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## THE PRESIDENCY

No. 1317

10 December 2001

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

**No. 49 of 2001: Industrial Development Amendment Act, 2001.**

## DIE PRESIDENSIE

No. 1317

10 Desember 2001

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

**No. 49 van 2001: Wysigingswet op Nywerheid-Ontwikkeling, 2001.**



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**GENERAL EXPLANATORY NOTE:**

- [ ] Words in bold type in square brackets indicate omissions from existing enactments.
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- Words underlined with a solid line indicate insertions in existing enactments.
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*(English text signed by the President.)  
(Assented to 4 December 2001.)*

**ACT**

To amend the Industrial Development Act, 1940, so as to adjust and add to the objects and powers of the Industrial Development Corporation of South Africa, Limited; to extend the activities of the corporation beyond the borders of the Republic for the benefit of the Southern African region specifically and the rest of Africa generally; to empower the managing director to delegate his or her powers to other structures of the corporation; and to repeal obsolete provisions; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 3 of Act 22 of 1940, as substituted by section 1 of Act 27 of 1942 and amended by section 46 of Act 97 of 1986**

1. Section 3 of the Industrial Development Act, 1940 (Act No. 22 of 1940) (hereinafter referred to as the principal Act), is hereby amended— 5

- (a) by the deletion of the word “and” at the end of paragraph (a) and the substitution for paragraph (b) of the following paragraph:  
“(b) to facilitate, promote, guide and assist in the financing of—  
(i) new industries and industrial, or ancillary or related economic, 10  
undertakings; and  
(ii) schemes for the expansion, better organization and modernization  
of and the more efficient carrying out of operations in existing  
industries and industrial, or ancillary or related economic, undertakings,  
to the end that the economic requirements of the Republic may be met  
and industrial development within the Republic, the Southern African  
region and the rest of Africa may be planned, expedited and conducted on  
sound business principles;”; and 15

- (b) by the addition of the following paragraphs:  
“(c) to promote the economic empowerment of the historically disadvantaged  
communities and persons;  
(d) to foster the development of small and medium enterprises and  
co-operatives;  
(e) to promote employment-creating activities, particularly in underdeveloped areas;  
(f) to leverage foreign direct investment in South Africa, the Southern  
African region and the rest of Africa through the use of its international  
network and presence; 20  
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**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
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- Woerde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.
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*(Engelse teks deur die President geteken.)  
(Goedgekeur op 4 Desember 2001.)*

**WET**

Tot wysiging van die Nywerheid-Ontwikkelingswet, 1940, ten einde die oogmerke en bevoegdhede van die Nywerheid-ontwikkelingskorporasie van Suid-Afrika, Beperk aan te pas en uit te brei; die aktiwiteitie van die korporasie tot buite die grense van die Republiek uit te brei vir die voordeel van die Suider-Afrikaanse streek in die besonder en die res van Afrika in die algemeen; die besturende direkteur te magtig om sy of haar bevoegdhede aan ander strukture van die korporasie te deleger; uitgediende bepalings te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 3 van Wet 22 van 1940, soos vervang deur artikel 1 van Wet 27 van 1942 en gewysig deur artikel 46 van Wet 97 van 1986**

1. Artikel 3 van die Nywerheid-Ontwikkelingswet, 1940 (Wet No. 22 van 1940) (hierna die Hoofwet genoem), word hierby gewysig
- (a) deur die woord "en" aan die einde van paragraaf (a) te skrap en deur paragraaf (b) deur die volgende paragraaf te vervang:  
"(b) om die financiering—  
(i) van nuwe nywerhede en nywerheidsondernemings of verwante of verbandhoudende ekonomiese ondernemings; en  
(ii) van skemas vir die uitbreiding, betere organisering, modernisering en meer doeltreffende uitvoering van die werksaamhede van bestaande nywerhede en nywerheidsondernemings of verwante of verbandhoudende ekonomiese ondernemings,  
te vergemaklik, bevorder, lei en daarby behulpsaam te wees,  
met die doel dat in die ekonomiese behoeftes van die Republiek voorsien word en nywerheidsontwikkeling in die Republiek, die Suider-Afrikaanse streek en die res van Afrika ooreenkomsdig gesonde handelsbeginsels ontwerp, bespoedig en voortgesit word."; en
- (b) deur die volgende paragrawe by te voeg:  
"(c) om die ekonomiese bemagtiging van die histories benadeelde gemeenskappe en persone te bevorder;  
(d) om die ontwikkeling van klein en medium ondernemings en koöperasies te versterk;  
(e) om werkskeppende aktiwiteitie in onderontwikkelde gebiede in die besonder te bevorder;  
(f) om buitelandse direkte investering in Suid-Afrika, die Suider-Afrikaanse streek en die res van Afrika deur die benutting van sy internasionale netwerk en teenwoordigheid, te ontsluit;

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- (g) to encourage the creation of new knowledge-based industries and services and the establishment and growth of new technology-based firms; and
- (h) to enhance corporate governance so as to achieve business excellence.”.

