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EXTRAORDINARY

Staatskoerant

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[No. 207.]

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 501.] [28 Maart 1962.

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

BLADSY

No. 31 van 1962: Wet op die Ontwikkeling van Uitvindings, 1962 2

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No. 501.] [28th March, 1962.

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

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WET

Om voorsiening te maak vir die bevordering van die ontwikkeling en benutting in die openbare belang van sekere ontdekkings, uitvindings en verbeterings en om vir daardie doel 'n Suid-Afrikaanse Ontwikkelingskorporasie vir Uitvindings in te stel en om sy bevoegdhede en werksaamhede en die wyse waarop hy bestuur en beheer moet word, voor te skryf; om vir ander bykomstige aangeleenthede voorsiening te maak; en om die Wet op die Wetenskaplike Navorsingsraad, 1945, te wysig.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 Maart 1962.)

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

Woordbepaling.

1. In hierdie Wet beteken die uitdrukking „die Hoofwet” die Wet op die Wetenskaplike Navorsingsraad, 1945 (Wet No. 33 van 1945), en, tensy uit die samehang anders blyk, het elke uitdrukking waaraan in daardie Wet 'n betekenis toegeskryf is, die betekenis aldus daaraan toegeskryf, en beteken—

- (i) „hierdie Wet” ook enige regulasie daarkragtens uitgevaardig; (v)
- (ii) „korporasie” die Suid-Afrikaanse Ontwikkelingskorporasie vir Uitvindings kragtens artikel twee ingestel; (ii)
- (iii) „navorsingsraad” die raad soos omskryf in artikel een van die Hoofwet; (iv)
- (iv) „raad van direkteure” die raad van direkteure van die korporasie; (i)
- (v) „uitvinding” enige ontdekking, uitvinding of verbetering deur artikel elf of twaalf van die Hoofwet beoog wat die korporasie deur die navorsingsraad ingevolge artikel twaalf bis van daardie Wet aangesê is om te ontwikkel of te benut kragtens die bepalinge van hierdie Wet en ook enige ontdekking of uitvinding of enige verbetering ten opsigte van enige proses, apparaat of masjien, wat uit navorsing ontstaan, en wat uit enige ander bron na die korporasie verwys word vir ontwikkeling of benutting kragtens die bepalinge van hierdie Wet. (iii)

Instelling en registrasie van die Suid-Afrikaanse Ontwikkelingskorporasie vir Uitvindings.

2. (1) Daar word hierby 'n regspersoon met die naam van die Suid-Afrikaanse Ontwikkelingskorporasie vir Uitvindings ingestel wat bevoeg is om in sy naam as regspersoon as eiser en verweerder in regte op te tree en om, behoudens die bepalinge van hierdie Wet, die handelinge te verrig wat nodig is vir of in verband staan met die uitvoering van sy doelstellings en die uitoefening van sy bevoegdhede.

(2) Die Registrateur van Maatskappye moet so gou doenlik na die inwerkingtreding van hierdie Wet die naam van die korporasie in sy registers inskryf.

Doelstellings van korporasie.

3. Die doelstellings van die korporasie is om uitvindings in die openbare belang te ontwikkel en te benut.

Bevoegdhede van korporasie.

4. (1) Die korporasie kan, ten einde sy doelstellings te verwesenlik, 'n uitvinding ontwikkel en benut op enige wyse wat hy goed ag en is bevoeg—

- (a) om op die voorwaardes wat die raad van direkteure in oorleg met die Minister bepaal—
 - (i) geldelike bystand aan enige onderneming te verleen met die doel om daardie onderneming in staat te stel om enige uitvinding te ontwikkel;
 - (ii) enige maatskappy of aantal maatskappye op te rig of om in medewerking met enige vervaardiging-saak deel te neem aan die oprigting van sodanige maatskappy of maatskappye met die doel om enige uitvinding te ontwikkel of te benut en om vir daardie doel die belang in en die beheer oor die maatskappy of maatskappye te verkry wat hy nodig ag;
 - (iii) enige belang te verkry in enige onderneming wat besig is met die ontwikkeling of benutting van 'n uitvinding;

No. 31, 1962.]

ACT

To provide for the promotion of the development and exploitation in the public interest of certain discoveries, inventions and improvements and for that purpose to establish a South African Inventions Development Corporation and to prescribe its powers and functions and the manner in which it shall be managed and controlled; to provide for other incidental matters; and to amend the Scientific Research Council Act, 1945.

(Afrikaans text signed by the State President.)
(Assented to 26th March, 1962.)

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

1. In this Act the expression “the principal Act” means the Scientific Research Council Act, 1945 (Act No. 33 of 1945), and, unless the context otherwise indicates, any expression to which in that Act a meaning has been assigned, bears the meaning so assigned thereto, and—

Definitions.

- (i) “board of directors” means the board of directors of the corporation; (iv)
- (ii) “corporation” means the South African Inventions Development Corporation established under section two; (ii)
- (iii) “invention” means any discovery, invention or improvement contemplated by section *eleven* or *twelve* of the principal Act which the corporation is required by the research council in terms of section *twelve bis* of that Act to develop or exploit under the provisions of this Act and includes any discovery or invention or any improvement in respect of any process, apparatus or machine, arising from research, which may be referred to the corporation from any other source for development or exploitation under the provisions of this Act; (v)
- (iv) “research council” means the council as defined in section *one* of the principal Act; (iii)
- (v) “this Act” includes any regulation made thereunder. (i).

2. (1) There is hereby established a body corporate to be known as the South African Inventions Development Corporation which shall be capable of suing and being sued in its corporate name and of performing, subject to the provisions of this Act, such acts as are necessary for or incidental to the carrying out of its objects and the exercise of its powers.

Establishment and registration of the South African Inventions Development Corporation.

(2) The Registrar of Companies shall as soon as may be after the commencement of this Act enter the name of the corporation in his registers.

3. The objects of the corporation shall be to develop and exploit inventions in the public interest.

Objects of corporation.

4. (1) The corporation may, for the purpose of achieving its objects, develop and exploit an invention in any manner it may deem fit and shall have power—

Powers of corporation.

- (a) on such conditions as the board of directors may, in consultation with the Minister, determine—
 - (i) to provide financial assistance to any enterprise for the purpose of enabling that enterprise to develop any invention;
 - (ii) to establish or, in collaboration with any manufacturing concern, to participate in the establishment of any company or number of companies for the purpose of developing or exploiting any invention, and to that end to acquire such interest in and such control over such company or companies as it may deem necessary;
 - (iii) to acquire any interest in any enterprise undertaking the development or exploitation of any invention;

- (b) om aansoek te doen om patentbriewe of die intrekking daarvan, om die toestaan van patentbriewe te opponeer, en om enige geding in te stel ten opsigte van enige inbreuk op patentbriewe;
- (c) om enige reg in of op 'n uitvinding te verkry of om enige reg in of op 'n uitvinding aan enige onderneming te sedeer;
- (d) om grond of geboue te koop of te huur of om geboue op te rig en om sodanige grond te vervreem of om so 'n huur te beëindig of oor te dra, en om in die geval van geboue waarin die besigheid van die korporasie gedryf word daardie gedeeltes te verhuur wat tydelik nie vir die besigheid van die korporasie benodig word nie;
- (e) om roerende goed te koop, te huur, te verhuur of te vervreem;
- (f) om sodanige sekuriteit te neem as wat hy goed ag, met inbegrip van spesiale verbande oor onroerende goed, notariële verbande oor roerende goed, pande van roerende goed, sessies van regte en in die algemeen enige ander vorm van dekking of sekuriteit;
- (g) om enige kontrak of ooreenkoms aan te gaan op die bedinge en voorwaardes waarop ooreengekom mag word;
- (h) om skuldbewyse, wissels en ander verhandelbare stukke uit te reik, te verhandel, te aksepteer, te endorseer of te verdiskonteer;
- (i) om bankrekenings te open;
- (j) om enige gelde van die korporasie wat nie onmiddellik vir die sake van die korporasie benodig word nie by die Openbare Skuldkommissaris te belê;
- (k) om alle uitgawes in verband met die instelling en administrasie van die korporasie te betaal;
- (l) om aan 'n ontdekker of uitvinder sodanige bonus te betaal of om voorsiening te maak vir sodanige geldelike deelname deur die ontdekker of uitvinder in die winste uit die betrokke uitvinding verkry as wat die korporasie mag bepaal: Met dien verstande dat in die geval van 'n ontdekker of uitvinder wat 'n amptenaar of werknemer van die Staat of die korporasie of enige staatsondersteunde inrigting is, geen bonus betaal en geen voorsiening vir geldelike deelname gemaak mag word nie behalwe ooreenkomstig die diensvoorwaardes van sodanige ontdekker of uitvinder;
- (m) om die besoldiging en toelaes te betaal van enige amptenaar of werknemer wat tydelik na sy diens oorgeplaas is soos deur artikel vyf beoog en om aan die navorsingsraad alle uitgawes terug te betaal wat hy aangaan ten opsigte van enige sodanige amptenaar of werknemer terwyl hy aldus tydelik oorgeplaas is;
- (n) om skenkings te aanvaar;
- (o) om alles te doen wat as aanvullend tot en ter bevordering van die doelstellings van die korporasie beskou kan word, alhoewel dit nie spesifiek hierin vermeld word nie.

(2) Waar 'n reg in of op enige uitvinding ingevolge paragraaf (c) van sub-artikel (1) deur die korporasie verkry is of deur die korporasie aan enige onderneming gesedeer is, word die korporasie of die onderneming, na gelang van die geval, vir die doeleindes van die Wet op Patente, 1952 (Wet No. 37 van 1952), geag die sessionaris van die ontdekker of uitvinder van daardie uitvinding te wees.

Personeel van korporasie.

5. Die personeel van die korporasie bestaan uit die amptenare en die werknemers van die navorsingsraad wat die navorsingsraad tydelik na die korporasie oorplaas: Met dien verstande dat die raad van direkteure, indien nodig, enige persoon wat nie 'n amptenaar of werknemer van die navorsingsraad is nie, as bestuurder van die korporasie kan aanstel op die bedinge en voorwaardes wat die raad van direkteure bepaal.

Bestuur en beheer van korporasie.

6. (1) Die sake van die korporasie word bestuur en beheer deur 'n raad van direkteure wat, behoudens die bepalings van hierdie Wet, al die bevoegdhede van die korporasie kan uitoefen.

(2) Die lede van die raad van direkteure word deur die navorsingsraad aangestel.

(3) (a) Die raad van direkteure bestaan uit 'n voorsitter, wat 'n deur die navorsingsraad aangewysde amptenaar of lid van die navorsingsraad moet wees, en minstens vier en hoogstens agt addisionele lede, van wien een deur die navorsingsraad aangewys moet word as onder-

- (b) to apply for letters patent or the revocation thereof, to oppose the grant of letters patent, and to institute any action in respect of any infringement of letters patent;
- (c) to acquire any right in or to any invention or to assign to any enterprise any right in or to any invention;
- (d) to purchase or hire land or buildings or to erect buildings and to alienate such land or to terminate or assign any such hire, and in the case of buildings in which the business of the corporation is being conducted, to let such portions as are for the time being not required for the business of the corporation;
- (e) to purchase, take on lease, hire out or alienate any movable property;
- (f) to take such security as it may deem fit, including special mortgage bonds over immovable property, notarial bonds over movable property, pledges of movable property, cessions of rights and in general any other form of cover or security;
- (g) to enter into any contract or agreement upon such terms and conditions as may be agreed upon;
- (h) to issue, negotiate, accept, endorse or discount acknowledgements of debt, bills of exchange and other negotiable instruments;
- (i) to open banking accounts;
- (j) to invest with the Public Debt Commissioners any moneys of the corporation not immediately required for the affairs of the corporation;
- (k) to pay all expenses in connection with the constitution and administration of the corporation;
- (l) to pay to a discoverer or inventor such bonus or to make provision for such financial participation by the discoverer or inventor in the profits derived from the relevant invention as it may determine: Provided that in the case of a discoverer or inventor who is an officer or employee of the State or the corporation or any state-aided institution, no bonus shall be paid and no provision for financial participation shall be made otherwise than in accordance with the conditions of employment of such discoverer or inventor;
- (m) to pay the remuneration and allowances of any officer or employee seconded to its service as contemplated by section five and to refund to the research council all expenditure incurred by it in respect of any such officer or employee while he is so seconded;
- (n) to accept donations;
- (o) to do everything which is regarded as complementing and promoting the objects of the corporation even though it is not specifically mentioned herein.

(2) Where a right in or to any invention has, in terms of paragraph (c) of sub-section (1), been acquired by the corporation or been assigned by the corporation to any enterprise, the corporation or the enterprise, as the case may be, shall for the purposes of the Patents Act, 1952 (Act No. 37 of 1952), be deemed to be the assignee of the discoverer or inventor of such invention.

5. The personnel of the corporation shall consist of such officers and such employees of the research council as the research council may second to the corporation: Provided that the board of directors may, if necessary, appoint any person who is not an officer or employee of the research council, as manager of the corporation on such terms and conditions as the said board of directors may determine. **Personnel of corporation.**

6. (1) The affairs of the corporation shall be managed and controlled by a board of directors which may exercise all the powers of the corporation subject to the provisions of this Act. **Management and control of corporation.**

(2) The members of the board of directors shall be appointed by the research council.

