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GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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OFFICE OF THE PRESIDENT

No. 1578.

4 December 1998

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

No. 119 of 1998: Cultural Institutions Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1578.

4 Desember 1998

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

No. 119 van 1998: Wet op Kulturele Instellings, 1998.

(English text signed by the President.)
(Assented to 24 November 1998.)

ACT

To provide for the payment of subsidies to certain cultural institutions; to provide for the establishment of certain institutions as declared cultural institutions under the control of councils; to establish a National Museums Division; and to provide for matters connected therewith.

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

Definitions

1. In this Act, unless the context otherwise indicates—
 - (i) “council” means a council referred to in section 5(1) or (2); (iv) 5
 - (ii) “declared institution” means an institution declared under section 3 or 6(3) to be subject to this Act, or regarded in terms of section 17(1) to have been so declared; (v)
 - (iii) “Director-General” means the Director-General of the national Department responsible for culture; (i) 10
 - (iv) “institution” means any public library, museum, zoological garden or other public cultural institution regarded by the Minister to be of kindred character; (ii)
 - (v) “Minister” means the Minister of the national Department responsible for culture; and (iii) 15
 - (vi) “prescribed” means prescribed by regulation made and in force under this Act. (vi)

Payment of subsidies to declared institutions

2. For such purposes and on such basis and subject to such conditions as the Minister in consultation with the Minister of Finance determines, the Minister must out of moneys appropriated by Parliament for that purpose pay a subsidy to a declared institution. 20

Application of Act, establishment and amalgamation of declared institutions

3. (1) The Minister may by notice in the *Gazette* declare any institution as from a date specified in that notice to be subject to this Act. 25

(2) The Minister may establish an institution and may declare that institution subject to the Act in terms of subsection (1).

(3) The Minister may by notice in the *Gazette* declare that an institution must be amalgamated with a flagship institution established by section 6(1) or (2).

Declared institution to be corporate body 30

4. (1) A declared institution is a corporate body and is 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*.

(Engelse teks deur die President geteken.)
(Goedgekeur op 24 November 1998.)

WET

Om voorsiening te maak vir die betaling van subsidies aan sekere kulturele instellings; om voorsiening te maak vir die instelling van sekere instellings as verklaarde kulturele instellings onder die beheer van rade; om 'n Afdeling Nasionale Museums in te stel; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Woordomskrywing

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—
- 5 (i) “Direkteur-generaal” die Direkteur-generaal van die nasionale Departement verantwoordelik vir kultuur; (iii)
- (ii) “instelling” ’n openbare biblioteek, museum, dieretuin of ander openbare kulturele instelling wat die Minister as gelyksoortig beskou; (iv)
- 10 (iii) “Minister” die Minister van die nasionale Departement verantwoordelik vir kultuur; (v)
- (iv) “raad” ’n in artikel 5(1) of (2) bedoelde raad; (i)
- (v) “verklaarde instelling” ’n instelling wat kragtens artikel 3 of 6(3) onderhewig aan hierdie Wet verklaar is, of ingevolge artikel 17(1) geag word aldus verklaar te gewees het; en (ii)
- 15 (vi) “voorgeskryf” voorgeskryf by regulasie kragtens hierdie Wet uitgevaardig en van krag. (vi)

Betaling van subsidies aan instellings

2. Vir die doeleindes en op die grondslag en onderhewig aan die voorwaardes wat die Minister in oorleg met die Minister van Finansies bepaal, moet die Minister aan ’n
- 20 verklaarde instelling, uit gelde deur die Parlement vir die doel bewillig, ’n subsidie betaal.

Toepassing van Wet, instelling en samesmelting van verklaarde instellings

3. (1) Die Minister kan by kennisgewing in die *Staatskoerant* verklaar dat enige instelling met ingang van ’n in daardie kennisgewing vermelde datum onderworpe aan
- 25 hierdie Wet is.
- (2) Die Minister kan ’n instelling instel en kan verklaar dat daardie instelling onderworpe is aan die Wet ingevolge subartikel (1).
- (3) Die Minister kan by kennisgewing in die *Staatskoerant* verklaar dat ’n instelling moet saamsmelt met ’n vlagskip instelling ingestel kragtens artikel 6(1) of (2).

30 Verklaarde instelling is regspersoon

4. (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) A declared institution may not, without the prior approval of the Minister, granted in consultation with the Minister of Finance—

- (a) purchase or otherwise acquire, hire, sell, let, exchange or otherwise alienate, hypothecate or encumber immovable property; or
- (b) invest, lend or borrow moneys.

(4) In the case of the investment of moneys contemplated in subsection (3)(b), such investment is made in accordance with the directions determined by the Minister in consultation with the Minister of Finance.

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

- (a) let or exchange 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.

(6) A declared institution may not, without the prior approval of the Minister, sell or otherwise alienate any specimen, collection or other movable property.