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**Amendment of section 4 of Act 22 of 1940, as amended by section 2 of Act 67 of 1961, section 3 of Act 52 of 1964, section 1 of Act 47 of 1975, section 2 of Act 96 of 1980, section 2 of Act 53 of 1984 and section 3 of Act 9 of 1995**

**2. Section 4 of the principal Act is hereby amended—**

- (a) by the substitution for paragraphs (a) and (b) of the following paragraphs, 10 respectively:

“(a) to promote or assist in the promotion of companies for conducting industrial operations in the Republic, the Southern African region and the rest of Africa;

- (b) to lend or advance money to any company or other person engaged in or proposing to establish or to expand or modernize any **[industry or industrial undertaking]** activity referred to in section 3, or, in the case of any such company, to acquire an interest in it or to provide or, by underwriting or otherwise, to assist in the subscription of capital for it;”;

- (b) by the substitution for paragraph (f) of the following paragraph:

“(f) by the issue of debentures or debenture stock or otherwise, and in accordance with the procedures laid down by the Public Finance Management Act, 1999 (Act No. 1 of 1999), to raise loans or borrow moneys<sup>s</sup>, provided: Provided that the amount owing at any time by the corporation and its wholly-owned financing subsidiaries in respect of loans raised or moneys borrowed shall not, without the approval of the shareholders previously given at a meeting of shareholders, exceed **[three-fourths]** 100 per cent of the issued capital and reserves of the corporation and its wholly-owned financing subsidiaries at that time;”;

- (c) by the addition of the following paragraphs:

“(j) to implement procurement and outsourcing policies and programmes that encourage economic empowerment;

- (k) to consider investment proposals in large beneficiation projects such that the viability of mid- and downstream manufacturing activities is ensured;

- (l) to develop and appraise large investment projects in securing foreign partners to co-invest in such projects;

- (m) to promote viable strategic investment projects in spatial development initiatives and industrial development zones as part of the government’s industrial and integrated rural development strategies;

- (n) to provide venture capital finance and services;

- (o) to assist South African exporters and importers of capital goods and services through extended credit facilities,”; and

- (d) by the substitution for the words following upon paragraph (i) of the following words:

“and, generally, to enter into any contract and perform any act, whether within the Republic or elsewhere, which may be necessary for or incidental or conducive to the attainment of any of the objects of the corporation, or which are calculated directly or indirectly to enhance the value of the services which the corporation can render towards industrial development or ancillary or related economic activities within the Republic, the Southern African region and the rest of Africa. ”.

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- (g) om die skepping van nuwe kennis-gebaseerde nywerhede en dienste en die vestiging en groei van nuwe tegnologie-gebaseerde firmas aan te moedig; en  
 (h) om korporatiewe bestuur te bevorder ten einde besigheidsvoortreflikheid te bereik.”.

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**Wysiging van artikel 4 van Wet 22 van 1940, soos gewysig deur artikel 2 van Wet 67 van 1961, artikel 3 van Wet 52 van 1964, artikel 1 van Wet 47 van 1975, artikel 2 van Wet 96 van 1980, artikel 2 van Wet 53 van 1984 en artikel 3 van Wet 9 van 1995**