(3) (a) The board of directors shall consist of a chairman, who shall be an officer or member of the research council designated by it and not less than four and not more than eight additional members one of whom shall be designated by the research council as deputy

- voorsitter om as voorsitter op te tree tydens die afwesigheid van die voorsitter.
- (b) By vergaderings van die raad van direkteure het die voorsitter, benewens 'n beraadslagende stem, 'n beslissende stem by 'n staking van stemme.
- (c) Wanneer die ondervoorsitter as voorsitter optree soos in paragraaf (a) bepaal, beskik hy oor al die bevoegdhede en verrig hy al die pligte van die voorsitter.
- (4) Die navorsingsraad kies die lede van die raad van direkteure op grond van hul bekwaamheid en ondervinding in wetenskap, tegnologie, nywerheid, finansies of die administrasie van patente-aangeleenthede, en kan enige lid van die raad van direkteure as besturende direkteur van die korporasie aanstel.
- (5) Die bestuurder of besturende direkteur van die korporasie oefen die bevoegdhede uit en verrig die pligte wat deur die raad van direkteure gemagtig of voorgeskryf word, en die besoldiging ten opsigte van die verrigting van sodanige pligte word, in die geval van 'n besturende direkteur, bepaal deur die navorsingsraad in oorleg met die Minister.
- (6) Indien die besturende direkteur van die korporasie om enige rede nie as sodanig kan optree nie, kan die raad van direkteure, onderworpe aan die goedkeuring van die navorsingsraad, een van sy lede aanstel om as besturende direkteur van die korporasie op te tree gedurende die tydperk wat die besturende direkteur nie as sodanig kan optree nie, en die persoon aldus aangestel, het, terwyl hy aldus optree, al die bevoegdhede en verrig al die pligte van die besturende direkteur.
- (7) Behoudens die bepalings van paragrawe (b) en (c) van sub-artikel (3), maak 'n besluit van die meerderheid van die direkteure wat by 'n vergadering van die raad van direkteure aanwesig is, die besluit van die raad van direkteure uit.
- Plaasvervangende direkteure.** 7. (1) Indien omstandighede die aanstelling van 'n plaasvervangende direkteur in die plek van enige direkteur nodig maak, kan die navorsingsraad in oorleg met sodanige direkteur 'n plaasvervangende direkteur aanstel om in die plek van daardie direkteur op te tree.
- (2) 'n Plaasvervangende direkteur beskik, wanneer hy in die plek van 'n direkteur optree, oor al die bevoegdhede en verrig al die pligte van daardie direkteur.
- Onbevoegdheid van direkteure en plaasvervangende direkteure.** 8. (1) Niemand wat 'n lid van die Senaat of die Volksraad of 'n provinsiale raad is, kan as 'n lid of plaasvervangende lid van die raad van direkteure aangestel word of aanbly nie.
- (2) Indien 'n lid of plaasvervangende lid van die raad van direkteure 'n direkteur, beampte, agent of dienaar van of 'n aandeelhouer in 'n in artikel vier beoogde onderneming is wanneer enige onderhandelings kragtens die bepalings van bedoelde artikel met daardie onderneming gevoer word, moet sodanige lid of plaasvervangende lid sy belang in sodanige onderneming aan die raad van direkteure openbaar en moet hy op enige vergadering van die raad van direkteure buite stemming bly ten opsigte van enige aangeleentheid wat uit sodanige onderhandelings ontstaan: Met dien verstande dat by die toepassing van hierdie sub-artikel die navorsingsraad nie as 'n onderneming beskou word nie.
- Ampstermyn en -voorwaardes van direkteure.** 9. (1) Die ampstermyn van die direkteure van die korporasie asook die ampstermyn van die voorsitter van die raad van direkteure word deur die navorsingsraad bepaal.
- (2) 'n Direkteur of plaasvervangende direkteur beklee sy amp op die voorwaardes betreffende besoldiging wat die navorsingsraad in oorleg met die Minister bepaal en op die ander voorwaardes wat by regulasie voorgeskryf mag word.
- Aandelekapitaal.** 10. (1) (a) Behoudens die bepalings van hierdie artikel, is die aandelekapitaal van die korporasie tweehonderdduisend rand, wat verdeel is in tweehonderdduisend gewone aandele van een rand elk.
- (b) Sodanige aandele word, onderworpe aan die goedkeuring van die Minister en die Minister van Finansies, aan die navorsingsraad toegeken soos en wanneer nodig.
- (2) Die raad van direkteure kan, met die toestemming van die Minister en die Minister van Finansies, die aandelekapitaal in so 'n mate verhoog as wat hy raadsaam ag, en enige aandele wat ten opsigte van die verhoogde kapitaal uitgereik word, word insgelyks aan die navorsingsraad toegeken.
- (3) Slegs die navorsingsraad is bevoeg om 'n aandeelhouer van die korporasie te word.
- Beperking van aanspreeklikheid van aandeelhouer.** 11. Die aanspreeklikheid van die navorsingsraad as houer van die aandele in die korporasie is beperk tot die bedrag wat verskuldig is op die aandele deur hom gehou.

chairman to act as chairman during the absence of the chairman.

- (b) At the meetings of the board of directors the chairman shall have a deliberative vote and, in addition, in the event of an equality of votes, a casting vote.
- (c) The deputy chairman, when acting as chairman as provided in paragraph (a), shall have all the powers and discharge all the duties of the chairman.

(4) The research council shall choose the members of the board of directors for their ability and experience in science, technology, industry, finance or the administration of patent matters, and may appoint any member of the board of directors as managing director of the corporation.

(5) The manager or managing director of the corporation shall exercise such powers and perform such duties as may be authorized or prescribed by the board of directors, and the remuneration in respect of the performance of such duties shall, in the case of a managing director, be determined by the research council in consultation with the Minister.

(6) If for any reason the managing director of the corporation is unable to act as such, the board of directors may, subject to the approval of the research council, appoint one of its members to act as managing director of the corporation during the period the managing director is unable to act as such, and the person so appointed shall, while so acting, have all the powers and discharge all the duties of the managing director.

(7) Subject to the provisions of paragraphs (b) and (c) of sub-section (3), the decision of the majority of the directors present at a meeting of the board of directors shall constitute the decision of the board of directors.

7. (1) If circumstances require the appointment of an alternate director in the place of any director, the research council may in consultation with such director appoint an alternate director to act in the place of that director.

Alternate directors.

(2) An alternate director, when acting in the place of a director, shall have all the powers and discharge all the duties of that director.

8. (1) No person who is a member of the Senate or the House of Assembly or a provincial council may be appointed or remain a member or alternate member of the board of directors.

Disqualification of directors and alternate directors.

(2) If a member or alternate member of the board of directors is a director, officer, agent or servant of or a shareholder in any enterprise contemplated by section four at the time any negotiations are being conducted under the provisions of the said section with that enterprise, such member or alternate member shall disclose to the board of directors his interest in such enterprise and shall at any meeting of the board of directors abstain from voting on any matter arising from such negotiations: Provided that for the purposes of this sub-section the research council shall not be regarded as an enterprise.

9. (1) The period of office of the directors of the corporation and also the period of office of the chairman of the board of directors shall be determined by the research council.

Tenure and conditions of office of directors.

(2) A director or alternate director shall hold office upon such conditions as to remuneration as the research council in consultation with the Minister may determine and upon such other conditions as may be prescribed by regulation.

10. (1) (a) Subject to the provisions of this section, the share capital of the corporation shall be two hundred thousand rand which shall be divided into two hundred thousand ordinary shares of one rand each.

Share capital.

- (b) Such shares shall, subject to the approval of the Minister and the Minister of Finance, be allotted to the research council as and when necessary.

(2) The board of directors may, with the consent of the Minister and the Minister of Finance, increase the share capital to such an extent as it may deem expedient, and any shares issued in respect of the increased capital shall similarly be allotted to the research council.

(3) Only the research council is capable of becoming a shareholder in the corporation.

11. The liability of the research council as holder of the shares in the corporation shall be limited to the amount unpaid on the shares held by it.

Limitation of liability of shareholder.

Stigting van
reserwefondse en
aanwending van
winste.

12. (1) Behoudens die bepalings van hierdie artikel, word alle inkomste en eiendom en al die winste van die korporasie, uit watter bron dit ook al verkry word, uitsluitlik ter bevordering van die doelstellings van die korporasie aangewend.

(2) Die korporasie kan, ooreenkomstig enige regulasies kragtens artikel vyftien uitgevaardig, reserwefondse stig en in stand hou waarin die totaal van die bedrae nie te eniger tyd die bedrag te bowe gaan wat deur die Minister in oorleg met die Minister van Finansies goedgekeur word nie.

(3) Die raad van direkteure moet so gou doenlik na afloop van elke boekjaar, uit sy netto winste vir daardie boekjaar aan die navorsingsraad die bedrag betaal wat oorbly nadat voorsiening vir die in sub-artikel (2) bedoelde reserwefondse gemaak is, en enige bedrag aldus betaal, word, by die toepassing van Deel V van Hoofstuk II van die Inkomstebelastingwet, 1941 (Wet No. 31 van 1941), geag 'n deur die korporasie uitgekeerde dividend uit te maak.

Ouditering van
rekenings en jaar-
verslag.

13. (1) Die rekenings van die korporasie word jaarliks ge-ouditeer deur iemand wat kragtens die bepalings van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), as 'n rekenmeester en ouditeur geregistreer is.

(2) So gou doenlik na voltooiing van elke audit moet die korporasie die verslag van die ouditeur, tesame met 'n verslag oor die korporasie se werksaamhede gedurende die jaar wat deur die ouditeur se verslag gedek word, aan die Minister en die navorsingsraad voorlê, en die Minister lê elke verslag en enige rekeningstate wat daarmee saamgestuur is in die Senaat en in die Volksraad ter Tafel binne sewe dae nadat hy hulle ontvang, as die Parlement in gewone sitting is, of as die Parlement nie in gewone sitting is nie, binne sewe dae na die aanvang van sy eersvolgende gewone sitting.

Likwidasië van
korporasie.

14. Die korporasie word nie gelikwideer nie behalwe deur of op gesag van 'n Wet van die Parlement.

Regulasies.

15. Die Minister kan regulasies uitvaardig met betrekking tot—

- (a) die plek waar die hoofkantoor van die korporasie geleë moet wees;
- (b) die datum waarop die boekjaar van die korporasie in elke jaar eindig;
- (c) die voorwaardes van aanstelling (behalwe dié wat betrekking het op besoldiging) van direkteure en plaasvervangende direkteure van die korporasie en die omstandighede waaronder 'n lid of plaasvervangende lid van die raad van direkteure sy amp moet ontruim;
- (d) die vergaderings van die raad van direkteure en die kworum en prosedure by sodanige vergaderings;
- (e) die hou van registers, notule en rekeningboeke;
- (f) die stigting en in stand hou van in artikel twaalf bedoelde reserwefondse;
- (g) die inhoud van die in sub-artikel (2) van artikel dertien bedoelde jaarverslag;
- (h) die ander aangeleenthede wat hy nodig of dienstig ag om voor te skryf vir die bereiking van die doelstellings van hierdie Wet.

Toepassing van
wette betreffende
maatskappye.

16. (1) Behoudens die bepalings van sub-artikels (2) en (3), is die bepalings van die Maatskappywet, 1926 (Wet No. 46 van 1926), of van enige ander wet betreffende maatskappye, nie met betrekking tot die korporasie van toepassing nie.

(2) Die Staatspresident kan by proklamasie in die *Staatskoerant* enige bepaling van die Maatskappywet, 1926, of van enige ander wet betreffende maatskappye, wat nie met die bepalings van hierdie Wet onbestaanbaar is nie, op die korporasie van toepassing maak met die veranderinge wat hy goed ag, en kan enige sodanige proklamasie wysig of intrek.

(3) Die bepalings van hierdie artikel word nie uitgelê as sou dit die korporasie onthef van die werking van enige wet waarkragtens enige belasting, heffing of gelde deur 'n maatskappy betaalbaar is nie.

Wysiging van
artikel 10 van
Wet 33 van 1945,
soos gewysig deur
artikel 16 van
Wet 63 van 1956.

17. Artikel tien van die Hoofwet word hierby gewysig deur die volgende sub-artikel by te voeg:

„(6) Die raad kan, ondanks andersluidende bepalings van hierdie Wet, enige amptenaar of werknemer van die raad tydelik oorplaas na die kragtens artikel twee van die Wet op die Ontwikkeling van Uitvindings, 1962, ingestelde korporasie en die bedinge en voorwaardes ten opsigte van die diens van enige amptenaar of werknemer aldus oorgeplaas, word, behoudens die bepalings van daardie Wet, nie deur sodanige oorplasing geraak nie.”

12. (1) Subject to the provisions of this section, all income and property and all the profits of the corporation, from whatever source it may be acquired, shall be applied exclusively to the promotion of the objects of the corporation. Establishment of reserve funds and appropriation of profits.

(2) The corporation may in accordance with any regulations made under section *fifteen* establish and maintain reserve funds the aggregate of the amounts in which shall not at any time exceed such amount as may be approved by the Minister in consultation with the Minister of Finance.

(3) The board of directors shall as soon as may be after the close of every financial year pay to the research council out of its net profits for that financial year such amount as remains after provision has been made for the reserve funds referred to in sub-section (2), and any amount so paid shall, for the purposes of Part V of Chapter II of the Income Tax Act, 1941 (Act No. 31 of 1941), be deemed to constitute a dividend distributed by the corporation.

13. (1) The accounts of the corporation shall be audited annually by a person registered as an accountant and auditor under the provisions of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951). Audit of accounts and annual report.

(2) As soon as may be after the completion of every audit, the corporation shall submit the report of the auditor, together with a report on its activities during the year covered by the auditor's report, to the Minister and the research council, and the Minister shall lay each report and any statements of account submitted therewith on the Table of the Senate and of the House of Assembly within seven days after receipt thereof by him, if Parliament is in ordinary session, or if Parliament is not in ordinary session, within seven days after the commencement of its next ensuing ordinary session.

14. The corporation shall not be wound up except by or under the authority of an Act of Parliament. Liquidation of corporation.

15. The Minister may make regulations in regard to— Regulations.

- (a) the place where the head office of the corporation shall be situated;
- (b) the date upon which the financial year of the corporation shall end in every year;
- (c) the conditions (other than those relating to remuneration) of appointment of directors and alternate directors of the corporation and the circumstances in which a member or alternate member of the board of directors shall vacate his office;
- (d) the meetings of the board of directors and the quorum and procedure at such meetings;
- (e) the keeping of records, minutes and books of account;
- (f) the establishment and maintenance of reserve funds referred to in section *twelve*;
- (g) the contents of the annual report referred to in sub-section (2) of section *thirteen*;
- (h) such other matters as he considers it necessary or expedient to prescribe for the achievement of the objects of this Act.

16. (1) Subject to the provisions of sub-sections (2) and (3), the provisions of the Companies Act, 1926 (Act No. 46 of 1926), or of any other law relating to companies, shall not apply with reference to the corporation. Application of laws relating to companies.

(2) The State President may by proclamation in the *Gazette* apply to the corporation any provision of the Companies Act, 1926, or of any other law relating to companies, 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 proclamation.

(3) The provisions of this section shall not be construed as exempting the corporation from the operation of any law under which any tax, duty or fee is payable by a company.

17. Section *ten* of the principal Act is hereby amended by the addition of the following sub-section: Amendment of section 10 of Act 33 of 1945, as amended by section 16 of Act 63 of 1956.

“(6) Notwithstanding anything to the contrary in this Act contained, the council may second to the corporation established under section *two* of the Inventions Development Act, 1962, any officer or employee of the council and the terms and conditions of service of any officer or employee so seconded shall, subject to the provisions of that Act, not be affected by such secondment.”.

Invoeging van
artikel 12*bis* in
Wet 33 van 1945.

18. Die volgende artikel word hierby na artikel *twaalf* van die Hoofwet ingevoeg:

„Raad kan sekere regte oordra aan die Suid-Afrikaanse Ontwikkelings-korporasie vir Uitvindings. 12*bis*. (1) Die raad kan, ondanks die bepalings van artikels *elf* en *twaalf*, die kragtens artikel *twee* van die Wet op die Ontwikkeling van Uitvindings, 1962, ingestelde korporasie versoek om ingevolge daardie Wet enige ontdekking, uitvinding of verbetering die regte waarop by die raad berus kragtens enigeen van genoemde artikels *elf* en *twaalf*, te ontwikkel of te benut.