(7) A declared institution may perform all such acts as are necessary for or incidental to the exercise of its powers and the performance of its duties.

(8) When an institution is under section 3 declared to be subject to 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 devolve, on such declaration, on the institution declared as such.

Establishment and constitution of a council

5. (1) The affairs of a declared institution, other than a flagship institution, are under the control, management and direction of a council consisting of—

- (a) at least seven members appointed by the Minister in the prescribed manner; and
- (b) the director of the declared institution concerned.

(2) The affairs of a flagship institution, are under the control, management and direction of a council consisting of—

- (a) at least seven members appointed by the Minister in the prescribed manner; and
- (b) the chief executive officer of the flagship institution concerned.

(3) The members of a council contemplated in subsections (1) and (2) must be appointed in accordance with the principles of transparency and representivity.

(4) At least one of the members appointed to a council contemplated in subsections (1) and (2) must have experience in financial matters.

(5) The members of a council contemplated in subsection (2) must be appointed with a view to geographic representivity.

(6) If any institution is immediately before it is, under section 3, declared to be subject to this Act, controlled, managed and directed by a council or other body, that council or other body must, until the appointment of a council in terms of subsection (1) in respect of the institution, continue in office and have all the powers and duties of a council constituted in terms of subsection (1).

(7) (a) A member of a council is appointed for a period of three years, unless a shorter period is prescribed.

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

(8) If a member of a council dies or vacates the office before the expiration of the period for which the member has been appointed, another person may be appointed to fill the vacancy for the unexpired portion of the period for which the member was appointed.

(9) A member of a council must vacate the office if the member—

- (a) resigns in writing;
- (b) has been absent from three consecutive meetings of the council without its leave;
- (c) is an unrehabilitated insolvent;
- (d) is found to be of unsound mind by a competent court;
- (e) is convicted of an offence involving dishonesty or bodily harm and is sentenced to imprisonment without the option of a fine; or
- (f) materially breaches the code of ethics of the institution.

- (3) 'n Verklaarde instelling mag nie sonder die voorafverkreë goedkeuring van die Minister, verleen in oorleg met die Minister van Finansies—
- (a) onroerende goed koop of op 'n ander wyse verkry, huur, verkoop, verhuur, verruil of op 'n ander wyse vervreem, verhipotekeer of beswaar nie; of
- 5 (b) geld belê, uitleen of leen nie.
- (4) In die geval van die belegging van geld beoog in subartikel (3)(b), geskied die belegging ooreenkomstig die voorskrifte wat die Minister in oorleg met die Minister van Finansies bepaal.
- (5) 'n Verklaarde instelling kan, tensy die Minister anders bepaal en behoudens die
- 10 Wet op Nasionale Gedenkwaardighede, 1969 (Wet No. 28 van 1969)—
- (a) enige monster, versameling of ander roerende goed wat aan hom behoort, verhuur of verruil; en
- (b) enige monster, versameling of ander roerende goed koop of op 'n ander wyse verkry, besit of huur.
- 15 (6) 'n Verklaarde instelling kan nie sonder die voorafverkreë goedkeuring van die Minister, enige monster, versameling of ander roerende goed verkoop of op 'n ander wyse vervreem nie.
- (7) 'n Verklaarde instelling kan alle handelinge verrig wat nodig is vir of in verband staan met die uitoefening van sy bevoegdhede en die verrigting van sy pligte.
- 20 (8) Wanneer 'n instelling kragtens artikel 3 onderworpe aan hierdie Wet verklaar word, gaan al die bates en laste wat ten tyde van sodanige verklaring bates en laste van daardie instelling of van sy beheerliggaam is, oor op die instelling aldus verklaar.