2. Artikel 4 van die Hoofwet word hierby gewysig— 10
- (a) deur paragrawe (a) en (b) deur onderskeidelik die volgende paragrawe te vervang:  
 “(a) maatskappye vir die verrigting van nywerheidswerksaamhede in die Republiek, die Suider-Afrikaanse streek en die res van Afrika te stig of met die stigting daarvan te help; 15
- (b) aan enige maatskappy of ander persoon wat betrokke is in enige in artikel 3 bedoelde [nywerheid of nywerheidsonderneming] aktiwiteit of voornemens is om so 'n nywerheid of nywerheidsonderneming te stig of uit te brei of te moderniseer, geld te leen of voor te skiet of, in die geval van so 'n maatskappy, 'n belang daarin te verkry of dit van kapitaal te voorsien of deur garansie of andersins met die inskrywing van kapitaal daarvoor te help;”;
- (b) deur paragraaf (f) deur die volgende paragraaf te vervang:  
 “(f) deur die uitgee van obligasies of obligasiestock of andersins, en ooreenkomsdig die procedures neergelê in die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), lenings aan te gaan of geld op te neem: Met dien verstande dat die bedrag wat te eniger tyd deur die korporasie en finansieringsfiliale in sy geheel-besit ten opsigte van lenings aangegaan of geld opgeneem, verskuldig is, nie sonder die goedkeuring van die aandeelhouers, vooraf op 'n vergadering van aandeelhouers verleen, [**drie-vierdes**] 100 persent van die uitgereikte kapitaal en reserwes van die korporasie en finansieringsfiliale in sy geheel-besit op daardie tydstip mag te bove gaan nie;”;
- (c) deur die volgende paragrawe by te voeg:  
 “(j) verkrygings-en uitbestedingsbeleidsrigtings en programme wat ekonomiese bemagtiging aanmoedig, te implementeer;  
 (k) beleggingsvoorstelle in groot benefisiéringsprojekte te oorweeg sodat die lewensvatbaarheid van middel- en laerstroom vervaardigingsaktiwiteite verseker word;  
 (l) groot beleggingsprojekte te ontwikkel en te waardeer ten einde buitelandse vennote te verkry om in sodanige projekte te mede-belê; 40  
 (m) lewensvatbare strategiese beleggingsprojekte in ruimtelike ontwikkelingsinisiatiewe en nywerheidsontwikkelingsones as deel van die regering se nywerheids- en geïntegreerde plattelandse ontwikkelingstrategieë, te bevorder;  
 (n) ondernemingskapitaalfinansiering en dienste te voorsien;  
 (o) Suid-Afrikaanse uitvoerders en invoerders van kapitaalgoedere en dienste deur uitgebreide kredietfasiliteite, by te staan,”; en 45
- (d) deur die woorde wat op paragraaf (i) volg deur die volgende woorde te vervang:  
 “en in die algemeen, om enige kontrak aan te gaan en enige handeling te verrig, ditsy binne die Republiek of elders, wat nodig of bevorderlik mag wees vir, of verbonde met, die bereiking van een of ander van die oogmerke van die korporasie, of wat bereken is om regstreeks of onregstreeks die waarde van die dienste wat die korporasie aan die bevordering van nywerheidsontwikkeling of verwante of verbandhoudende ondernemings in die Republiek, die Suider-Afrikaanse streek en die res van Afrika kan bewys, te kan verhoog.”.

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**Amendment of section 5 of Act 22 of 1940, as amended by section 2 of Act 27 of 1942**

**3.** Section 5 of the principal Act is hereby amended by the substitution for paragraphs *(b)* and *(c)* of the following paragraphs, respectively:

“(b) that all matters relating to the raw materials necessary for carrying on the

industry or industrial undertaking, or the proposed industry or industrial undertaking activities contemplated in section 3, to the labour supply available for the carrying on thereof, to the rates of wages proposed to be paid and to the markets available for the disposal of the products and services thereof are carefully reviewed; and

(c) that, generally, the activities of the corporation referred to in paragraph *(b)* of

section [three] 3 are directed towards guiding and assisting others in financing the establishment or development of industries or industrial, or ancillary or related economic, undertakings and that, so far as may be practicable, the corporation shall not be required to provide an unduly large proportion of the capital which is necessary for such establishment or development.”.

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**Repeal of section 5~~quat~~ of Act 22 of 1940**

**4.** Section 5~~quat~~ of the principal Act is hereby repealed.

**Substitution of section 8 of Act 22 of 1940**

**5.** The following section is hereby substituted for section 8 of the principal Act:

**“Members of Parliament, provincial legislature or municipal council 20  
not to be directors**

**8.** No person shall be appointed, nominated or elected or remain a director or alternate director who is a [senator or a member of the House of Assembly or a provincial councillor] member of Parliament, any provincial legislature or any municipal council.”.

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**Amendment of section 11 of Act 22 of 1940, as amended by section 4 of Act 52 of 1964**

**6.** Section 11 of the principal Act is hereby amended by the substitution for subsections *(1)* and *(2)* of the following subsections, respectively:

“(1) The [chairman or any other director] chairperson shall be a non-executive director and may not be appointed as managing director of the corporation.