(2) Indien die raad die korporasie versoek om enige ontdekking, uitvinding of verbetering te ontwikkel of te benut soos in sub-artikel (1) bepaal, word die raad van al sy regte ten opsigte van daardie ontdekking, uitvinding of verbetering ontdoen en—

(a) word bedoelde korporasie by die toepassing van die Wet op Patente, 1952 (Wet No. 37 van 1952), geag die sessionaris van die ontdekker of uitvinder van daardie ontdekking, uitvinding of verbetering te wees; en

(b) as die raad patentbriewe ten opsigte van enige sodanige ontdekking, uitvinding of verbetering uitgeneem het, word sodanige patentbriewe geag uitgeneem te gewees het deur bedoelde korporasie.”.

Wysiging van
artikel 14 van
Wet 33 van 1945,
soos gewysig deur
artikel 18 van
Wet 63 van 1956.

19. Artikel *veertien* van die Hoofwet word hierby gewysig—

(a) deur in sub-artikel (2) die woorde „Die kapitaalfonds word” deur die woorde „Behoudens die bepalings van sub-artikel (5)*bis*, word die kapitaalfonds” te vervang;

(b) deur in paragraaf (a) van sub-artikel (4) na die woorde „bygedra word” die woorde „en die gelde waarvoor in paragraaf (b) van sub-artikel (5)*ter* voorsiening gemaak word” in te voeg;

(c) deur in sub-artikel (5) die uitdrukking „(2)” deur die uitdrukking „(1)” te vervang; en

(d) deur na sub-artikel (5) die volgende sub-artikels in te voeg:

„(5)*bis*. Die raad kan uit die in sub-artikel (1) bedoelde kapitaalfonds enige bedrag betaal wat benodig word vir die koop van aandele wat kragtens die bepalings van artikel *tien* van die Wet op die Ontwikkeling van Uitvindings, 1962, aan hom toegeken is.

(5)*ter*. Enige bedrag wat ingevolge artikel *twaalf* van die Wet op die Ontwikkeling van Uitvindings, 1962, deur die raad ontvang word, moet, in die verhoudings wat die Minister in oorleg met die Minister van Finansies bepaal—

(a) aan die in sub-artikel (1) bedoelde kapitaalfonds toegewys word;

(b) vir die in paragraaf (a) van sub-artikel (4) bedoelde doeleindes aangewend word.”.

Wysiging van
artikel 15 van
Wet 33 van 1945.

20. Artikel *vyftien* van die Hoofwet word hierby gewysig deur aan die end van paragraaf (f) die volgende voorbehoudsbepaling by te voeg:

„Met dien verstande dat geen regulasie kragtens hierdie paragraaf uitgevaardig van toepassing is nie met betrekking tot enige ontdekking, uitvinding of verbetering ten opsigte waarvan die raad die in sub-artikel (1) van artikel *twaalf bis* bedoelde bevoegdheid uitgeoefen het.”.

Kort titel en
datum van
inwerkingtreding.

21. Hierdie Wet heet die Wet op die Ontwikkeling van Uitvindings, 1962, en tree in werking op 'n datum wat deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal word.

18. The following section is hereby inserted in the principal Act after section *twelve*: Insertion of section 12*bis* in Act 33 of 1945.

“Council may transfer certain rights to the South African Inventions Development Corporation. **12*bis*.** (1) The council may, notwithstanding the provisions of sections *eleven* and *twelve*, request the corporation established under section *two* of the Inventions Development Act, 1962, to develop or exploit in terms of that Act any discovery, invention or improvement the rights in which are vested in the council under either of the said sections *eleven* and *twelve*.

(2) If the council requests the corporation to develop or exploit any discovery, invention or improvement as provided in sub-section (1), the council shall be divested of all its rights in respect of that discovery, invention or improvement and—

(a) the said corporation shall for the purposes of the Patents Act, 1952 (Act No. 37 of 1952), be deemed to be the assignee of the discoverer or inventor of that discovery, invention or improvement; and

(b) if the council has taken out letters patent in respect of any such discovery, invention or improvement, such letters patent shall be deemed to have been taken out by the said corporation.”.

19. Section *fourteen* of the principal Act is hereby amended— Amendment of section 14 of Act 33 of 1945, as amended by section 18 of Act 63 of 1956.

(a) by the substitution in sub-section (2) for the words “The capital fund” of the word “Subject to the provisions of sub-section (5)*bis*, the capital fund”;

(b) by the insertion in paragraph (a) of sub-section (4) after the expression “sub-section (3)” of the words “and the moneys provided for in paragraph (b) of sub-section (5)*ter*”;

(c) by the substitution in sub-section (5) for the expression “(2)” of the expression “(1)”;

(d) by the insertion after sub-section (5) of the following sub-sections:

“(5)*bis* The council may pay out of the capital fund referred to in sub-section (1) any amount required for the purchase of shares allotted to it under the provisions of section *ten* of the Inventions Development Act, 1962.

(5)*ter* Any amount received by the council in terms of section *twelve* of the Inventions Development Act, 1962, shall, in such proportions as the Minister may, in consultation with the Minister of Finance, determine—

(a) be allocated to the capital fund referred to in sub-section (1);

(b) be utilized or used for the purposes referred to in paragraph (a) of sub-section (4).”.

20. Section *fifteen* of the principal Act is hereby amended by the addition at the end of paragraph (f) of the following proviso: Amendment of section 15 of Act 33 of 1945.

“Provided that no regulation made under this paragraph shall apply with reference to any discovery, invention or improvement in respect of which the council has exercised the power referred to in sub-section (1) of section *twelve bis*.”.

21. This Act shall be called the Inventions Development Act, 1962, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title and date of commencement.

WET

Tot samevatting en wysiging van die wette wat voorsiening maak vir die bevordering van wetenskaplike en industriële navorsing en vir die instelling van die Wetenskaplike en Nywerheidsnavorsingsraad, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 Maart 1962.)

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

Woord omskrywing.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) „Minister” die Minister aan wie die uitvoering van hierdie Wet ingevolge artikel *agtien* opgedra is; (ii)
- (ii) „president” die persoon wat ingevolge artikel *vyf* as president van die raad aangestel is; (iii)
- (iii) „raad” die raad vermeld in artikel *twee*; (i)
- (iv) „Republiek” ook die gebied Suidwes-Afrika. (iv)

Voortbestaan van Wetenskaplike en Nywerheidsnavorsingsraad.

2. Die Wetenskaplike en Nywerheidsnavorsingsraad ingestel by artikel *twee* van die Wet op die Wetenskaplike Navorsingsraad, 1945 (Wet No. 33 van 1945), bly, ondanks die herroeping van daardie Wet deur hierdie Wet, voortbestaan en bly ’n regspersoon.

Werksaamhede van raad.

3. Die raad het beheer oor al die aangeleenthede betreffende wetenskaplike en industriële navorsing in die Republiek wat die Minister aan hom mag toewys, of wat die raad uit eie beweging met goedkeuring van die Minister mag bevorder, en moet die Minister van advies dien aangaande alle vraagstukke insake wetenskaplike en tegnologiese metodes betreffende die gebruikmaking van die natuurlike hulpbronne van die Republiek en die ontwikkeling van sy industrieë, en insake die behoorlike koördinasie en aanwending van wetenskaplike navorsing vir daardie doel.

Oogmerke van raad, en sy bevoegdhe in verband daarmee.

4. (1) Onverminderd die algemeenheid van die werksaamhede van die raad kragtens artikel *drie*, is die oogmerke van die raad—

- (a) om die gebruikmaking van die natuurlike hulpbronne van die Republiek te bevorder;
- (b) om toetse, ondersoeke en navorsing op die wyse wat hy raadsaam ag, te onderneem met die doel om tegniese prosesse en metodes in die industrie te verbeter, en om prosesse en metodes uit te vind wat die uitbreiding van bestaande of die ontwikkeling van nuwe industrieë of die beter gebruikmaking van afvalprodukte sal bevorder;
- (c) om wetenskaplike navorsing te onderneem of te steun in verband met die aangeleenthede wat die Minister na die raad vir ondersoek verwys;
- (d) om fasiliteite daar te stel en te beheer vir die toets en kalibrering van presisie-instrumente en meet- en ander apparate, die bepaling van hul juistheidsgraad en die uitreiking van sertifikate in verband daarmee;
- (e) om fasiliteite daar te stel en te beheer om navorsing te doen in verband met standaardisasie in die industrie en die handel;
- (f) om standarde van fisiese hoeveelhede, met inbegrip van lengte, volume, gewig, massa, kapasiteit, tyd, hitte, lig, elektrisiteit, magnetisme, klank en ander vorms van energie in stand te hou, en om voorsiening te maak vir hul vergelyking van tyd tot tyd met internasionale standarde;
- (g) om die opleiding van navorsingswerkers te bevorder en om navorsingsbeurse in te stel en toe te staan;
- (h) om by te dra ten bate van navorsing;
- (i) om die instelling van verenigings van persone verbonde aan die industrie met die doel om wetenskaplike industriële navorsing te doen, te bevorder, te erken en te steun, en om met sodanige ingestelde of erkende verenigings saam te werk, en op die voorwaardes wat die Minister goedkeur, bydraes aan hulle toe te ken;

No. 32, 1962.]

ACT

To consolidate and amend the laws providing for the promotion of scientific and industrial research and for the establishment of the Council for Scientific and Industrial Research, and to provide for matters incidental thereto.

(English text signed by the State President.)
(Assented to 26th March, 1962.)

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

1. In this Act, unless the context otherwise indicates— **Definitions.**

- (i) "council" means the council referred to in section two; (iii)
- (ii) "Minister" means the Minister to whom the administration of this Act has been assigned in terms of section eighteen; (i)
- (iii) "president" means the person appointed in terms of section five as president of the council; (ii)
- (iv) "Republic" includes the territory of South-West Africa. (iv).

2. The Council for Scientific and Industrial Research established by section two of the Scientific Research Council Act, 1945 (Act No. 33 of 1945), shall, notwithstanding the repeal of that Act by this Act, continue to exist and to be a corporate body. **Continued existence of Council for Scientific and Industrial Research.**

3. The council shall have charge of all such matters affecting scientific and industrial research in the Republic as may be assigned to it by the Minister, or as the council may of its own accord and with the approval of the Minister promote, and shall advise the Minister on all questions of scientific and technological methods affecting the utilization of the natural resources of the Republic, and the development of its industries, and of the proper co-ordination and employment of scientific research to those ends. **Functions of council.**

4. Without prejudice to the generality of the functions of the council under section three, the objects of the council are— **Objects of council, and its powers in connection therewith.**

- (a) to promote the utilization of the natural resources of the Republic;
- (b) to undertake testing, investigation and researches in such manner as it may deem advisable, with the object of improving the technical processes and methods used in industry, and of discovering processes and methods which may promote the expansion of existing or the development of new industries or the better utilization of waste products;
- (c) to undertake or aid scientific research in connection with such matters as the Minister may refer to it for investigation;
- (d) to provide and control facilities for the testing and calibration of precision instruments, gauges and apparatus, the determination of their degree of accuracy and the issue of certificates in regard thereto;
- (e) to provide and control facilities for research in connection with standardization in industry and commerce;
- (f) to maintain standards of physical quantities, including length, volume, weight, mass, capacity, time, heat, light, electricity, magnetism, sound and other forms of energy, and to provide for their comparison with international standards from time to time;
- (g) to foster the training of research workers and to establish and award research bursaries;
- (h) to make grants in aid of research;
- (i) to foster, recognize and aid the establishment of associations of persons engaged in industry, for the purpose of carrying out scientific industrial research, and to co-operate with and, subject to conditions approved by the Minister, make grants to such established or recognized associations;

- (j) om geriewe daar te stel en te beheer vir die insameling en verspreiding van inligting in verband met wetenskaplike en tegniese aangeleenthede;
 - (k) om in wetenskaplike en industriële navorsingsaangeleenthede op te tree as skakel tussen die Republiek en ander lande.
- (2) Die Minister kan die raad magtig om, ter bereiking van sy oogmerke, saam te werk met—
- (a) Staatsdepartemente, universiteite, tegniese kolleges en ander persone, vir die bevordering van wetenskaplike en industriële navorsing;
 - (b) onderwysowerhede en wetenskaplike of tegniese verenigings in die Republiek vir die bevordering van—
 - (i) die onderwys van die wetenskap in skole, tegniese kolleges en universiteite;
 - (ii) die opleiding van ondersoekers in suiwer en toegepaste wetenskap, en van tegniese deskundiges; en
 - (iii) die opleiding van vakmanne en geskoolde ambagsmanne;
 - (c) persone en verenigings wat wetenskaplike of industriële navorsing in ander lande onderneem.
- (3) Die raad kan—
- (a) met goedkeuring van die Minister roerende of onroerende goed aankoop of op ander wyse verkry of besit, vervreem, huur of verhuur, en laboratoria en ander fasiliteite daarstel ter bereiking van die oogmerke van die raad; en
 - (b) al die dinge doen wat bevorderlik is vir die bereiking van genoemde oogmerke, of wat berekenis om regstreeks of onregstreeks die waarde van die raad se eiendom of regte te verhoog of dit winsgewend te maak.

Samestelling van raad en ampstermyn en besoldiging van sekere lede daarvan.

5. (1) Behoudens die bepalings van sub-artikel (2) bestaan die raad uit 'n president en elf ander lede, wat deur die Staatspresident aangestel moet word en almal persone moet wees wat onderskeiding in die wetenskap of die industrie behaal het of besondere kennis of ondervinding met betrekking tot een of ander aspek van die raad se werk het.

(2) Iemand wat onmiddellik vóór die inwerkingtreding van hierdie Wet president of 'n ander lid van die raad is en nie ingevolge artikel vyf van die Wet op Standaarde, 1962, 'n lid word nie van die Raad van die Suid-Afrikaanse Buro vir Standaarde bedoel in daardie artikel, word geag ingevolge die bepalings van hierdie Wet as president of lid van die raad, na gelang van die geval, aangestel te wees, en wel vanaf die datum waarop hy president of lid daarvan geword het.

(3) 'n Lid van die raad, met uitsondering van die president, beklee sy amp vir 'n tydperk van drie jaar: Met dien verstande dat die Staatspresident die ampstermyn van 'n lid vermeld in sub-artikel (2) kan verleng vir die tydperk wat hy goedvind, maar nie tot ná die derde dag van Oktober 1964 nie.

(4) 'n Lid van die raad wie se ampstermyn verstryk het, kan weer aangestel word.