Instelling en samestelling van 'n raad

5. (1) Die werksaamhede van 'n verklaarde instelling, uitgesonderd 'n vlagskip
- 25 instelling, is onder die beheer, bestuur en leiding van 'n raad bestaande uit—
- (a) nie minder as sewe lede deur die Minister op die voorgeskrewe wyse aangestel; en
- (b) die direkteur van die betrokke verklaarde instelling.
- (2) Die werksaamhede van 'n vlagskip instelling is onder die beheer, bestuur en
- 30 leiding van 'n raad bestaande uit—
- (a) ten minste sewe lede deur die Minister op die voorgeskrewe wyse aangestel; en
- (b) die hoof- uitvoerende beampte van die betrokke vlagskip instelling.
- (3) Die lede van 'n raad beoog in subartikels (1) en (2) moet in ooreenstemming met
- 35 die beginsels van deursigtigheid en verteenwoordiging aangestel word.
- (4) Ten minste een van die aangestelde lede van 'n raad beoog in subartikels (1) en (2) moet oor ervaring in finansiële aangeleenthede beskik.
- (5) Die lede van 'n raad beoog in subartikel (2) word aangestel met die oog op geografiese verteenwoordiging.
- 40 (6) Indien enige instelling onmiddelik voordat dit, kragtens artikel 3, onderworpe aan hierdie Wet verklaar is, 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, voortbestaan en het hy al die bevoegdhede en pligte van 'n raad ingevolge subartikel (1) saamgestel.
- 45 (7) (a) 'n Lid van 'n raad word vir 'n tydperk van drie jaar aangestel, tensy 'n korter tydperk voorgeskryf word.
- (b) 'n Lid van 'n raad wie se ampstermyn verstryk het, kan weer aangestel word.
- (8) Indien 'n lid van 'n raad voor die verstryking van die tydperk waarvoor hy of sy aangestel is, te sterwe kom of die amp ontruim, kan 'n ander persoon aangestel word
- 50 om dié amp te beklee vir die onverstreke gedeelte van die tydperk waarvoor die lid aangestel was.
- (9) 'n Lid van 'n raad ontruim die amp indien die lid—
- (a) skriftelik bedank;
- (b) sonder toestemming van die raad van drie agtereenvolgende vergaderings van die raad afwesig was;
- 55 (c) 'n ongerehabiliteerde insolvent is;
- (d) deur 'n bevoegde hof as geestelik versteurd verklaar word;
- (e) aan 'n misdryf waar oneerlikheid of liggaamlike leed 'n element is skuldig bevind en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
- 60 (f) die etiese kode van die instelling wesenlik verbreek.

(10) A member of a council who is not in the full-time employment of the State, may receive out of the funds of that council in respect of his or her functions as member the allowances that the Minister in consultation with the Minister of Finance determines.

Establishment of Flagship institutions

6. (1) The Northern Flagship institution is hereby established, comprising the— 5
 - (a) National Cultural History Museum;
 - (b) South African National Museum for Military History; and
 - (c) Transvaal Museum.
- (2) The Southern Flagship institution is hereby established, comprising the— 10
 - (a) Michaelis Collection;
 - (b) South African Cultural History Museum;
 - (c) South African Museum;
 - (d) South African National Gallery; and
 - (e) William Fehr Collection.
- (3) The Flagship institutions contemplated in subsections (1) and (2) are hereby 15
 declared to be subject to the Act.
- (4) (a) The members of a council of a flagship institution must, in consultation with 20
 the Minister, appoint a chief executive officer who must be responsible for the management of the flagship institution and who must report to the council on management affairs as the council may require.
- (b) The chief executive officer is the accounting officer of a flagship institution.

Chairperson of council

7. (1) The chairperson of a council is elected from the appointed members of the 25
 council and holds office for the period or the unexpired portion of the period for which he or she has been appointed as member of the council, unless the council otherwise determines.
- (2) If the chairperson of a council vacates the office as chairperson before the 30
 expiration of the period for which he or she was appointed, another member of the council must, subject to subsection (1), be elected as chairperson of the council from the appointed members of the council.
- (3) If the chairperson is absent from a meeting of the council concerned or not able to 35
 preside at that meeting, the members present must elect one of their number to preside at that meeting and that person may, during that meeting and until the chairperson resumes his or her functions, perform all those functions.

Functions of council

8. (1) The functions of a council are— 35
 - (a) to formulate policy;
 - (b) to hold, preserve and safeguard all movable and immovable property of 40
 whatever kind placed in the care of or loaned or belonging to the declared institution concerned;
 - (c) to receive, hold, preserve and safeguard all specimens, collections or other movable property placed under its care and management under section 10(1);
 - (d) to raise funds for the institution;
 - (e) to manage and control the moneys received by the declared institution and to 45
 utilise those moneys for defraying expenses in connection with the performance of its functions;
 - (f) to keep a proper record of the property of the declared institution, to submit to the Director-General any returns required by him or her in regard thereto and to cause proper books of account to be kept;
 - (g) to determine, subject to this Act and with the approval of the Minister, the 50
 objects of the declared institution; and

(10) 'n Lid van 'n raad wat nie in die heeltidse diens van die Staat is nie, ontvang uit die fondse van daardie raad, ten opsigte van sy of haar werksaamhede as lid, die toelaes wat die Minister in oorleg met die Minister van Finansies bepaal.

Instelling van Vlagskip instellings

- 5 6. (1) Die Noordelike Vlagskip instelling bestaande uit die—
 (a) Nasionale Kultuurhistoriese Museum;
 (b) Suid-Afrikaanse Nasionale Museum vir Krygsgeskiedenis; en
 (c) Transvaalmuseum,
 word hierby ingestel.
- 10 (2) Die Suidelike Vlagskip instelling bestaande uit die—
 (a) Michaelis-versameling;
 (b) Suid-Afrikaanse Kultuurhistoriese Museum;
 (c) Suid-Afrikaanse Museum;
 (d) Suid-Afrikaanse Nasionale Kunsmuseum; en
 (e) William Fehr-versameling,
 word hierby ingestel.
- (3) Die Vlagskip instellings beoog in subartikels (1) en (2) word hierby onderworpe aan die Wet verklaar.
- (4) (a) Die lede van 'n raad van 'n vlagskip instelling moet, in oorleg met die
 20 Minister van Finansies, 'n hoof- uitvoerende beampte aanstel wat verantwoordelik is vir die bestuur van 'n vlagskip instelling en wat aan die raad verslag doen aangaande bestuursaangeleenthede soos deur die raad verlang.
 (b) Die hoof- uitvoerende beampte is die rekenpligtige beampte van 'n vlagskip instelling.

