging van artikel 11 van Wet 56 van 1985

4. Artikel 11 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behoudens die bepalings van artikel 2 van die Wet op die Beskikking oor Staatsgrond, 1961 (Wet No. 48 van 1961), kan die Minister met die instemming van die Minister van **[Kommunikasie]** Vervoer en van Openbare Werke en Grondsake en die Minister van Finansies en op die voorwaardes wat hy bepaal, aan 'n Nasionale Biblioteek enige onroerende goed wat aan die Staat behoort, oordra ten einde daardie Nasionale Biblioteek in staat te stel om sy werksaamhede te verrig.”.

Wysiging van artikel 16 van Wet 56 van 1985

5. Artikel 16 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) paragraaf (f) deur die volgende paragraaf te vervang:

“(f) geld wat die Nasionale Biblioteek uit 'n ander bron toeval, insluitende vergoeding vir dienste ingevolge die bepalings van hierdie Wet gelewer.”;

(b) deur paragraaf (b) van subartikel (2) te skrap;

(c) deur subartikel (3) te skrap; en

(d) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) 'n Raad kan 'n reserwefonds instel en administreer en daarin **[die]** bedrae stort wat **[die Minister goedkeur]** van tyd tot tyd beskikbaar raak.”.

Wysiging van artikel 19 van Wet 56 van 1985

6. Artikel 19 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

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“(3) Regulations under this section may prescribe penalties not exceeding a fine of **[R100]** R2 000 for a contravention thereof or a failure to comply therewith.”.

Short title

7. This Act shall be called the National Libraries Amendment Act, 1991.

5

WYSIGINGSWET OP NASIONALE BIBLIOTEKE, 1991

Wet No. 23, 1991

“(3) Regulasies kragtens hierdie artikel kan strawwe wat ’n boete van [R100] R2 000 nie te bowe gaan nie voorskryf vir ’n oortreding daarvan of ’n versuim om daaraan te voldoen.”.

Kort titel

- 5 7. Hierdie Wet heet die Wysigingswet op Nasionale Biblioteke, 1991.