(2) The managing director shall exercise such powers and perform such duties as may be authorized or prescribed by the board, and may delegate such powers to and authorize performance of such duties by the staff committees or other structures of the corporation.”.

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**Amendment of section 12 of Act 22 of 1940, as amended by section 3 of Act 27 of 1942, section 5 of Act 52 of 1964, section 1 of Act 45 of 1966, section 15 of Act 102 of 1976 and section 46 of Act 97 of 1986**

**7.** Section 12 of the principal Act is hereby amended—

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(a) by the deletion of paragraph *(a)* of subsection *(3)*; and

(b) by the deletion of subsection *(10)*.

**Repeal of section 13 of Act 22 of 1940**

**8.** Section 13 of the principal Act is hereby repealed.

**Wysiging van artikel 5 van Wet 22 van 1940, soos gewysig deur artikel 2 van Wet 27 van 1942**

3. Artikel 5 van die Hoofwet word hierby gewysig deur paragrawe (b) en (c) deur onderskeidelik die volgende paragrawe te vervang:

- “(b) dat alle aangeleenthede betreffende die grondstowwe wat benodig is om die [nywerheid of nywerheidsonderneming of die voorgestelde nywerheid of nywerheidsonderneming] aktiwiteite in artikel 3 beoog, voort te sit, die arbeidsvoorraad wat vir die voortsetting daarvan beskikbaar is, die skale waarteen voorgestel word dat lone betaal moet word, en die afsetgebiede wat vir die verkoop van die produkte en dienste daarvan beskikbaar is, sorgvuldig nagegaan word; en
- (c) dat, in die algemeen, die in paragraaf (b) van artikel [drie] 3 bedoelde werksaamhede van die korporasie daartoe strek om andere te lei en te help om die stigting of ontwikkeling van nywerhede of nywerheidsondernemings of verwante of verbandhoudende ondernemings te finansier, en dat, sover doenlik, nie van die korporasie vereis kan word dat hy 'n oormatig groot deel van die kapitaal wat vir daardie stigting of ontwikkeling nodig is, moet verskaf nie.”.

**Herroeping van artikel 5<sup>quat</sup> van Wet 22 van 1940**

4. Artikel 5<sup>quat</sup> van die Hoofwet word hierby herroep.

**Vervanging van artikel 8 van Wet 22 van 1940**

5. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:

“Lede van die Parlement en van provinsiale rade mag nie direkteure wees nie

8. Niemand wat 'n [senator of lid van die Volksraad of van 'n provinsiale raad] lid van die Parlement, enige provinsiale wetgewer of enige plaaslike raad is, mag as direkteur of plaasvervangende direkteur aangestel, benoem of gekies word, of aanbly nie.”.

**Wysiging van artikel 11 van Wet 22 van 1940, soos gewysig deur artikel 4 van Wet 52 van 1964**

6. Artikel 11 van die Hoofwet word hierby gewysig deur subartikel (1) en (2) deur onderskeidelik die volgende subartikels te vervang:

- “(1) Die voorsitter [of enige ander direkteur] is 'n nie-uitvoerende direkteur en kan nie as besturende direkteur van die korporasie aangestel word nie.
- (2) Die besturende direkteur oefen sodanige bevoegdhede uit en vervul sodanige pligte as wat deur die raad verleen of voorgeskryf word en kan sodanige bevoegdhede deleger aan personeelkomitees of ander strukture van die korporasie, en verrigting van sodanige pligte deur sodanige komitees en strukture magtig.”.

**Wysiging van artikel 12 van Wet 22 van 1940, soos gewysig deur artikel 3 van Wet 27 van 1942, artikel 5 van Wet 52 van 1964, artikel 1 van Wet 45 van 1966, artikel 15 van Wet 102 van 1976 en artikel 46 van Wet 97 van 1986**

7. Artikel 12 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (3) paragraaf (a) te skrap; en
- (b) deur subartikel (10) te skrap.