(5) Behoudens die bepalings van artikels *ses*, *ag*t en *nege* mag 'n lid van die raad nie enige besoldiging ten opsigte van sy dienste as so 'n lid ontvang nie, maar die raad moet uit sy fondse aan so 'n lid die toelaes betaal ten opsigte van reis- en verblyf-koste deur hom aangegaan in verband met die sake van die raad wat die Minister ná oorlegpleging met die Minister van Finansies bepaal: Met dien verstande dat behalwe op aanbeveling van die Staatsdienskommissie sodanige toelaes wat betaal word aan so 'n lid wat in die voltijdse diens van die Staat is, nie hoër mag wees nie as dié wat ten opsigte van sy werk in diens van die Staat aan hom betaalbaar is.

(6) Die Minister moet een van die lede van die raad aanwys om as voorsitter van die raad op te tree wanneer die president afwesig is of nie in staat is om sy pligte uit te voer nie, en wanneer die president en die aldus aangewese persoon altwee van 'n vergadering van die raad afwesig is, kan die lede wat daarop aanwesig is, een uit hul midde kies om op dié vergadering voor te sit.

President van die raad.

6. (1) Die president word aangestel vir die tydperk wat die Staatspresident bepaal en tree as voorsitter op by vergaderings van die raad, is die uitvoerende hoofbeampte van die raad, hou toesig oor die ander amptenare en werknemers van die raad, en bestuur en beheer die werk wat deur die raad gemagtig is.

(2) Die raad moet uit sy fondse aan die president die besoldiging betaal wat die Staatspresident bepaal.

- (j) to establish and control facilities for the collection and dissemination of information in connection with scientific and technical matters;
 - (k) to act as liaison between the Republic and other countries in matters relating to scientific and industrial research.
- (2) The Minister may authorize the council to co-operate, for the achievement of its objects, with—
- (a) any departments of State, universities, technical colleges and other persons for the promotion of scientific and industrial research;
 - (b) educational authorities and scientific or technical societies in the Republic for the promotion of—
 - (i) the teaching of science in schools, technical colleges and universities;
 - (ii) the training of investigators in pure and applied science, and of technical experts; and
 - (iii) the training of craftsmen and skilled artisans;
 - (c) persons and associations undertaking scientific or industrial research in other countries.
- (3) The council may—
- (a) with the approval of the Minister purchase or otherwise acquire or hold, alienate, hire or let movable or immovable property, and establish laboratories and other facilities for achieving the objects of the council; and
 - (b) do all such things as are conducive to the achievement of the said objects or calculated directly or indirectly to enhance the value of or render profitable the property or rights of the council.
5. (1) Subject to the provisions of sub-section (2) the council shall consist of a president and eleven other members to be appointed by the State President, all of whom shall be persons who have achieved distinction in science or industry or who have special knowledge or experience in relation to some aspect of the council's work. Constitution of council and period of office and remuneration of certain members thereof.
- (2) Any person who immediately prior to the commencement of this Act is the president or another member of the council and who does not in terms of section *five* of the Standards Act, 1962, become a member of the Council of the South African Bureau of Standards contemplated in that section, shall be deemed to have been appointed in terms of the provisions of this Act as the president or a member of the council, as the case may be, as from the date on which he became the president or a member thereof.
- (3) A member of the council, with the exception of the president, shall hold office for a period of three years: Provided that the State President may extend the period of office of a member referred to in sub-section (2) for such period as he may deem fit, but not beyond the third day of October, 1964.
- (4) A member of the council whose period of office has expired, shall be eligible for re-appointment.
- (5) Subject to the provisions of sections *six*, *eight* and *nine* a member of the council shall not receive any remuneration in respect of his services as such a member, but the council shall out of its funds pay to any such member such allowances in respect of travelling and subsistence expenses incurred by him in connection with the business of the council, as the Minister may after consultation with the Minister of Finance determine: Provided that except on the recommendation of the Public Service Commission such allowances paid to such a member who is in the full-time service of the State shall not exceed those which are payable to him in respect of his work in the service of the State.
- (6) The Minister shall designate one of the members of the council to act as chairman of the council when the president is absent or is unable to perform his duties, and when both the president and the person so designated are absent from a meeting of the council, the members present thereat may elect one of their number to preside at such meeting.
6. (1) The president shall be appointed for such period as the State President may determine, and shall preside at meetings of the council, be the chief executive officer of the council, exercise supervision over the other officers and employees of the council, and manage and control the work authorized by the council. President of the council.
- (2) The council shall out of its funds pay to the president such remuneration as the State President may determine.

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

Vergaderings
van die raad.

7. (1) Die vergaderings van die raad word gehou op die tye en plekke wat die raad vasstel.

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

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

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

Uitvoerende
komitee.

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

(2) Onder die toesig van die raad kan die uitvoerende komitee al die bevoegdhede van die raad uitoefen en moet hy al die pligte van die raad verrig.

(3) Die raad moet uit sy fondse aan die lede van die uitvoerende komitee, met uitsondering van die president en lede wat in die voltydse diens van die Staat is, die besoldiging ten opsigte van hul dienste betaal wat die Minister ná oorlegpleging met die Minister van Finansies bepaal.

Hulpkomitees.

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

(2) Die raad kan na goeë dunnke 'n bevoegdheid wat hy besit, toewys aan 'n komitee aldus ingestel, maar word nie ontdoen nie van 'n bevoegdheid wat hy aan so 'n komitee toegewys het, en kan 'n besluit van so 'n komitee wysig of intrek.

(3) Die raad moet uit sy fondse aan die lede van 'n hulpkomitee, met uitsondering van die president en lede wat in die voltydse diens van die Staat of amptenare van die raad is, die besoldiging en toelaes ten opsigte van hul dienste betaal wat die Minister ná oorlegpleging met die Minister van Finansies bepaal.

Amptenare en
werknemers
van raad.

10. (1) (a) Die raad kan vir die tydperke en op die voorwaardes by regulasie ingevolge artikel *sestien* voorskryf, die amptenare en werknemers aanstel wat hy nodig ag om hom behulpsaam te wees om sy oogmerke te bereik.

(b) Iemand wat onmiddellik vóór die inwerkingtreding van hierdie Wet 'n amptenaar of werknemer van die raad is en nie ingevolge artikel *twaalf* van die Wet op Standaarde, 1962, 'n amptenaar of werknemer word nie van die Raad van die Suid-Afrikaanse Buro vir Standaarde bedoel in daardie artikel, word geag ingevolge paragraaf (a) aangestel te wees as 'n amptenaar of werknemer van die raad, na gelang van die geval.

(2) Die president en die ander lede van die personeel van die raad wat in sy voltydse diens is en poste beklee wat deur die Minister goedgekeur is, moet lede wees van, en moet bydra tot, die voorsorgsfonds ingestel kragtens artikel *twaalf* van die „Wet tot Addisionele Regeling van het Hoger Onderwys, 1917” (Wet No. 20 van 1917), op dieselfde wyse en op dieselfde voorwaardes asof hulle lede was van die onderwys- of administratiewe personeel van 'n universiteit soos by artikel *een* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), omskryf, en die raad word vir die doeleindes van genoemde voorsorgsfonds geag 'n universiteit te wees soos aldus omskryf.

(3) Die raad word geag 'n „raad” te wees soos omskryf by die regulasies wat genoemde voorsorgsfonds reël, en moet, ondanks andersluidende bepalings, die bydraes in dié fonds stort wat die Staat andersins daarin sou moet gestort het ten opsigte van die president en die ander amptenare en werknemers van die raad wat lede van genoemde voorsorgsfonds is.

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

7. (1) The meetings of the council shall be held at such times and places as the council may fix. Meetings of the council.

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

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

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

8. (1) The council shall have an executive committee consisting of the president and two other members of the council selected annually by the council. Executive committee.

(2) Under the supervision of the council the executive committee may exercise all the powers, and shall perform all the duties, of the council.

(3) The council shall out of its funds pay to the members of the executive committee, with the exception of the president and any members who are in the full-time service of the State, such remuneration in respect of their services as the Minister may after consultation with the Minister of Finance determine.

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

(2) The council may in its discretion assign any of its powers to a committee so established, but shall not be divested of any power assigned to such a committee, and may amend or withdraw any decision of such a committee.

(3) The council shall pay out of its funds to the members of a subsidiary committee, with the exception of the president and members who are in the full-time service of the State or officers of the council, such remuneration and allowances in respect of their services as the Minister may after consultation with the Minister of Finance determine.

10. (1) (a) The council may for such periods and subject to such conditions as may be prescribed by regulation in terms of section *sixteen*, appoint such officers and employees as it may deem necessary to assist it to achieve its objects. Officers and employees of council.

(b) Any person who immediately prior to the commencement of this Act is an officer or employee of the council and who does not in terms of section *twelve* of the Standards Act, 1962, become an officer or employee of the Council of the South African Bureau of Standards contemplated in that section, shall be deemed to have been appointed in terms of paragraph (a) as an officer or employee of the council, as the case may be.

(2) The president and the other members of the staff of the council who are in the full-time service of the council and occupy posts approved by the Minister shall be members of and shall contribute to the provident fund established under section *twelve* of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917), in the same manner and subject to the same conditions as if they were members of the teaching or administrative staff of a university as defined by section *one* of the Universities Act, 1955 (Act No. 61 of 1955), and the council shall for the purposes of the said fund be deemed to be a university as so defined.

(3) The council shall be deemed to be a "council" as defined by the regulations governing the said provident fund and shall, anything to the contrary notwithstanding, pay to the said fund the contributions that the State would otherwise have been required to pay to it in respect of the president and the other officers and employees of the council who are members of the said fund.

(4) Die raad kan 'n amptenaar of werknemer van hom tydelik afstaan aan die diens van die korporasie ingestel by artikel *twee* van die Wet op die Ontwikkeling van Uitvindings, 1962, maar indien 'n amptenaar of werknemer aldus afgestaan word, word die bedinge en voorwaardes waarop hy by die raad in diens is, nie daardeur geraak nie.

Ontdekkings, uitvindings en verbeterings deur amptenare van raad en andere, en die toekenning van bonusse aan sodanige persone.

11. (1) Behoudens die bepalings van artikel *twaalf* berus die regte op alle ontdekkings en uitvindings en op alle verbeterings ten opsigte van prosesse, apparaat en masjiene wat gedoen word deur amptenare of werknemers van die raad of deur persone wat navorsingsbeurse van die raad ontvang, by die raad, wat sodanige ontdekkings, uitvindings en verbeterings beskikbaar moet stel vir gebruik in die openbare belang op die voorwaardes en onderworpe aan die betaling van dié gelde of tantième wat die raad bepaal ooreenkomstig regulasies uitgevaardig ingevolge artikel *sestien*.

(2) Indien die regte op 'n ontdekking of uitvinding ingevolge sub-artikel (1) by die raad berus, kan die raad aan die betrokke ontdekker of uitvinder die bonus toeken, of voorsiening maak vir geldelike deelname deur so iemand in die winste verkry uit dié ontdekking of uitvinding in die mate, wat die Minister ná oorlegpleging met die Minister van Finansies bepaal.

(3) Die raad kan aansoek doen om 'n patent ten opsigte van enige ontdekking, uitvinding of verbetering bedoel in sub-artikel (1), en by die toepassing van die Wet op Patente, 1952 (Wet No. 37 van 1952), word die raad beskou as die sessionaris van die betrokke ontdekker of uitvinder.

Besondere ondersoeke op versoek van iemand met die oog op ontdekkings, uitvindings of verbeterings.

12. (1) Die raad kan op versoek van iemand, en op die plek en op die voorwaardes en onderworpe aan die betaling van die koste waarop ooreengekom word, besondere ondersoeke instel of laat instel deur middel van sy amptenare of werknemers of deur middel van persone wat navorsingsbeurse van die raad ontvang, of deur middel van persone aan wie die raad spesiale toekennings gedoen het, met die doel om 'n ontdekking of uitvinding van of 'n verbetering ten opsigte van 'n proses, apparaat of masjien te doen.

(2) Die regte op 'n ontdekking, uitvinding of verbetering aldus gedoen berus of by die raad of by die persoon wat die ondersoek aangevra het, of by die persoon wat die ontdekking, uitvinding of verbetering gedoen het, mits hy iemand is aan wie 'n spesiale toekenning deur die raad gedoen is, volgens die bepalings van 'n skriftelike ooreenkoms wat vóór die ondersoek deur die betrokke partye aangegaan is.

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

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

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

13. (1) Indien die regte op 'n ontdekking, uitvinding of verbetering ingevolge artikel *elf* of *twaalf* by die raad berus, kan die raad, ondanks die bepalings van genoemde artikels, die korporasie ingestel by artikel *twee* van die Wet op die Ontwikkeling van Uitvindings, 1962, versoek om dié ontdekking, uitvinding of verbetering te ontwikkel of te benut ingevolge die bepalings van daardie Wet.

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

(a) word genoemde korporasie by die toepassing van die Wet op Patente, 1952 (Wet No. 37 van 1952), beskou as die sessionaris van die betrokke ontdekker of uitvinder; en

(b) indien aan die raad 'n patent ten opsigte van die ontdekking, uitvinding of verbetering verleen is, word die raad geag dié patent aan genoemde korporasie te gesedeer het.

(4) The council may second any of its officers or employees to the corporation established by section *two* of the Inventions Development Act, 1962, but if any officer or employee is so seconded, the terms and conditions subject to which he is employed by the council shall not be affected thereby.

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

Discoveries, inventions and improvements by officers of the council and others, and the award of bonuses to such persons.

(2) If the rights in any discovery or invention are in terms of sub-section (1) vested in the council, the council may award to the discoverer or inventor in question such bonus, or make provision for financial participation by him in the profits derived from such discovery or invention to such extent, as the Minister may after consultation with the Minister of Finance determine.

(3) The council may apply for a patent in respect of any discovery, invention or improvement contemplated in sub-section (1), and shall for the purposes of the Patents Act, 1952 (Act No. 37 of 1952), be regarded as the assignee of the discoverer or inventor in question.

12. (1) The council may, at the request of any person, and at such place and subject to such conditions and the payment of such charges as may be agreed upon, carry out or cause to be carried out through its officers or employees or through persons receiving research bursaries from the council or through persons to whom special grants were made by the council, special investigations with the object of making any discovery or invention of or any improvement in respect of any process, apparatus or machine.

Special investigations at the request of any person with a view to making discoveries, inventions or improvements.

(2) The rights in any discovery, invention or improvement so made shall vest in either the council or the person who requested the investigation or the person who made the discovery, invention or improvement, if he is a person to whom a special grant was made by the council, according to the provisions of a written agreement entered into by the parties in question prior to the investigation.

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

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

13. (1) If the rights in any discovery, invention or improvement vest in the council in terms of section *eleven* or *twelve* the council may, notwithstanding the provisions of the said sections, request the corporation established by section *two* of the Inventions Development Act, 1962, to develop or exploit such discovery, invention or improvement in terms of the provisions of that Act.

Transfer of certain rights by council to South African Inventions Development Corporation.

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

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

Ouditering en
jaarverslag.