25 Voorsitter van raad

7. (1) Die voorsitter van 'n raad word uit die aangestelde lede van die raad verkies en beklee die amp vir die tydperk of die onverstreke gedeelte van die tydperk waarvoor hy of sy as 'n lid van die raad aangestel is, tensy die raad anders bepaal.
- (2) Indien die voorsitter van 'n raad die amp as voorsitter ontruim voor die
 30 verstryking van die tydperk waarvoor hy of sy aangestel is, word 'n ander lid van die raad, behoudens subartikel (1), uit die aangestelde lede van die raad as voorsitter verkies.
- (3) Indien die voorsitter van 'n vergadering van die betrokke raad afwesig is of nie as voorsitter by daardie vergadering kan optree nie, moet die aanwesige lede 'n persoon
 35 uit hul midde verkies om op daardie vergadering voor te sit, en daardie persoon kan, gedurende daardie vergadering en totdat die voorsitter sy of haar werksaamhede hervat, al daardie werksaamhede verrig.

Werksaamhede van raad

8. (1) Die werksaamhede van 'n raad is—
 40 (a) om beleid te bepaal;
 (b) om alle roerende en onroerende goed van watter aard ook al wat in die bewaring van die verklaarde instelling geplaas is of daaraan geleen is of behoort, in sy besit te hou, te bewaar en te beveilig;
 (c) om alle monsters, versamelings of ander roerende goed wat kragtens artikel
 45 10(1) onder sy sorg en beheer geplaas is, te ontvang, in sy besit te hou, te bewaar en te beveilig;
 (d) om fondse vir die instelling in te samel;
 (e) om die gelde wat deur die verklaarde instelling ontvang is, te bestuur en te beheer en daardie gelde aan te wend vir die bestryding van onkoste in
 50 verband met die verrigting van sy werksaamhede;
 (f) om behoorlik boek te hou van die eiendom van die verklaarde instelling, om aan die Direkteur-generaal enige opgewes wat deur hom of haar in verband daarmee vereis word, voor te lê en om toe te sien dat behoorlike rekening-boeke gehou word;
 55 (g) om behoudens hierdie Wet en met die goedkeuring van die Minister die oogmerke van die verklaarde instelling te bepaal; en

(h) to, generally, carry out the objects of the declared institution.

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

(3) A council may appoint such persons as it considers necessary to perform the functions of the declared institution concerned. 5

(4) The determination of the remuneration and other conditions of service of persons appointed under subsection (3) must be in accordance with a scheme approved by the Minister in consultation with the Minister of Finance.

(5) The Minister must publish the objects of a declared institution determined under subsection (1)(e), in the *Gazette*. 10

Placing of immovable property at disposal of councils

9. (1) The Minister may in consultation with the Minister of Finance and the council of the declared institution concerned on such basis and conditions as he or she determines, 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. 15

(2) The Minister may, subject to the State Land Disposal Act, 1961 (Act No. 48 of 1961), on such terms and conditions as he or she determines, transfer to a declared institution any immovable property of the State in order to enable that institution to perform its functions. 20

(3) The Minister may take steps for the maintenance and development of any immovable property which—

- (a) is made available to a council under subsection (1);
- (b) is transferred to a declared institution under subsection (2); 25
- (c) a declared institution purchases or otherwise acquires or hires under section 4 (3); or
- (d) a declared institution has already so purchased or otherwise acquired or hired before it was, under section 3, declared to be subject to this Act.

Making available of movable property to declared institutions 30

10. (1) The Minister may in consultation with the council of the declared institution concerned—

(a) place—

(i) any specimen, collection piece, collection or other movable property which— 35

(aa) belongs, has been given or has been bequeathed to the Government or to the Republic or its inhabitants; or

(bb) was given or bequeathed on condition that it be for the use or benefit of the Republic and its inhabitants or any section of its inhabitants; 40

or

(ii) any portion of that movable property, under the care and management of any declared institution; or

(b) transfer that movable property, or portion thereof, to a declared institution, unless the donor or testator has made other provision for the care thereof.