**Herroeping van artikel 13 van Wet 22 van 1940**

8. Artikel 13 van die Hoofwet word hierby herroep.

**Substitution of section 16 of Act 22 of 1940, as amended by section 46 of Act 97 of 1986**

9. The following section is hereby substituted for section 16 of the principal Act.

**“Declaration of dividends**

**16. Dividends may from time to time be declared by the board with the approval of the Minister.”** 5

**Substitution of section 17 of Act 22 of 1940**

10. The following section is hereby substituted for section 17 of the principal Act:

**“Financial statements and audit**

**17. (1) The board shall cause proper [books of account] financial statements to be kept, and also all necessary books and records in relation thereto.** 10

**(2) The [accounts] financial statements of the corporation shall be audited by two persons who publicly carry on the profession of accountants and auditors, to be appointed annually by the board, one of them upon the nomination of the Minister, and the other upon nomination by the private shareholders.”.** 15

**Amendment of section 18 of Act 22 of 1940**

11. Section 18 of the principal Act is hereby amended by the deletion of paragraph (h).

**Amendment of section 19 of Act 22 of 1940, as amended by section 4 of Act 27 of 1942** 20

12. Section 19 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) As soon as practicable after the meeting of shareholders at which the [balance sheet and accounts] financial statements of the corporation are submitted has been held, the corporation shall transmit to the Minister in respect of its last preceding financial year copies of— 25

(a) [a balance sheet and profit and loss account] financial statements showing separately the financial details in connection with any industrial undertaking established and conducted by the corporation under [paragraph (a) of] section [three] 3(a) and duly certified by the auditors appointed under section [seventeen] 17; and 30

(b) the report (if any) of the board submitted, and the address (if any) of the [chairman] chairperson of the board delivered, at the said meeting, or if no such report was submitted or address delivered, a full report on the operations of the corporation during the said financial year. 35

(2) The Minister shall [lay] table copies of all such [balance sheets, accounts] financial statements, reports or addresses [upon the Tables of both Houses of] in Parliament within [fourteen] 14 days after their receipt by him or her, if Parliament is [then in ordinary session] sitting, or, if Parliament is not [then in ordinary session] sitting, within [fourteen] 14 days after the commencement of [its] the next ensuing [ordinary session] sitting of Parliament.”. 40

**Substitution of section 21 of Act 22 of 1940**

13. The following section is hereby substituted for section 21 of the principal Act:

**“Use of name of corporation**

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**21. No association or company shall carry on business under or be registered under the Companies Act, [1926] 1973 (Act No. 61 of 1973), as**

**Vervanging van artikel 16 van Wet 22 van 1940, soos gewysig deur artikel 46 van Wet 97 van 1986**

9. Artikel 16 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Verklaring van dividende**

16. Dividende kan van tyd tot tyd deur die raad met die goedkeuring van die Minister, verklaar word.”. 5

**Vervanging van artikel 17 van Wet 22 van 1940**

10. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Rekenings en ouditering**

17. (1) Die raad moet toesien dat behoorlike [rekeningboeke] finansiële state, asook alle nodige boeke en aantekeninge met betrekking daartoe, gehou word. 10

(2) Die [rekenings] finansiële state van die korporasie word geouditeer deur twee persone wat openbaar die beroep van rekenmeesters en ouditeurs uitoefen, en wat jaarliks deur die raad aangestel word, en waarvan een deur die Minister en die ander deur die private aandeelhouers benoem word.”. 15

**Wysiging van artikel 18 van Wet 22 van 1940**

11. Artikel 18 van die Hoofwet word hierby gewysig deur paragraaf (h) te skrap.

**Wysiging van artikel 19 van Wet 22 van 1940, soos gewysig deur artikel 4 van Wet 27 van 1942** 20

12. Artikel 19 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) onderskeidelik deur die volgende subartikels te vervang:

“(1) So spoedig doenlik na die vergadering van aandeelhouers waarop die [balansstaat en die rekenings] finansiële state van die korporasie voorgelê word, gehou is, stuur die korporasie ten opsigte van sy laaste voorafgaande boekjaar aan die Minister afskrifte van— 25

(a) [‘n balansstaat en wins- en verliesrekening] finansiële state waarin die geldelike besonderhede in verband met ‘n nywerheidsonderneming kragtens [paragraaf (a) van] artikel [drie] 3 deur die korporasie opgerig en voortgesit, afsonderlik aangegee word en behoorlik deur die kragtens artikel [sewentien] 30 17 aangestelde ouditeure gesertifiseer; en

(b) die verslag (as daar een is) van die raad op bedoelde vergadering voorgelê, en die toespraak (as daar een is) van die voorsitter van die raad daarop gelewer, of indien geen sodanige verslag voorgelê of toespraak gelewer is nie, ‘n breedvoerige verslag oor die werkzaamhede van die korporasie gedurende 35 bedoelde boekjaar.