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

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

(b) Die Minister moet genoemde verslag in die Senaat en die Volksraad ter tafel lê binne veertien dae ná ont-vangs daarvan, indien die Parlement in gewone sessie is, of, indien die Parlement nie in gewone sessie is nie, binne veertien dae ná die aanvang van sy eersvolgende gewone sessie.

Finansiering
van raad.

15. (1) Die raad moet 'n kapitaalfonds instel wat gekrediteer moet word met die geld wat die Parlement vir dié doel bewillig het, en bydraes daartoe uit enige ander bron.

(2) Die raad moet die kapitaalfonds slegs aanwend vir uitgawes van 'n kapitale aard en vir die aankoop van aandele wat aan hom toegeken word ingevolge artikel *tien* van die Wet op die Ontwikkeling van Uitvindings, 1962, maar kan enige onbestede gedeelte daarvan belê en moet die geld wat daardeur verkry word, of by die fonds voeg of op 'n wyse deur die raad bepaal en deur die Minister goedgekeur, aanwend vir die oogmerke van die raad.

(3) Die Minister kan uit geld wat vir dié doel deur die Parle-ment of die Wetgewende Vergadering van Suidwes-Afrika bewillig is, en op die voorwaardes wat die Minister van Finansies mag bepaal, jaarliks vir die doeleindes in sub-artikel (4) bedoel, die bedrag bydra wat die Minister ná oorlegpleging met die Minister van Finansies bepaal.

(4) Die raad moet die geld wat ingevolge sub-artikel (3) bygedra word, aanwend vir die bestryding van sy jaarlikse lopende uitgawes, met inbegrip van die besoldiging en toelaes van die president en ander lede van die raad, lede van die uit-voerende komitee vermeld in artikel *agt*, en van enige hulp-komitee ingestel ingevolge artikel *nege*, en van die amptenare en werknemers van die raad aangestel ingevolge artikel *tien*, en kan na goëddunke enige saldo van daardie geld wat aan die end van 'n boekjaar van die raad oorbly, aanwend vir die bestryding van die lopende uitgawes van die volgende boekjaar van die raad, of vir die oogmerke van die raad.

(5) Behoudens die bepalings van enige regulasies uitge-vaardig ingevolge artikel *sestien*, kan die raad ten opsigte van dienste wat hy kragtens hierdie Wet gelewer het, die gelde vorder of die ander geldelike reëlins tref wat hy goëdvind, en die raad moet met inkomste uit gelde aldus gevorder of ten opsigte van sulke reëlins verkry, en met die inkomste verkry uit gelde of tantième vermeld in sub-artikel (1) van artikel *elf*, op die wyse handel wat by sub-artikel (4) voorgeskryf is ten opsigte van geld deur die Minister bygedra.

(6) Enige bedrag wat die raad ontvang ingevolge artikel *twaalf* van die Wet op die Ontwikkeling van Uitvindings, 1962, moet in die verhouding wat die Minister ná oorlegpleging met die Minister van Finansies bepaal—

(a) toegewys word aan die kapitaalfonds vermeld in sub-artikel (1); en

(b) aangewend word vir die doeleindes beoog in sub-artikel (4).

(7) Die raad kan van enige persoon skenkings of bydraes ontvang, en moet geld wat aldus verkry word, aanwend vir die doel wat die skenker of bydraer aanwys en volgens die voor-waardes wat hy voorskryf, of, indien hy nie so 'n doel aanwys en nie sodanige voorwaardes voorskryf nie, daardie geld aan-wend op die wyse wat by sub-artikel (4) voorgeskryf is ten opsigte van geld deur die Minister bygedra.

Regulasies.

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

(a) die omstandighede waaronder 'n lid van die raad sy amp ontruim;

(b) die aanvulling van toevallige vakatures in die raad en die aanstelling van persone om namens afwesige lede op te tree;

14. (1) The Controller and Auditor-General shall audit the accounts and balance sheet of the council. Auditing and annual report.

(2) (a) The council shall furnish to the Minister such information as he may call for from time to time in connection with the activities and financial position of the council, and shall in addition submit to the Minister an annual report, including a balance sheet and a statement of income and expenditure certified by the Controller and Auditor-General, an estimate of expenditure in respect of the following financial year, and such other particulars as the Minister may require.

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

15. (1) The council shall establish a capital fund to the credit of which shall be placed any moneys appropriated by Parliament for the purpose, and any contributions thereto from any other source. Financing of the council.

(2) The council shall utilize the capital fund only for expenditure of a capital nature and the purchase of shares allotted to it in terms of section *ten* of the Inventions Development Act, 1962, but may invest any unexpended portion thereof, and shall either add to the fund or utilize for the objects of the council in a manner determined by the council and approved by the Minister, any moneys obtained thereby.

(3) The Minister may out of moneys appropriated by Parliament or the Legislative Assembly of South-West Africa for the purpose, and subject to such conditions as the Minister of Finance may determine, contribute annually, for the purposes contemplated in sub-section (4), such an amount as the Minister may after consultation with the Minister of Finance determine.

(4) The council shall utilize the moneys contributed in terms of sub-section (3) for defraying its annual running expenses, including the remuneration and allowances of the president and other members of the council, members of the executive committee referred to in section *eight* and of any subsidiary committee established in terms of section *nine*, and of the officers and employees of the council appointed in terms of section *ten*, and may in its discretion utilize any balance of those moneys remaining at the end of a financial year of the council, for defraying the running expenses of the next financial year of the council or for the objects of the council.

(5) Subject to the provisions of any regulations made in terms of section *sixteen*, the council may in respect of any services rendered by it under this Act charge such fees or make such other financial arrangements as it may deem fit, and the council shall deal with any revenue obtained from such fees or in respect of such arrangements, and with revenue derived from the fees or royalties referred to in sub-section (1) of section *eleven*, in the manner prescribed by sub-section (4) in respect of moneys contributed by the Minister.

(6) Any amount received by the council in terms of section *twelve* of the Inventions Development Act, 1962, shall, in such proportions as the Minister may after consultation with the Minister of Finance determine—

- (a) be allocated to the capital fund referred to in sub-section (1); and
- (b) be utilized for the purposes contemplated in sub-section (4).

(7) The council may receive donations or contributions from any person and shall utilize any moneys so acquired for the purpose designated and in accordance with the conditions imposed by the donor or contributor or, if no purpose has been so designated and no conditions have been so imposed, utilize such moneys in the manner prescribed by sub-section (4) in respect of moneys contributed by the Minister.

16. (1) The State President may make regulations as to— Regulations.

- (a) the circumstances under which a member of the council shall vacate his office;
- (b) the filling of casual vacancies on the council and the appointment of persons to act for absent members;

- (c) die diensvoorwaardes van die president en die ander amptenare en werknemers van die raad;
- (d) die aangeleenthede ten opsigte waarvan gelde aan die raad betaalbaar is, die bedrag van sulke gelde en die persone wat vir die betaling daarvan aanspreeklik is;
- (e) die omstandighede waaronder gelde wat aldus betaal is, terugbetaal moet word;
- (f) die voorwaardes waarop die ontdekkings en uitvindings en verbeterings ten opsigte van prosesse, apparaat en masjiene vermeld in artikel *elf*, vir gebruik beskikbaar gestel moet word;
- (g) die uitkering van beurse en toekennings;
- (h) die prosedure by vergaderings van die raad en van die uitvoerende komitee en van hulpkomitees daarvan, en in die algemeen, betreffende enige aangeleentheid ten opsigte waarvan hy dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.

(2) 'n Regulasie ingevolge paragraaf (f) van sub-artikel (1) uitgevaardig, is nie van toepassing nie met betrekking tot enige ontdekking, uitvinding of verbetering ten opsigte waarvan die raad sy bevoegdhede ingevolge sub-artikel (1) van artikel *dertien* uitgeoefen het.

Bewilliging deur Wetgewende Vergadering van Suidwes-Afrika van geld vir werksaamhede van raad.

17. Ondanks andersluidende bepalings van die „Zuidwest-Afrika Konstitutie Wet, 1925” (Wet No. 42 van 1925), of enige ander wet, kan die Wetgewende Vergadering van Suidwes-Afrika geld uit die Inkomstefonds van Suidwes-Afrika bewillig vir die doeleindes waarvoor die geld vermeld in sub-artikel (3) van artikel *vyftien* aangewend moet word.

Minister deur wie Wet uitgevoer word.

18. Die Staatspresident kan by proklamasie in die *Staatskoerant* die uitvoering van hierdie Wet aan enige Minister opdra, en kan voorskryf dat 'n bevoegdheid of plig by hierdie Wet aan dié Minister verleen of hom opgelê, uitgeoefen of verrig moet word deur daardie Minister ná oorlegpleging met een of meer ander Ministers.

Toepassing van Wet in Suidwes-Afrika.

19. Hierdie Wet is ook in die gebied Suidwes-Afrika van toepassing.

Herroeping van wette en voorbehoude.

20. (1) Behoudens die bepalings van sub-artikel (2) word die wette in die Bylae vermeld hierby herroep vir sover in die derde kolom van daardie Bylae uiteengesit.

(2) Enigiets wat gedoen is ingevolge 'n bepaling van 'n wet by sub-artikel (1) herroep en wat ingevolge 'n bepaling van hierdie Wet gedoen sou kan word, word geag ingevolge laasgenoemde bepaling gedoen te wees.

Kort titel en inwerkingtreding.

21. Hierdie Wet heet die Wet op die Wetenskaplike Navorsingsraad, 1962, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* vasstel.

Bylae.

WETTE HERROEP.

No. en Jaar van Wet.	Titel.	Omvang van herroeping.
Wet No. 33 van 1945.	Wet op die Wetenskaplike Navorsingsraad, 1945.	Die geheel.
Wet No. 37 van 1949.	Wysigingswet op die Wetenskaplike Navorsingsraad, 1949.	Die geheel.
Wet No. 25 van 1951.	Wysigingswet op die Wetenskaplike Navorsingsraad, 1951.	Die geheel.
—	Wet op die Ontwikkeling van Uitvindings, 1962.	Artikels <i>sewentien</i> tot en met <i>twintig</i> .

- (c) the conditions of service of the president and the other officers and employees of the council;
- (d) the matters in respect of which fees shall be payable to the council, the amount of such fees and the persons who shall be liable for the payment thereof;
- (e) the circumstances in which any fees so paid shall be refunded;
- (f) the conditions under which the discoveries and inventions and the improvements in respect of processes, apparatus and machines referred to in section *eleven*, shall be made available for use;
- (g) the payment of bursaries and grants;
- (h) the procedure at meetings of the council and of the executive committee and of subsidiary committees thereof, and generally, as to any matter in respect of which he considers it necessary or expedient to make regulations to achieve the objects of this Act.

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

17. Notwithstanding anything to the contrary contained in the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925), or any other law, the Legislative Assembly of South-West Africa may appropriate moneys from the Revenue Fund of South-West Africa for the purposes for which the moneys referred to in sub-section (3) of section *fifteen* are to be utilized.

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

19. This Act shall also apply in the territory of South-West Africa.

20. (1) Subject to the provisions of sub-section (2) the laws specified in the Schedule are hereby repealed to the extent set out in the third column of that Schedule.

(2) Anything done in terms of a provision of a law repealed by sub-section (1) which could be done in terms of a provision of this Act, shall be deemed to have been done in terms of such last-mentioned provision.

21. This Act shall be called the Scientific Research Council Act, 1962, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Schedule.

LAWS REPEALED.

No. and Year of Law.	Title.	Extent of Repeal.
Act No. 33 of 1945.	Scientific Research Council Act, 1945	The whole.
Act No. 37 of 1949.	Scientific Research Council Amendment Act, 1949.	The whole.
Act No. 25 of 1951.	Scientific Research Council Amendment Act, 1951.	The whole.
—	Inventions Development Act, 1962	Sections <i>seventeen to twenty</i> , inclusive.

No. 33, 1962.]

WET

Tot samevatting en wysiging van die wette wat voorsiening maak vir die bevordering van die standaardisering van handelsware en van die vervaardiging, produksie, bewerking of behandeling daarvan, en vir die instelling van die Suid-Afrikaanse Buro vir Standaarde, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 Maart 1962.)

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

Woord-
omskrywing.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) „Akademie” die Suid-Afrikaanse Akademie vir Wetenskap en Kuns; (i)
- (ii) „buro” die Suid-Afrikaanse Buro vir Standaarde ingestel by artikel *twee* van die Wet op Standaarde, 1945 (Wet No. 24 van 1945); (iii)
- (iii) „direkteur” die direkteur van die buro wat ingevolge artikel *twaalf* aangestel is; (viii)
- (iv) „geassosieerde genootskappe” die „Associated Scientific and Technical Societies of South Africa”; (ii)
- (v) „Gebied” die gebied Suidwes-Afrika; (xix)
- (vi) „inspekteur” ’n inspekteur wat ingevolge artikel *agtien* aangestel is; (xi)
- (vii) „merk” enige ontwerp, brandmerk, opskrif, etiket, kaartjie, naam, handtekening, woord, letter of syfer, of ’n samestelling daarvan; (xii)
- (viii) „Minister” die Minister van Ekonomiese Sake; (xiii)
- (ix) „navorsingsraad” die Wetenskaplike en Nywerheidsnavorsingsraad ingestel by artikel *twee* van die Wet op die Wetenskaplike Navorsingsraad, 1945 (Wet No. 33 van 1945); (xiv)
- (x) „onderskeidingsmerk” ’n merk wat ingevolge paragraaf (b) van sub-artikel (1) van artikel *vyftien* voorgeskryf is; (ix)
- (xi) „praktykreëls” ’n stel reëls met betrekking tot die metodes wat toegepas of die prosedure wat gevolg moet word in verband met die konstruksie, installasie, toets, werking of aanwending van ’n artikel, apparaat, werktuig, middel of proses; (iv)
- (xii) „raad” die Raad van die Suid-Afrikaanse Buro vir Standaarde vermeld in artikel *vier*; (vi)
- (xiii) „spesifikasie” ’n beskrywing van ’n handelsartikel na aanleiding van sy aard, kwaliteit, sterkte, suiwerheid, samestelling, hoeveelheid, afmetings, gewig, graad, duursaamheid, herkoms, ouderdom of ander kenmerke, of van die materiaal of stof waaruit of waarmee ’n handelsartikel vervaardig, geproduseer, bewerk of behandel kan word, of van die wyse waarop dit gedoen kan word; (xvi)
- (xiv) „Staatsdepartement” ook die Administrasie van die Gebied; (vii)
- (xv) „Staatskoerant” met betrekking tot die Gebied, die *Offisiële Koerant* van die Gebied; (x)
- (xvi) „standaardmerk” ’n merk wat ingevolge sub-artikel (1) van artikel *veertien* tot ’n standaardmerk verklaar is, en ook so ’n merk soos gewysig ingevolge genoemde sub-artikel; (xvii)
- (xvii) „standaardspesifikasie” ’n spesifikasie wat die onderwerp is van ’n kennisgewing wat ingevolge artikel *veertien* gepubliseer is en waarby ’n merk tot ’n standaardmerk ten opsigte van ’n handelsartikel of die vervaardiging, produksie, bewerking of behandeling van ’n handelsartikel verklaar word; (xviii)
- (xviii) „verkoop” ook vir verkoop uitstal of aanbod, of vir verkoop of ingevolge ’n verkoping uitvoer, of vir verkoop of uitvoer of vir handels- of vervaardigingsdoeleindes besit; (xv)

No. 33, 1962.]