(2) Any movable property transferred under subsection (1) to a declared institution may be alienated only with the approval of the Minister. 45

Auditing of accounts

11. The Auditor-General must audit the accounts and balance sheet of a council.

National Museums Division

12. (1) A National Museums Division consisting of the— 50

- (a) chief executive officers of the flagship institutions;
- (b) heads of every institution contemplated in section 6(1) and (2); and

(h) om, in die algemeen, die oogmerke van die verklaarde instelling te verwesenlik.

(2) 'n Raad kan bepaal gedurende watter ure en onderworpe aan watter voorwaardes en beperkings die publiek die betrokke verklaarde instelling, of gedeelte daarvan, kan
5 besoek, en watter toegangsgelde betaal moet word.

(3) 'n Raad kan die persone wat hy nodig ag, aanstel om die werksaamhede van die betrokke verklaarde instelling te verrig.

(4) Die bepaling van die besoldiging en ander diensvoorwaardes van persone wat kragtens subartikel (3) aangestel word, geskied ooreenkomstig 'n skema wat die
10 Minister in oorleg met die Minister van Finansies goedkeur.

(5) Die Minister moet die oogmerke van 'n verklaarde instelling, wat kragtens subartikel (1)(e) bepaal is, in die *Staatskoerant* publiseer.

Beskikbaarstelling aan rade van onroerende goed

9. (1) Die Minister kan, in oorleg met die Minister van Finansies en die raad van die
15 betrokke verklaarde instelling, op die grondslag en voorwaardes wat hy of sy bepaal, aan 'n raad enige grond of 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.

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

(3) Die Minister kan maatreëls tref vir die instandhouding en ontwikkeling van onroerende goed wat—

- 25 (a) kragtens subartikel (1) aan 'n raad beskikbaar gestel word;
- (b) kragtens subartikel (2) aan 'n verklaarde instelling oorgedra word;
- (c) 'n verklaarde instelling kragtens artikel 4 (3) koop of op 'n ander wyse verkry of huur; of
- 30 (d) 'n verklaarde instelling reeds aldus gekoop of op 'n ander wyse verkry of gehuur het voordat dit, kragtens artikel 3, onderworpe aan hierdie Wet verklaar is.

Beskikbaarstelling aan verklaarde instellings van roerende goed

10. (1) Die Minister kan in oorleg met die raad van die betrokke verklaarde instelling—

- 35 (a) onder die sorg en beheer van 'n verklaarde instelling—
 - (i) 'n monster, versamelstuk, versameling of ander roerende goed wat—
 - (aa) aan die Regering of aan die Republiek of sy inwoners behoort, geskenk of bemaak is; of
 - 40 (bb) geskenk of bemaak is op voorwaarde dat dit vir die gebruik of tot voordeel van die Republiek en sy inwoners of 'n deel van sy inwoners staan; of
 - (ii) 'n deel van daardie roerende goed, plaas; of
- 45 (b) daardie roerende goed, of gedeelte daarvan, aan 'n verklaarde instelling oordra, tensy die skenker of erflater andersins voorsiening vir die bewaring daarvan gemaak het.

(2) Enige roerende goed wat kragtens subartikel (1) aan 'n verklaarde instelling oorgedra is, mag slegs met die goedkeuring van die Minister vervreem word.

50 Ouditering van rekenings

11. Die Ouditeur-generaal moet die rekenings en balansstaat van 'n raad ouditeer.

Afdeling Nasionale Museums

12. (1) Die Afdeling Nasionale Museums bestaande uit die—

- 55 (a) hoof- uitvoerende beamptes van die vlagskip instellings;
- (b) hoofde van elke instelling beoog in artikel 6(1) en (2); en

(c) directors of the declared institutions other than flagship institutions, is hereby established.

(2) If the office of any person contemplated in subsection (1) is vacant, or he or she is unable to attend any meeting of the National Museums Division the declared institution concerned may nominate another person to represent that institution at that meeting. 5

Functions of the National Museums Division

13. The National Museums Division must—

- (a) determine the time and place of, the quorum for and the procedure at its meetings;
- (b) perform such duties as the Minister may assign to it; and 10
- (c) consider and make recommendations to the Minister or the Director-General regarding matters which—
 - (i) the Minister or the Director-General refers to it; or
 - (ii) it considers to be of common interest to the declared institutions.
- (d) draft and adopt a code of ethics, based on international standards, according to 15 which councils must conduct the affairs of the declared institution.

Abolition of declared institutions

14. (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 that notice, the notice issued under section 3 in respect of that declared institution. 20

(2) The declared institution ceases to exist from the date referred to in subsection (1).