(2) Afskrifte van alle sodanige [balansstate, rekenings] finansiële state, verslae of toesprake [word] moet deur die Minister in [albei Huise van] die Parlement ter tafel gelê word binne [veertien] 14 dae nadat hy of sy hulle ontvang het, as [‘n gewone sessie van] die Parlement [dan aan die gang is] sit of, as [‘n gewone sessie van] die Parlement nie [dan aan die gang is] sit nie, binne [veertien] 14 dae na die aanvang van [sy] die eersvolgende [gewone sessie] sitting van die Parlement.”. 40

**Vervanging van artikel 21 van Wet 22 van 1940**

13. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang: 45

**“Gebruik van naam van korporasie**

21. Geen vereniging of maatskappy mag onder dieselfde naam of verkorte titel as dié van die korporasie, of onder ‘n naam of verkorte titel

amended from time to time, by a name or shortened title identical with that of the corporation, or so nearly resembling the name or shortened title of the corporation as to be calculated to deceive: Provided that this section shall not prohibit any company from carrying on business under, or remaining registered by, the name by which it was registered under the said Act at the commencement of this Act.”.

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**Substitution of section 22 of Act 22 of 1940, as amended by sections 46 and 47 of Act 97 of 1986**

14. The following section is hereby substituted for section 22 of the principal Act:

**“Application of Companies Act**

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22. (1) The Minister may by notice in the *Gazette* apply to the corporation any provision of the Companies Act, [1926 (Act No. 46 of 1926)] 1973 (Act No. 61 of 1973), or any amendment thereof, which is not inconsistent with the provisions of this Act[, with such modifications as he may think fit, and may withdraw or amend any such notice].

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(2) Subject to the provisions of subsection (1), none of the provisions of the Companies Act, [1926] 1973 (Act No. 61 of 1973), or any amendment thereof, or of any other law relating to companies, shall apply to the corporation.”.

**Substitution of section 23 of Act 22 of 1940**

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15. The following section is hereby substituted for section 23 of the principal Act:

**“Short title**

23. This Act shall be called the Industrial Development Corporation Act, 1940.”.

**Substitution of certain words in Act 22 of 1940**

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16. The principal Act is hereby amended by the substitution for the words “he”, “him”, “his” and “chairman”, wherever they occur, of the words “he or she”, “him or her”, “his or her” and “chairperson”, respectively.

**Short title**

17. This Act is called the Industrial Development Amendment Act, 2001.

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wat soveel met dié van die korporasie ooreenkom dat dit sou kan mislei, besigheid dryf nie of kragtens die Maatskappywet, [1926] 1973 (Wet No. 61 van 1973), soos van tyd tot tyd gewysig, geregistreer word nie: Met dien verstande dat hierdie artikel nie 'n maatskappy belet om besigheid te dryf, of om geregistreer te bly, onder die naam waaronder dit kragtens bedoelde Wet by die inwerkingtreding van hierdie Wet geregistreer was nie.”.

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#### **Vervanging van artikel 22 van Wet 22 van 1940, soos gewysig deur artikel 46 en 47 van Wet 97 van 1986**

**14.** Artikel 22 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Toepassing van Maatskappywet** 10

**22.** (1) Die Minister kan by kennisgewing in die *Staatskoerant*, enige bepaling van die Maatskappywet [1926 (Wet No. 46 van 1926)] 1973 (Wet No. 61 van 1973), of enige wysiging daarvan, wat nie met die bepalings van hierdie Wet strydig is nie, [**en met sodanige veranderings as wat hy doenlik ag,**] op die korporasie toepas. [**en kan enige sodanige kennisgewing intrek of wysig.**] 15

(2) Met inagneming van die bepalings van subartikel (1), is geeneen van die bepalings van die Maatskappywet, [1926] 1973 (Wet No. 61 van 1973), of enige wysiging daarvan, of van enige ander wet op maatskappye, op die korporasie van toepassing nie.”. 20

#### **Vervanging van artikel 23 van Wet 22 van 1940**

**15.** Artikel 23 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Kort titel**

**23.** Hierdie Wet heet die [**Nywerheid-ontwikkelingswet**] Wet op die Nywerheid-ontwikkelingskorporasie, 1940.” 25

#### **Vervanging van sekere woorde in Wet 22 van 1940**

**16.** Die Hoofwet word hierby gewysig deur die woorde “hy”, “hom”, en “sy”, waar dit ook al voorkom, deur onderskeidelik die volgende woorde te vervang, “hy of sy”, “hom of haar” en “sy of haar”.

**Kort titel** 30

**17.** Hierdie Wet heet die Wysigingswet op Nywerheid-ontwikkeling, 2001.