ACT

To consolidate and amend the laws providing for the promotion of the standardization of commodities and of the manufacture, production, processing or treatment thereof, and for the establishment of the South African Bureau of Standards, and to provide for matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 26th March, 1962.)

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

1. In this Act, unless the context otherwise indicates— **Definitions.**
- (i) "Akademie" means the "Suid-Afrikaanse Akademie vir Wetenskap en Kuns"; (i)
 - (ii) "associated societies" means the Associated Scientific and Technical Societies of South Africa; (iv)
 - (iii) "bureau" means the South African Bureau of Standards established by section *two* of the Standards Act, 1945 (Act No. 24 of 1945); (ii)
 - (iv) "code of practice" means a set of rules relating to the methods to be applied or the procedure to be adopted in connection with the construction, installation, testing, operation or use of any article, apparatus, instrument, device or process; (xi)
 - (v) "compulsory standard specification" means a specification which has been declared a compulsory standard specification in terms of sub-section (1) of section *fifteen*, and includes any such specification as amended in terms of the said sub-section; (xix)
 - (vi) "council" means the Council of the South African Bureau of Standards referred to in section *four*; (xii)
 - (vii) "department of State" includes the Administration of the Territory; (xiv)
 - (viii) "director" means the director of the bureau appointed in terms of section *twelve*; (iii)
 - (ix) "distinctive mark" means a mark which has been prescribed in terms of paragraph (b) of sub-section (1) of section *fifteen*; (x)
 - (x) "*Gazette*", in relation to the Territory, means the *Official Gazette* of the Territory; (xv)
 - (xi) "inspector" means an inspector appointed in terms of section *eighteen*; (vi)
 - (xii) "mark" means any device, brand, heading, label, ticket, name, signature, word, letter or numeral, or any combination thereof; (vii)
 - (xiii) "Minister" means the Minister of Economic Affairs; (viii)
 - (xiv) "research council" means the Scientific and Industrial Research Council established by section *two* of the Scientific Research Council Act, 1945 (Act No. 33 of 1945); (ix)
 - (xv) "sell" includes expose or offer for sale, or export for or in pursuance of a sale, or have in possession for the purpose of sale or export or for any purpose of trade or manufacture; (xviii)
 - (xvi) "specification" means a description of any commodity by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age or other characteristics, or of the material or substance from or with which any commodity may be manufactured, produced, processed or treated, or of the manner in which this may be done; (xiii)
 - (xvii) "standardization mark" means a mark which has in terms of sub-section (1) of section *fourteen* been declared to be a standardization mark, and includes any such mark as amended in terms of the said sub-section; (xvi)
 - (xviii) "standard specification" means a specification which is the subject of a notice published in terms of section *fourteen* and declaring any mark to be a standardization mark in respect of any commodity or the manufacture, production, processing or treatment of any commodity; (xvii)

- (xix) „verpligte standaardspesifikasie” ’n spesifikasie wat ingevolge sub-artikel (1) van artikel vyftien tot ’n verpligte standaardspesifikasie verklaar is, en ook so ’n spesifikasie soos gewysig ingevolge genoemde sub-artikel. (v)

Bestuur en
beheer van buro.

2. Die buro word bestuur en beheer deur die raad.

Oogmerke van
buro.

3. Die oogmerke van die buro is—

- (a) om standaardisasie in die nywerheid en die handel te bevorder;
- (b) om spesifikasies en praktykreëls te berei, op te stel, te verander of te wysig;
- (c) om reëlins te tref of fasiliteite daar te stel vir die toets en kalibrering van presisie-instrumente en meet- en wetenskaplike apparaat, vir die bepaling van hul juistheidsgraad deur vergelyking met standarde deur die Minister goedgekeur op aanbeveling van die raad, en vir die uitreiking van sertifikate in verband daarmee;
- (d) om reëlins te tref of fasiliteite daar te stel vir die ondersoek en toets van handelsware en enige materiaal of stof waaruit of waarmee dit vervaardig, geproduseer, bewerk of behandel kan word, en van die wyse waarop dit gedoen kan word;
- (e) om ooreenkomstig die bepalings van hierdie Wet, die gebruik van standaardmerke en onderskeidingsmerke te beheer;
- (f) om voorligtingswerk in verband met standaardisasie aan te moedig of te onderneem;
- (g) om voorsiening te maak vir medewerking met enige persoon, vereniging of organisasie buite die Republiek wat oogmerke het wat soortgelyk aan dié van die buro is;
- (h) om hulp te verleen aan ’n Staatsdepartement of ’n plaaslike owerheid of ander openbare liggaam by die bereiding en opstel van spesifikasies of praktykreëls deur hom benodig;
- (i) om voorsiening te maak vir medewerking met die verteenwoordigers van enige vertakking van die nywerheid of met enige Staatsdepartement, plaaslike owerheid of ander openbare liggaam of met enige persoon, ten einde standaardisering in verband met handelsware te bewerkstellig;
- (j) om op versoek van die Minister en ten behoeve van die Staat of die Administrasie van die Gebied, voorsiening te maak vir die toets van plaaslik vervaardigde of ingevoerde handelsware ten einde vas te stel of daardie handelsware voldoen aan die voorskrifte van die Handelwaremerke-wet, 1941 (Wet No. 17 van 1941), of van enige ander wet betreffende kwaliteit-standarde.

Instelling van
raad.

4. Hierby word ’n regspersoon met die naam Raad van die Suid-Afrikaanse Buro vir Standaarde ingestel.

Samestelling van
raad.

5. (1) Behoudens die bepalings van sub-artikel (2) bestaan die raad uit vyf lede wat die Minister moet aanstel en van wie—

- (a) één iemand moet wees wat die Minister aanstel om voorsitter van die raad te wees;
- (b) twee persone moet wees wat die Minister kies uit vyf persone wie se name die Akademie aan hom voorgelê het; en
- (c) twee persone moet wees wat die Minister kies uit vyf persone wie se name die geassosieerde genootskappe aan hom voorgelê het.

(2) Die Minister kan ná oorlegpleging met die raad soos ingevolge sub-artikel (1) saamgestel, hoogstens drie bykomende lede van die raad aanstel.

(3) Iemand wat onmiddellik vóór die inwerkingtreding van hierdie Wet ’n lid van die navorsingsraad is uit hoofde van die feit dat hy gekies is uit persone wie se name deur die Akademie of die geassosieerde genootskappe voorgelê is, hou by sodanige inwerkingtreding op om so ’n lid te wees en word dan ’n lid van die raad, en word geag as sodanig aangestel te wees ingevolge paragraaf (a) of (b) van sub-artikel (1), na gelang van die geval: Met dien verstande dat die ampstermyn van so iemand as lid van die raad verstryk op die datum waarop sy amps- termyn as lid van die navorsingsraad sou verstryk het indien hy so ’n lid gebly het.

(xix) "Territory" means the territory of South-West Africa. (v)

2. The bureau shall be managed and controlled by the council. Management and control of bureau.

3. The objects of the bureau are— Objects of bureau.

- (a) to promote standardization in industry and commerce;
- (b) to prepare, frame, modify or amend specifications and codes of practice;
- (c) to make arrangements or provide facilities for the testing and calibration of precision instruments, gauges and scientific apparatus, for the determination of their degree of accuracy by comparison with standards approved by the Minister on the recommendation of the council, and for the issue of certificates in regard thereto;
- (d) to make arrangements or provide facilities for the examination and testing of commodities and any material or substance from or with which they may be manufactured, produced, processed or treated, and of the manner in which this may be done;
- (e) to control, in accordance with the provisions of this Act, the use of standardization marks and distinctive marks;
- (f) to encourage or undertake educational work in connection with standardization;
- (g) to provide for co-operation with any person, association or organization outside the Republic having objects similar to those of the bureau;
- (h) to assist any department of State or any local authority or other public body in the preparation and framing of any specifications or codes of practice required by it;
- (i) to provide for co-operation with the representatives of any branch of industry or with any department of State, local authority or other public body or with any person, with a view to bringing about standardization in connection with commodities;
- (j) to provide, at the request of the Minister and on behalf of the State or the Administration of the Territory, for the testing of locally manufactured or imported commodities with a view to determining whether such commodities comply with the provisions of the Merchandise Marks Act, 1941 (Act No. 17 of 1941), or any other law in regard to standards of quality.

4. There is hereby established a corporate body to be known as the Council of the South African Bureau of Standards. Establishment of council.

5. (1) Subject to the provisions of sub-section (2) the council shall consist of five members, to be appointed by the Minister, of whom— Constitution of council.

- (a) one shall be a person appointed by the Minister to be chairman of the council;
- (b) two shall be persons selected by the Minister from amongst five persons whose names the Akademie submitted to him; and
- (c) two shall be persons selected by the Minister from amongst five persons whose names the associated societies submitted to him.

(2) The Minister may, after consultation with the council as constituted in terms of sub-section (1), appoint not more than three additional members of the council.

(3) Any person who immediately prior to the commencement of this Act is a member of the research council by virtue of the fact that he was selected from amongst persons whose names were submitted by the Akademie or the associated societies, shall, at such commencement, cease to be such a member and shall then become a member of the council, and shall be deemed to have been appointed as such in terms of paragraph (a) or (b) of sub-section (1), as the case may be: Provided that the period of office of any such person as a member of the council shall expire on the date on which his period of office as a member of the research council would have expired if he had remained such a member.

Versuim van Akademie of geassosieerde genootskappe om name van persone of name van geskikte persone voor te lê vir aanstelling as lede van raad.

6. (1) Indien die Akademie versuim om die name van persone vermeld in paragraaf (b) van sub-artikel (1) van artikel vyf voor te lê binne dertig dae ná die datum waarop hy deur die Minister versoek word om dit te doen, of indien daar onder die persone wie se name voorgelê word, niemand is, of slegs één persoon is, wat, volgens die oordeel van die Minister, geskik is vir aanstelling as lid van die raad, moet die Minister die Akademie by skriftelike kennisgewing aansê om daardie name of vyf of vier ander name, na gelang van die geval, voor te lê binne dertig dae ná die datum waarop hy aldus aangesê word.

(2) Indien die Akademie versuim om aan die kennisgewing te voldoen of indien daar onder die persone wie se name voorgelê is ingevolge die kennisgewing en die versoek in sub-artikel (1) vermeld, niemand is of slegs één persoon is, wat, volgens die oordeel van die Minister, geskik is vir aanstelling as lid van die raad, kan die Minister ingevolge paragraaf (b) van sub-artikel (1) van artikel vyf twee persone as lede aanstel sonder dat enige name of hul name aan hom voorgelê is, of, na gelang van die geval, iemand as lid aanstel sonder dat sy naam aldus voorgelê is.

(3) Die bepalinge van sub-artikels (1) en (2) is *mutatis mutandis* van toepassing in verband met die aanstelling van lede van die raad ingevolge paragraaf (c) van sub-artikel (1) van artikel vyf.

Ampstermyn, en besoldiging van lede van en toevallige vakatures in raad.

7. (1) Die voorsitter van die raad beklee sy amp so lank dit die Minister behaag, en behalwe vir sover by regulasie anders bepaal word, beklee 'n ander lid van die raad sy amp vir die tydperk wat die Minister in die geval van daardie lid bepaal, maar wat nie langer as drie jaar mag wees nie.

(2) Die Minister moet 'n toevallige vakature in die raad aanvul deur—

(a) in die geval van die voorsitter, iemand anders as lid en voorsitter aan te stel; en

(b) in die geval van 'n ander lid, iemand anders aan te stel vir die onverstreke gedeelte van die tydperk waarvoor die lid wie se amp vakant geword het, aangestel was, en wel op die wyse waarop hy aangestel was.

(3) 'n Lid wie se ampstermyn verstryk het, kan weer aangestel word.

(4) Die raad moet aan iemand wat voorsitter of 'n ander lid van die raad is en nie in die voltijdse diens van die Staat is nie, die besoldiging en toelaes betaal wat die Minister ná oorlegpleging met die Minister van Finansies bepaal.

(5) (a) Die raad moet aan iemand wat voorsitter of 'n ander lid van die raad is en in die voltijdse diens van die Staat is, ten opsigte van reis- en verblyfkooste deur hom aangegaan in verband met die sake van die buro, die toelaes betaal wat die Minister ná oorlegpleging met die Minister van Finansies bepaal: Met dien verstande dat behalwe op aanbeveling van die Staatsdienskommissie, sodanige toelaes nie hoër mag wees nie as dié wat ten opsigte van so iemand se werk in diens van die Staat aan hom betaalbaar is.

(b) Die raad mag nie, behalwe op aanbeveling van die Staatsdienskommissie, aan so iemand enige besoldiging, benewens sy besoldiging ten opsigte van daardie diens, betaal nie vir dienste deur hom as voorsitter of as 'n ander lid van die raad gelewer.

Vergaderings van die raad.

8. (1) Die eerste vergadering van die raad moet gehou word op die tyd en plek wat die Minister bepaal, en alle daaropvolgende vergaderings op die tye en plekke wat die raad vasstel.

(2) Die voorsitter van die raad kan te eniger tyd 'n spesiale vergadering van die raad byeenroep, en dit moet gehou word op die tyd en plek wat die voorsitter gelas.

Kworum, meerderheidsbesluit en beslissende stem van voorsitter.

9. (1) Die kworum vir 'n vergadering van die raad is vier lede daarvan, met inbegrip van addisionele lede wat ingevolge sub-artikel (2) van artikel vyf aangestel is.

(2) Wanneer die voorsitter van die raad afwesig is of nie in staat is om sy pligte as voorsitter te verrig nie, kan die Minister iemand aanstel om tydens sy afwesigheid of onvermoë as voorsitter van die raad op te tree, en indien die voorsitter of iemand aldus deur die Minister aangestel, van 'n vergadering van die raad afwesig is, kan die lede wat daarop aanwesig is, een uit hul midde kies om op daardie vergadering as voorsitter op te tree.

(3) 'n Besluit van die raad moet geskied by besluit van die meerderheid van die lede wat op 'n vergadering van die raad aanwesig is, en by 'n staking van stemme oor enige saak, het die persoon wat op die betrokke vergadering as voorsitter

6. (1) If the Akademie fails to submit the names of persons referred to in paragraph (b) of sub-section (1) of section five within thirty days after the date on which it is requested by the Minister to do so, or if amongst the persons whose names are submitted, there is no person or only one person who, in the opinion of the Minister, is suitable for appointment as a member of the council, the Minister shall by notice in writing call upon the Akademie to submit such names or five or four other names, as the case may be, within thirty days after the date on which it is so called upon.