(3) Subject to subsection (6), all the assets, rights, liabilities and obligations of that declared institution, as they existed immediately before the date referred to in subsection (1), vests from that date in a declared institution or other person determined before that date, by the Minister after consultation with the council of the first-mentioned declared institution and published in the notice issued in terms of subsection (1). 25

(4) A reference in any law or document to a declared institution referred to in subsection (1) is, with effect from the date referred to in that subsection, regarded to be a reference to the declared institution or person determined in terms of subsection (3). 30

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

(6) All property referred to in section 8(1)(b) or (c) which is held by the council of the declared institution referred to in subsection (1) immediately before the date referred to in that subsection, must from that date be dealt with as the Minister determines. 35

Delegation of powers

15. (1) The Minister may, subject to the conditions he or she determines, in writing delegate any power conferred, except the power, in terms of section 16, to make regulations or any duty imposed on the Minister by this Act to an official employed by the national Department responsible for culture. 40

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

Regulations

45

16. (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;

(c) direkteure van verklaarde instellings, uitgesonderd vlagskip instellings, word hierby ingestel.

- (2) Indien die amp van enige persoon beoog in subartikel (1) vakant is of hy of sy nie in staat is om 'n vergadering van die Afdeling Nasionale Museums by te woon nie, kan die betrokke instelling iemand anders benoem om daardie instelling by daardie vergadering te verteenwoordig.

Werkzaamhede van Afdeling Nasionale Museums

13. Die Afdeling Nasionale Museums —

- (a) bepaal die tyd en plek van, die kworum vir en die prosedure by sy vergaderings;
- (b) verrig die pligte wat die Minister aan hom opdra; en
- (c) oorweeg en doen aanbevelings aan die Minister of die Direkteur-generaal aangaande aangeleenthede wat—
- (i) die Minister of die Direkteur-generaal na hom verwys; of
- (ii) hy ag van algemene belang vir die verklaarde instellings te wees.
- (d) stel 'n etiese kode, wat gebaseer is op internasionale standaarde, en waarvolgens rade die werkzaamhede van 'n verklaarde instelling moet bedryf, op en neem dit aan.

Afskaffing van verklaarde instellings

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

(2) Die verklaarde instelling hou op die in subartikel (1) bedoelde datum op om te bestaan.

- (3) Behoudens subartikel (6) vestig al die bates, regte, laste en verpligtinge van daardie verklaarde instelling, soos dit onmiddellik voor die in subartikel (1) bedoelde datum bestaan het, vanaf daardie datum in 'n verklaarde instelling of ander persoon wat deur die Minister voor daardie datum na oorleg met die raad van eersbedoelde verklaarde instelling bepaal is en ingevolge die in subartikel (1) uitgereikte kennisgewing bekend gemaak is.

- (4) 'n Verwysing in enige wet of dokument na die in subartikel (1) bedoelde verklaarde instelling word, met ingang van die in daardie subartikel bedoelde datum, geag 'n verwysing te wees na die verklaarde instelling of persoon ingevolge subartikel (3) bepaal.

- (5) Die betrokke registrateur van aktes laat alle aantekeninge en endossemente in sy of haar registers en op die titelbewyse met betrekking tot grond behorende aan die in subartikel (1) bedoelde verklaarde instelling onmiddellik voor die in daardie subartikel bedoelde datum, aanbring wat nodig is om gevolg te gee aan hierdie artikel.

- (6) Alle in artikel 8(1)(b) of (c) bedoelde goed wat deur die raad van die in subartikel (1) bedoelde verklaarde instelling gehou word onmiddellik voor die in daardie subartikel bedoelde datum, word vanaf daardie datum mee gehandel soos die Minister bepaal.

Delegering van bevoegdhede

15. (1) Die Minister kan, behoudens die voorwaardes wat hy of sy bepaal, enige bevoegdheid verleen, uitgesonderd die bevoegdheid om regulasies kragtens artikel 16 uit te vaardig, of plig opgelê by hierdie Wet delegeer aan 'n beampte in diens van die nasionale Departement verantwoordelik vir kultuur.

(2) 'n Delegering kragtens subartikel (1) verhoed nie die Minister om sodanige bevoegdheid of plig, na gelang van die geval, self uit te oefen of te verrig nie.

Regulasies

16. (1) Die Minister kan regulasies uitvaardig betreffende—

- (a) die aanstelling van lede van 'n raad en die vul van 'n toevallige vakature in 'n raad;

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- (b) the convening of, the procedure at and the quorum for meetings of a council, and the manner in which that council must make decisions;
- (c) the safety, custody and preservation of the property of a declared institution;
- (d) the management, control, utilisation and disposal of all moneys received by a council; 5
- (e) the keeping of records and the times when, form in which and the persons to whom financial accounts and reports must be rendered in respect of declared institutions;
- (f) any matter which must or may be prescribed by regulation under this Act; and
- (g) in general, any matter necessary to prescribe in order to achieve the objects of this Act. 10

(2) The Minister must make any regulation relating to—

- (a) any moneys or allowances payable to or by any person; or
- (b) the control of money,

in consultation with the Minister of Finance and subject to any other applicable law. 15