Failure of Akademie or associated societies to submit names of persons or names of suitable persons for appointment as members of council.

(2) If the Akademie fails to comply with the notice or if amongst the persons whose names are submitted in pursuance of the notice and the request referred to in sub-section (1), there is no person or only one person who, in the opinion of the Minister, is suitable for appointment as a member of the board, the Minister may in terms of paragraph (b) of sub-section (1) of section five appoint two persons as members without any names or their names having been submitted to him or, as the case may be, appoint a person as a member without his name having been so submitted.

(3) The provisions of sub-sections (1) and (2) shall *mutatis mutandis* apply in connection with the appointment of members of the council in terms of paragraph (c) of sub-section (1) of section five.

7. (1) The chairman of the council shall hold office during the Minister's pleasure and any other member of the council shall, save as may be otherwise prescribed by regulation, hold office for such period, not exceeding three years, as the Minister may in the case of that member determine.

Period of office and remuneration of members of and casual vacancies on council.

(2) The Minister shall fill a casual vacancy on the council—

- (a) in the case of the chairman, by the appointment of another person as member and chairman; and
- (b) in the case of any other member, by the appointment of another person for the unexpired portion of the period for which the member whose office has become vacant, had been appointed, and in the manner in which he was appointed.

(3) A member whose period of office has expired shall be eligible for re-appointment.

(4) The council shall pay to any person who is the chairman or another member of the council and is not in the full-time employment of the State, such remuneration and allowances as the Minister may after consultation with the Minister of Finance determine.

(5) (a) The council shall pay to any person who is the chairman or another member of the council and is in the full-time employment of the State, in respect of travelling and subsistence expenses incurred by him in connection with the business of the bureau, such allowances as the Minister may after consultation with the Minister of Finance determine: Provided that except on the recommendation of the Public Service Commission such allowances shall not exceed those which are payable to such person in respect of his work in the service of the State.

(b) The council shall not, except on the recommendation of the Public Service Commission, pay to any such person any remuneration, in addition to his remuneration in respect of such service, for services rendered by him as chairman or as another member of the council.

8. (1) The first meeting of the council shall be held at such time and place as the Minister may determine, and all subsequent meetings at such times and places as the council may fix.

Meetings of the council.

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

9. (1) The quorum for a meeting of the council shall be four of the members thereof, including any additional members appointed in terms of sub-section (2) of section five.

Quorum, majority decision and chairman's casting vote.

(2) When the chairman of the council is absent or unable to fulfil his duties as chairman, the Minister may appoint any person to act as chairman of the council during such absence or inability, and if the chairman or a person so appointed by the Minister is absent from any meeting of the council, the members present thereat may elect one of their number to preside at that meeting.

(3) A decision of the council shall be by a resolution of the majority of the members present at any meeting of the council, and, in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting

optree, 'n beslissende stem benewens sy beraadslagende stem as lid van die raad.

Werksaamhede van raad.

10. (1) Die werksaamhede van die raad is—

(a) om op breë nasionale grondslag die beleid te formuleer wat hy, onderworpe aan die goedkeuring van die Minister, moet volg ten einde die oogmerke van die buro te bereik;

(b) om die Minister van advies te dien met betrekking tot enige aangeleentheid wat ingevolge hierdie Wet binne sy bevoegdheid val.

(2) Die raad kan—

(a) met goedkeuring van die Minister, roerende of onroerende goed aankoop of op ander wyse verkry of besit, vervreem, huur of verhuur, en laboratoria en ander fasiliteite daarstel ter bereiking van die oogmerke van die buro; en

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

(3) Die raad kan op versoek van enigiemand, met inbegrip van 'n Staatsdepartement of 'n Staatsbeheerde liggaam of 'n plaaslike bestuur of 'n ander openbare liggaam, ondersoeke of toetse uitvoer ten opsigte van besondere handelsware, of vergelykende ondersoeke of toetse ten opsigte van ingevoerde en plaaslik vervaardigde handelsware, of ten opsigte van handelsware van verskillende merke of fabrikate, en kan oor 'n ondersoek of toets aldus uitgevoer, verslae verstrek onderworpe aan die voorwaardes wat hy goedvind, met inbegrip van voorwaardes aangaande die gebruik wat van sodanige verslae gemaak kan word, en voorwaardes waarby die bekendmaking van inligting vervat in sodanige verslae, verbied of beperk word.

Instelling van komitees.

11. (1) Die raad kan komitees instel om hom by die verrigting van sy werksaamhede behulpsaam te wees, en kan na goeddunke enigiemand as lid van so 'n komitee aanstel, hetsy hy aan die buro verbonde is of nie.

(2) Die raad kan na goeddunke enige bevoegdheid wat hy besit, toewys aan 'n komitee wat aldus ingestel is, maar word nie ontdoen van 'n bevoegdheid wat hy aan so 'n komitee toegewys het nie, en kan 'n besluit van so 'n komitee wysig of intrek.

(3) Die raad kan uit sy fondse aan die lede van so 'n komitee die besoldiging en toelaes betaal wat die Minister ná oorlegpleging met die Minister van Finansies bepaal: Met dien verstande dat die bepaling van sub-artikel (5) van artikel *sewe mutatis mutandis* van toepassing is ten opsigte van 'n lid van so 'n komitee wat in die voltydse diens van die Staat is.

Aanstelling van direkteur en personeel van buro, lidmaatskap van voorsorgsfonds, en oorplasing van sekere persone van personeel van navorsingsraad na dié van raad.

12. (1) Die raad moet iemand wat behoorlike wetenskaplike en tegniese kwalifikasies besit en deur die Minister goedgekeur is, as direkteur van die buro aanstel, en moet ook die personeel aanstel wat die raad nodig ag ter bereiking van die oogmerke van die buro.

(2) Wanneer die direkteur om een of ander rede afwesig is of nie in staat is om sy pligte uit te voer nie, kan die raad iemand anders wat deur die Minister goedgekeur is, aanstel om tydens sy afwesigheid of onvermoë as direkteur op te tree.

(3) Die taak van die direkteur is om die werksaamhede van die buro te organiseer, uit te voer en te bestuur ooreenkomstig die beleid wat die raad ingevolge artikel *tien* aanvaar het.

(4) Iemand wat as lid van die personeel van die raad aangestel is, moet die pligte verrig wat die raad van tyd tot tyd aan hom opdra.

(5) Die direkteur en die ander lede van die personeel van die raad wat in sy voltydse diens is en poste beklee wat deur die Minister goedgekeur is, moet lede wees van, en moet bydra tot, die voorsorgsfonds ingestel kragtens artikel *twaalf* van die „Wet tot Addisionele Regeling van het Hoger Onderwijs, 1917” (Wet No. 20 van 1917), op dieselfde wyse en op dieselfde voorwaardes asof hulle lede was van die onderwys- of administratiewe personeel van 'n universiteit soos by artikel *een* van die Wet op Universiteite, 1955 (Wet No. 61 van 1955), omskryf en die raad word vir die doeleindes van genoemde voorsorgsfonds geag 'n universiteit te wees soos aldus omskryf.

(6) Die raad word geag 'n „raad” te wees soos omskryf by die regulasies wat genoemde voorsorgsfonds reël, en moet, ondanks andersluidende bepalinge, die bydraes in dié fonds stort wat die Staat andersins daarin sou moes gestort het ten opsigte van die direkteur en die ander lede van die personeel van die raad wat lede van genoemde voorsorgsfonds is.

vote in addition to his deliberative vote as a member of the council.

10. (1) The functions of the council shall be—

Functions
of council.

- (a) to formulate, on broad national lines, the policy which, subject to the approval of the Minister, shall be adopted by it with a view to achieving the objects of the bureau;
- (b) to advise the Minister in regard to any matter within his purview under this Act.

(2) The council may—

- (a) with the approval of the Minister purchase or otherwise acquire or hold, alienate, let or hire movable or immovable property, and establish laboratories and other facilities for achieving the objects of the bureau; and
- (b) do all such things as are conducive to the attainment of the said objects, or which are calculated directly or indirectly to enhance the value of or render profitable any property or rights of the council.

(3) The council may at the request of any person, including any department of State or State-controlled body or any local authority or other public body, carry out examinations or tests in respect of any particular commodities, or comparative examinations or tests in respect of imported and locally produced commodities or in respect of commodities of different makes or brands, and may furnish reports on any examination or test so carried out subject to such conditions as it may deem fit, including conditions as to the use which may be made of such reports, and conditions prohibiting or restricting the disclosure of any information contained in such reports.

11. (1) The council may establish committees to assist it in the performance of its functions and may in its discretion appoint any person as a member of any such committee, whether he is connected with the bureau or not.

Establishment of
committees.

(2) The council may in its discretion assign any of its powers to a committee so established, but shall not be divested of any power which it may have assigned to a committee, and may amend or withdraw any decision of such a committee.

(3) The council may out of its funds pay to the members of any such committee such remuneration and allowances as the Minister may after consultation with the Minister of Finance determine: Provided that the provisions of sub-section (5) of section *seven* shall *mutatis mutandis* apply in respect of any member of such a committee who is in the full-time service of the State.

12. (1) The council shall appoint a person suitably qualified scientifically and technically and approved by the Minister, as director of the bureau, and shall also appoint such staff as the council may deem necessary for achieving the objects of the bureau.

Appointment of
director and staff of
bureau, member-
ship of provident
fund, and transfer
of certain persons
from staff of re-
search council to
that of council.

(2) Whenever for any reason the director is absent or unable to fulfil his duties, the council may appoint some other person approved by the Minister, to act as director during such absence or inability.

(3) The functions of the director shall be to organize, carry out and direct the work of the bureau in accordance with the policy adopted by the council in terms of section *ten*.

(4) Any person appointed as a member of the staff of the council shall perform the duties assigned to him from time to time by the council.

(5) The director and the other members of the staff of the council who are in the full-time service of the council and occupy posts approved by the Minister, shall be members of and shall contribute to the provident fund established under section *twelve* of the Higher Education Additional Provision Act, 1917 (Act No. 20 of 1917), in the same manner and subject to the same conditions as if they were members of the teaching or administrative staff of a university as defined by section *one* of the Universities Act, 1955 (Act No. 61 of 1955), and the council shall for the purposes of the said fund be deemed to be a university as so defined.

(6) The council shall be deemed to be a "council" as defined by the regulations governing the said provident fund and shall, anything to the contrary notwithstanding, pay to the said fund the contributions that the State would otherwise have been required to pay to it in respect of the director and the other members of the staff of the council who are members of the said fund.

(7) Indien iemand onmiddellik vóór die inwerkingtreding van hierdie Wet in diens van die navorsingsraad as direkteur van die buro is, word hy geag ingevolge sub-artikel (1) deur die raad as direkteur van die buro aangestel te wees vanaf sodanige inwerkingtreding, en al die ander persone wat onmiddellik vóór sodanige inwerkingtreding in diens van die navorsingsraad vir die doeleindes van die buro is, word geag ingevolge genoemde sub-artikel deur die raad as lede van die personeel van die buro aangestel te wees vanaf sodanige inwerkingtreding.

(8) Enige ononderbroke diens van iemand vermeld in sub-artikel (7) as amptenaar van die navorsingsraad, en enige diens van so iemand wat ingevolge 'n wet geag word ononderbroke diens as amptenaar van die navorsingsraad te wees, word vir die doeleindes van die voorsorgsfonds vermeld in sub-artikel (5) geag ononderbroke diens as lid van die personeel van die raad te wees.

(9) Die pensioengewende verdienste onmiddellik vóór die inwerkingtreding van hierdie Wet, van iemand vermeld in sub-artikel (7), ten opsigte van sy diens by die navorsingsraad, en waar 'n salarisskaal dan in sy geval van toepassing is, sy vordering volgens daardie skaal, mag nie sonder sy toestemming verander word nie, en enige ander regte of voorregte wat so iemand ten opsigte van sodanige diens verkry het, word geag ten opsigte van diens by die raad verkry te wees.

Finansiering van buro.

13. (1) Die raad moet 'n kapitaalfonds instel wat gekrediteer moet word met die geld wat die Parlement vir dié doel bewillig het, enige geld vermeld in sub-artikel (2) van artikel *agt-en-twintig*, en bydraes daartoe uit enige ander bron.

(2) Die raad moet die kapitaalfonds slegs vir uitgawes van 'n kapitale aard aanwend, maar kan enige onbestede gedeelte daarvan belê en moet die geld wat daardeur verkry word, of by die fonds voeg of vir die oogmerke van die buro aanwend op 'n wyse deur die raad bepaal en deur die Minister goedgekeur.

(3) Die Minister kan uit geld wat die Parlement of die Wetgewende Vergadering van die Gebied vir dié doel bewillig het, en op die voorwaardes wat die Minister van Finansies mag bepaal, jaarliks vir die doeleindes in sub-artikel (4) bedoel, die bedrag bydra wat die Minister ná oorlegpleging met die Minister van Finansies bepaal.

(4) Die raad moet die geld wat kragtens sub-artikel (3) bygedra word, aanwend vir die bestryding van sy jaarlikse lopende uitgawes, met inbegrip van die besoldiging en toelaes van lede van die raad en van enige komitee ingevolge artikel *elf* ingestel, en van die direkteur en personeel ingevolge artikel *twaalf* aangestel, en kan na goeddunke enige saldo van daardie geld wat aan die end van 'n boekjaar van die raad oorbly, aanwend vir die bestryding van die lopende uitgawes van die volgende boekjaar van die raad, of vir die oogmerke van die buro.

(5) Behoudens die bepalings van enige regulasies ingevolge artikel *sewe-en-twintig* uitgevaardig, kan die raad ten opsigte van dienste wat hy kragtens hierdie Wet gelewer het, die gelde vorder of die ander geldelike reëlins tref wat hy goedvind, en die raad moet met die inkomste verkry uit sodanige gelde of ten gevolge van sodanige reëlins, op die wyse handel wat by sub-artikel (4) voorgeskryf is ten opsigte van geld deur die Minister bygedra.

(6) Die raad kan van enige persoon skenkings of bydraes ontvang, en moet geld wat aldus verkry word, aanwend vir die doel wat die skenker of bydraer aanwys, en volgens die voorwaardes wat hy voorskryf, of, indien hy nie so 'n doel aanwys en nie sodanige voorwaardes voorskryf nie, daardie geld aanwend op die wyse by sub-artikel (4) voorgeskryf ten opsigte van geld deur die Minister bygedra, of op 'n ander wyse wat die Minister mag gelas.

Standaardmerke.