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

Transitional provisions

17. (1) The institutions listed in Schedule 1 which have under the Cultural Institutions Act, 1969 (Act No. 29 of 1969) or the Cultural Institutions Act (House of Assembly), 1989 (Act No. 66 of 1989), been declared to be subject to either of the Acts or which have been deemed to be so declared, as the case may be, must, if that declaration is in force immediately before the commencement of this Act, be regarded to have been declared under section 3 to be institutions which are subject to this Act. 20

(2) A council, as constituted in terms of section 6 of the Cultural Institutions Act, 1969, or section 7 of the Cultural Institutions Act (House of Assembly), 1989, of an institution contemplated in section 6(1) or (2) of this Act, and existing immediately before the commencement of this Act, ceases to exist when section 6 of this Act takes effect. 25

(3) A regulation made or a notice issued under the Cultural Institutions Act, 1969, or the Cultural Institutions Act (House of Assembly), 1989, in so far as that regulation or notice is applicable to an institution contemplated in subsection (1) immediately before the commencement of this Act, remains in force after the commencement of this Act, except in so far as it is inconsistent with a provision of this Act; until that regulation or notice is repealed or withdrawn by the Minister by notice in the *Gazette*. 30 35

(4) Subject to subsections (1), (2) and (3), anything done or regarded to have been done in terms of a provision of the Cultural Institutions Act, 1969, or the Cultural Institutions Act (House of Assembly), 1989, and which may be done under a corresponding provision of this Act, is regarded to have been done under that corresponding provision. 40

(5) The Committees of Heads of Declared Institutions established by section 13 of the Cultural Institutions Act, 1969, and section 14 of the Cultural Institutions Act (House of Assembly), 1989, are hereby dissolved and all their assets, rights, liabilities and obligations will vest in the National Museums Division established in terms of section 12(1) of this Act. 45

(6) Any person who was in the employment of an institution immediately before the institution is, under section 3, declared to be subject to this Act, is regarded to have been appointed under section 8(3) on that declaration as an employee of that institution.

(7) The remuneration and other conditions of service of an employee contemplated in subsection (6) may not be less favourable than the remuneration and other conditions of service to which that employee was entitled to immediately before the declaration contemplated in that subsection. 50

Repeal of laws

18. Each of the laws referred to in the first two columns of Schedule 2 is

- (b) die byeenroeping van, die prosedure by en die kworum vir vergaderings van 'n raad, en die wyse waarop besluite deur daardie raad geneem moet word;
 - (c) die veiligheid, bewaring en behoud van die eiendom van 'n verklaarde instelling;
 - 5 (d) die bestuur, beheer en aanwending van en beskikking oor alle gelde deur 'n raad ontvang;
 - (e) 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 verstrekk moet word;
 - 10 (f) 'n aangeleentheid wat kragtens hierdie Wet by regulasie voorgeskryf moet of kan word; en
 - (g) in die algemeen, 'n aangeleentheid wat nodig is ten einde die oogmerke van hierdie Wet te bereik.
- (2) Die Minister moet enige regulasie betreffende—
- 15 (a) enige geld of toelae betaalbaar aan of deur iemand; of
 - (b) die beheer oor geld,
- uitvaardig in ooreenstemming met die Minister van Finansies en behoudens enige ander toepaslike wet.
- (3) Verskillende regulasies kan kragtens subartikel (1) ten opsigte van verskillende
- 20 verklaarde instellings uitgevaardig word.

Oorgangsbepalings

17. (1) Die instellings vermeld in Bylae 1 wat ingevolge die Wet op Kulturele Inrigtings, 1969 (Wet No. 29 van 1969), of die Wet op Kulturele Instellings (Volksraad), 1989 (Wet No. 66 van 1989), verklaar is onderworpe te wees aan enige
- 25 van daardie Wette of wat geag word aldus verklaar te gewees het, na gelang van die geval, moet, indien daardie verklaring van krag is onmiddellik voor die inwerkingtreding van hierdie Wet, geag word kragtens artikel 3 verklaarde instellings te gewees het wat onderworpe is aan die bepalinge van hierdie Wet.
- (2) 'n Raad soos saamgestel ingevolge artikel 6 van die Wet op Kulturele Inrigtings, 1969, of artikel 7 van die Wet op Kulturele Instellings (Volksraad), 1989, van 'n instelling bedoel in artikel 6(1) of (2) van hierdie Wet, en wat onmiddellik voor die inwerkingtreding van hierdie Wet bestaan, hou op om te bestaan wanneer artikel 6 van hierdie Wet in werking tree.
- (3) 'n Regulasie uitgevaardig of 'n kennisgewing uitgereik kragtens die Wet op
- 35 Kulturele Inrigtings, 1969, of die Wet op Kulturele Instellings (Volksraad), 1989, bly, vir sover daardie regulasie of kennisgewing onmiddellik voor die inwerkingtreding van hierdie Wet van toepassing is op 'n instelling beoog in subartikel (1), na die inwerkingtreding van hierdie Wet van krag, behalwe vir sover dit onbestaanbaar is met 'n bepaling van hierdie Wet, totdat daardie regulasie of kennisgewing deur die Minister
- 40 by kennisgewing in die *Staatskoerant* herroep of ingetrek word.
- (4) Behoudens subartikels (1), (2) en (3) word enigiets wat ingevolge 'n bepaling van die Wet op Kulturele Inrigtings, 1969, of die Wet op Kulturele Instellings (Volksraad), 1989, gedoen is of geag is gedoen te gewees het, en wat gedoen kan word kragtens die ooreenstemmende bepaling van hierdie Wet, geag kragtens daardie ooreenstemmende
- 45 bepaling van hierdie Wet gedoen te gewees het.
- (5) Die Komitees van Hoofde van Verklaarde Instellings, ingestel kragtens artikel 13 van die Wet op Kulturele Inrigtings, 1969, en artikel 14 van die Wet op Kulturele Instellings (Volksraad), 1989, word hierby ontbind en al hulle bates, regte, laste en verpligtinge vestig in die Afdeling Nasionale Museums ingestel ingevolge artikel 12(1)
- 50 van hierdie Wet.
- (6) Iemand wat in diens van 'n instelling was onmiddellik voordat die instelling, kragtens artikel 3, onderworpe aan hierdie Wet verklaar is, word geag by daardie verklaring kragtens artikel 8(3) as 'n werknemer van daardie instelling aangestel te wees.
- 55 (7) Die besoldiging en ander diensvoorwaardes van 'n werknemer beoog in subartikel (6) mag nie minder gunstig wees as die besoldiging en diensvoorwaardes waarop daardie werknemer onmiddellik voor die verklaring beoog in daardie subartikel geregig was nie.

Herroeping van wette

- 60 18. Elkeen van die wette wat in die eerste twee kolomme van Bylae 2 genoem

hereby repealed to the extent specified opposite that law in the third column of that Schedule.

Short title and commencement

19. This Act is called the Cultural Institutions Act, 1998, and takes effect on a date fixed by the President by proclamation in the *Gazette*.

word, word hierby herroep in die mate wat teenoor daardie wet in die derde kolom van daardie Bylae genoem word.

Kort titel en inwerkingtreding

19. Hierdie Wet heet Wet op Kulturele Instellings, 1998, en tree in werking op 'n
5 datum wat die President by proklamasie in die *Staatskoerant* bepaal.

SCHEDULE 1**(Section 17)**

Afrikaans Language Museum and Language Monument.
Engelenburghuis Art Collection.
Foundation for Education, Science and Technology.
JLB Smith Institute for Ichthyology.
Natal Museum.
National English Literary Museum.
National Museum.
National Zoological Gardens of South Africa.
Robben Island Museum.
Voortrekker Museum.
War Museum of the Boer Republics.
William Humphreys Art Gallery.

BYLAE 1**(Artikel 17)**

Afrikaanse Taalmuseum en Taalmonument.
Engelenburghuis Kunsversameling.
Stigting vir Onderwys, Wetenskap en Tegnologie.
JLB Smith Instituut vir Viskunde.
Natal Museum.
Nasionale Engelse Letterkundige Museum.
Nasionale Museum.
Nasionale Dieretuin van Suid-Afrika.
Robben Eiland Museum.
Voortrekkermuseum.
Oorlogsmuseum van die Boererepublieke.
William Humphreys Kunsmuseum.

SCHEDULE 2

(Section 18)

Number and year of Act	Short title	Extent of repeal
Act No. 29 of 1969	Cultural Institutions Act, 1969	The whole
Act No. 93 of 1974	Cultural Institutions Amendment Act, 1974	The whole
Act No. 11 of 1981	Culture and Education Laws Amendment Act, 1981	Sections 6, 7, 8 and 9
Act No. 28 of 1983	Education and Culture Laws Amendment Act, 1983	Section 4
Act No. 66 of 1989	Cultural Institutions Act (House of Assembly), 1989	The whole
Act No. 33 of 1992	Cultural Institutions Amendment Act (House of Assembly), 1992	The whole

BYLAE 2**(Artikel 18)**

Nommer en jaar van Wet	Kort titel	Mate waarin herroep
Wet No. 29 van 1969	Wet op Kulturele Inrigtings, 1969	Die geheel
Wet No. 93 van 1974	Wysigingswet op Kulturele Inrigtings, 1974	Die geheel
Wet No. 11 van 1981	Wysigingswet op Kulturel- en Onderwyswette, 1981	Artikels 6, 7, 8 en 9
Wet No. 28 van 1983	Wysigingswet op Onderwys- en Kulturelwette, 1983	Artikel 4
Wet No. 66 van 1989	Wet op Kulturele Instellings (Volksraad), 1989	Die geheel
Wet No. 33 van 1992	Wysigingswet op Kulturele Instellings (Volksraad), 1992	Die geheel