14. (1) Die raad kan met goedkeuring van die Minister en met inagneming van die bepalings van sub-artikels (2) en (3), by kennisgewing in die *Staatskoerant* 'n merk wat die raad gekies het ten opsigte van 'n spesifikasie deur hom opgestel vir enige handelsware of vir die vervaardiging, produksie, bewerking of behandeling van enige handelsware, verklaar tot 'n standaardmerk ten opsigte van daardie handelsware of die vervaardiging, produksie, bewerking of behandeling van daardie handelsware, en kan so 'n merk insgelyks afskaf of wysig.

(2) (a) So 'n kennisgewing wat 'n merk tot 'n standaardmerk verklaar, moet dié besonderhede aangaande die betrokke spesifikasie bevat wat die raad nodig ag.

(7) If any person is immediately prior to the commencement of this Act in the service of the research council as director of the bureau, he shall be deemed to have been appointed by the council in terms of sub-section (1) as director of the bureau as from such commencement, and all other persons who are immediately prior to such commencement in the service of the research council for the purposes of the bureau, shall be deemed to have been appointed by the council in terms of the said sub-section as members of the staff of the bureau as from such commencement.

(8) Any continuous service of any person referred to in sub-section (7) as an officer of the research council, and any service of any such person which is in terms of any law deemed to be continuous service as an officer of the research council shall for the purposes of the provident fund referred to in sub-section (5) be deemed to be continuous service as a member of the staff of the council.

(9) The pensionable emoluments immediately prior to the commencement of this Act of any person referred to in sub-section (7), in respect of his service with the research council, and, where a salary scale was then applicable in his case, his progress according to that scale, shall not be altered without his consent, and any other rights or privileges acquired by any such person in respect of such service, shall be deemed to have been acquired in respect of service with the council.

13. (1) The council shall establish a capital fund to the credit of which shall be placed any moneys appropriated by Parliament for the purpose, any moneys referred to in sub-section (2) of section *twenty-eight*, and any contributions thereto from any other source. Financing of bureau.

(2) The council shall utilize the capital fund for expenditure of a capital nature only, but may invest any unexpended portion thereof and shall either add to the fund or utilize for the objects of the bureau in a manner determined by the council and approved by the Minister, any moneys obtained thereby.

(3) The Minister may out of moneys appropriated by Parliament or the Legislative Assembly of the Territory for the purpose, and subject to such conditions as the Minister of Finance may determine, contribute annually for the purposes contemplated in sub-section (4), such an amount as the Minister may after consultation with the Minister of Finance determine.

(4) The council shall utilize the moneys contributed in terms of sub-section (3) for defraying its annual running expenses, including the remuneration and allowances of the members of the council and of any committee established in terms of section *eleven*, and of the director and the staff appointed in terms of section *twelve*, and may in its discretion utilize any balance of those moneys remaining at the end of a financial year of the council, for defraying the running expenses of the next financial year of the council or for the objects of the bureau.

(5) Subject to the provisions of any regulations made in terms of section *twenty-seven* the council may, in respect of any services rendered by it under this Act, charge such fees or make such other financial arrangements as it may deem fit, and the council shall deal with any revenue obtained from such fees or in respect of such arrangements in the manner prescribed by sub-section (4) in respect of moneys contributed by the Minister.

(6) The council may receive donations or contributions from any person and shall use any moneys so acquired for the purpose designated and in accordance with the conditions imposed by the donor or contributor, or, if no purpose has been so designated and no conditions have been so imposed, utilize such moneys in the manner prescribed by sub-section (4) in respect of moneys contributed by the Minister, or in such other manner as the Minister may direct.

14. (1) The council may with the approval of the Minister and subject to the provisions of sub-sections (2) and (3), by notice in the *Gazette* declare any mark adopted by the council in respect of a specification framed by it for any commodity, or for the manufacture, production, processing or treatment of any commodity, to be a standardization mark in respect of that commodity or the manufacture, production, processing or treatment of that commodity, and may in like manner abolish or amend any such mark. Standardization marks.

(2) (a) Any such notice declaring a mark to be a standardization mark shall contain such particulars concerning the specification in question as the council may consider necessary.

- (b) Die raad kan so 'n spesifikasie wysig, en indien hy dit doen, moet hy dié besonderhede van die wysiging wat hy nodig ag, in die *Staatskoerant* publiseer.
- (3) 'n Merk wat dieselfde is as 'n handelsmerk wat kragtens die „Wet op Modellen, Handelsmerken en Auteursrecht, 1916” (Wet No. 9 van 1916), of die „Proklamatie op Patenten, Modellen, Handelsmerken en Auteursrechten, 1923” (Proklamasie No. 17 van 1923 van die Gebied), geregistreer is ten opsigte van enige handelsware, of soveel op so 'n merk lyk dat dit waarskynlik daarvoor aangesien sal word, mag nie ingevolge sub-artikel (1) tot 'n standaardmerk verklaar word nie ten opsigte van daardie handelsware of enige soortgelyke handelsware, of ten opsigte van die vervaardiging, produksie, bewerking of behandeling van daardie handelsware of enige soortgelyke handelsware, en 'n merk wat dieselfde is as 'n merk wat behoorlik tot 'n standaardmerk verklaar is, of soveel op so 'n merk lyk dat dit waarskynlik daarvoor aangesien sal word, mag nie kragtens daardie Wet of proklamasie as 'n handelsmerk ten opsigte van enige handelsware geregistreer word nie.
- (4) Indien die raad 'n kennisgewing wat 'n merk tot 'n standaardmerk verklaar, ingevolge sub-artikel (1) uitgevaardig het, mag niemand dié standaardmerk op enige handelsware aanbring nie, behalwe uit hoofde van 'n permit uitgereik deur die raad of iemand wat op sy gesag handel, en tensy daardie handelsware aan die toepaslike spesifikasie voldoen, of ooreenkomstig dié spesifikasie vervaardig, geproduseer, bewerk of behandel is.
- (5) By die toepassing van sub-artikel (4) word iemand geag 'n standaardmerk op handelsware aangebring te hê indien hy—
- daardie merk aanbring op 'n houer of omhulsel van daardie handelsware, of op 'n etiket wat aan daardie handelsware of aan 'n houer of omhulsel daarvan geheg is;
 - daardie handelsware plaas of insluit in 'n houer of omhulsel waarop daardie merk aangebring is of waaraan 'n etiket geheg is waarop daardie merk aangebring is; of
 - in verband met die verkoop van daardie handelsware regstreeks of onregstreeks na daardie merk verwys op 'n wyse of onder omstandighede wat bereken is om die indruk te wek dat daardie handelsware voldoen aan die spesifikasie waarop daardie merk betrekking het, of dat dit vervaardig, geproduseer, bewerk of behandel is ooreenkomstig dié spesifikasie.
- (6) (a) Die raad of iemand wat op sy gesag handel, kan na goeddunke 'n permit vermeld in sub-artikel (4) uitreik of weier om dit te doen, en indien die raad of so iemand so 'n permit uitreik, kan hy dit doen op die voorwaardes en vir die tydperk wat hy bepaal en daarin vermeld.
- (b) So 'n permit kan slegs uitgereik word teen betaling van die gelde wat die raad met goedkeuring van die Minister bepaal, en kan te eniger tyd deur die raad of iemand wat op sy gesag handel, ingetrek word by skriftelike kennisgewing aan die persoon aan wie dit uitgereik is.
- (7) Niemand mag in verband met die verkoop van handelsware, regstreeks of onregstreeks na die buro of die raad of 'n spesifikasie wat deur die raad opgestel is, of ten opsigte waarvan hy voorgee dat dit deur die raad opgestel is, verwys nie op 'n wyse of onder omstandighede wat bereken is om die indruk te wek dat dié handelsware voldoen aan 'n spesifikasie deur die raad opgestel vir daardie handelsware of vir die vervaardiging, produksie, bewerking of behandeling daarvan, of deur die raad of die buro goedgekeur is, tensy die raad ingevolge hierdie artikel 'n merk verklaar het tot 'n standaardmerk ten opsigte van 'n spesifikasie deur die raad opgestel vir die betrokke handelsware, of vir die vervaardiging, produksie, bewerking of behandeling daarvan, en so iemand in besit is van 'n permit wat uitgereik is ingevolge sub-artikel (6) en hom magtig om genoemde standaardmerk op daardie handelsware aan te bring.
- (8) Indien van iemand verlang word om in 'n tender, kontrak of ander dokument te verklaar of enige handelsware wat deur hom vervaardig, geproduseer, bewerk of behandel is, of die vervaardiging, produksie, bewerking of behandeling daarvan voldoen aan 'n bepaalde spesifikasie deur die raad opgestel vir die betrokke handelsware of vir die vervaardiging, produksie, bewerking of behandeling daarvan, kan hy ondanks andersluidende bepalings van sub-artikel (7), in sodanige tender, kontrak of ander dokument onder eed verklaar of dié handelsware of die vervaardiging, produksie, bewerking of behandeling daarvan aan dié spesifikasie voldoen.

- (b) The council may amend any such specification and if it amends any such specification it shall publish in the *Gazette* such particulars of the amendment as it may deem fit.

(3) No mark which is identical with any trade mark registered in respect of any commodity under the Designs, Trade Marks and Copyright Act, 1916 (Act No. 9 of 1916), or the Patents, Designs, Trade Marks and Copyright Proclamation, 1923 (Proclamation No. 17 of 1923 of the Territory), or so nearly resembles any such mark as to be likely to be mistaken for it, shall in terms of sub-section (1) be declared to be a standardization mark in respect of that commodity or any similar commodity or in respect of the manufacture, production, processing or treatment of that commodity or any similar commodity, and no mark identical with any mark which has been duly declared to be a standardization mark, or so nearly resembling such a mark as to be likely to be mistaken for it, shall be registered as a trade mark under that Act or that proclamation in respect of any commodity.

(4) If the council has issued any notice in terms of sub-section (1) declaring a mark to be a standardization mark, no person shall apply that standardization mark to any commodity, except under a permit issued by the council or a person acting under its authority, and unless that commodity complies with the appropriate specification or has been manufactured, produced, processed or treated in accordance with that specification.

(5) For the purposes of sub-section (4) a person shall be deemed to have applied a standardization mark to a commodity if he—

- (a) applies that mark to any receptacle or covering of that commodity or to any label attached to that commodity or to any receptacle or covering thereof;
 - (b) places or encloses that commodity in a receptacle or covering to which that mark has been applied or to which is attached a label to which that mark has been applied; or
 - (c) makes, in connection with the sale of that commodity, any reference, directly or indirectly, to that mark in a manner or under circumstances calculated to convey the impression that that commodity complies with the specification to which that mark relates, or that it has been manufactured, produced, processed or treated in accordance with that specification.
- (6) (a) The council or any person acting under its authority may in its or his discretion, as the case may be, issue or refuse to issue any permit referred to in sub-section (4), and if the council or such person issue any such permit, it may be issued subject to such conditions and for such period as the council or such person may determine and specify therein.
- (b) Such permit may only be issued on payment of such fees as the council may with the approval of the Minister determine, and may at any time be withdrawn by the council or any person acting under its authority, by notice in writing to the person to whom it was issued.

(7) No person shall, in connection with the sale of any commodity, make any reference, directly or indirectly, to the bureau or the council or a specification framed, or which he pretends has been framed, by the council, in a manner or under circumstances calculated to convey the impression that such commodity complies with a specification framed by the council for that commodity or for the manufacture, production, processing or treatment thereof, or has been approved by the council or the bureau, unless the council has in terms of this section declared a mark to be a standardization mark in respect of a specification framed by it for the commodity in question or for the manufacture, production, processing or treatment thereof, and such person is in possession of a permit issued in terms of sub-section (6) and authorizing him to apply such standardization mark to that commodity.

(8) If any person is required to state in any tender, contract or other document whether any commodity manufactured, produced, processed or treated by him, or the manufacture, production, processing or treatment thereof complies with a designated specification framed by the council for the commodity in question or for the manufacture, production, processing or treatment thereof, he may, notwithstanding anything to the contrary contained in sub-section (7), state on oath in such tender, contract or other document whether that commodity or the manufacture, production, processing or treatment thereof complies with that specification or not.

(9) Indien die Minister oortuig is dat die omstandighede dit vereis, kan hy by kennisgewing in die *Staatskoerant* die werking van sub-artikel (8) opskort ten opsigte van of beperk tot enige persoon of klas persone of enige handelsware of klas handelsware.

Verpligte
standaard-
spesifikasies en
onderskeidings-
merke in verband
daarmee.

15. (1) Die Minister kan met inagneming van die bepalings van sub-artikels (2), (3), (4), (5) en (6) by kennisgewing in die *Staatskoerant*—

(a) op aanbeveling van die raad—

(i) 'n standaardspesifikasie vir enige handelsware of vir die vervaardiging, produksie, bewerking of behandeling van enige handelsware, tot 'n verpligte standaardspesifikasie vir daardie handelsware of, na gelang van die geval, vir die vervaardiging, produksie, bewerking of behandeling van daardie handelsware verklaar met ingang van 'n datum wat in dié kennisgewing vasgestel moet word maar minstens twee maande ná die datum van die kennisgewing moet wees;

(ii) 'n verpligte standaardspesifikasie wysig met ingang van so 'n datum aldus vasgestel;

(b) ten opsigte van 'n verpligte standaardspesifikasie 'n onderskeidingsmerk voorskryf vir enige handelsware wat aan daardie spesifikasie voldoen of ooreenkomstig daardie spesifikasie vervaardig, geproduseer, bewerk of behandel is; en

(c) 'n kennisgewing uitgereik ingevolge paragraaf (a) of (b) intrek, of 'n kennisgewing uitgereik ingevolge paragraaf (a) wysig met betrekking tot die datum ingevolge dié paragraaf vasgestel, of 'n merk wysig wat ingevolge paragraaf (b) voorgeskryf is.

(2) Die raad mag nie by die Minister aanbeveel dat 'n standaardspesifikasie tot 'n verpligte standaardspesifikasie vir die vervaardiging, produksie, bewerking of behandeling van enige handelsware verklaar word nie, en die Minister mag nie 'n standaardspesifikasie tot so 'n verpligte standaardspesifikasie verklaar nie, tensy die raad of die Minister, na gelang van die geval, oortuig is dat dit nie doenlik is om die doeleindes van so 'n verpligte standaardspesifikasie deur 'n verpligte standaardspesifikasie vir dié handelsware te bereik nie.

(3) Voordat die Minister 'n kennisgewing ingevolge paragraaf (a) van sub-artikel (1) publiseer, moet hy—

(a) 'n voorlopige kennisgewing in die *Staatskoerant* laat publiseer wat die strekking van eersgenoemde kennisgewing weergee en belanghebbendes wat enige besware teen die voorgenome bepalings daarvan het, aansê om dié besware by die raad, by 'n adres vermeld in die voorlopige kennisgewing, skriftelik in te dien binne twee maande ná die publikasie daarvan; en

(b) indien die voorgenome kennisgewing betrekking het op handelsware, of op die vervaardiging, produksie, bewerking of behandeling van handelsware, wat die onderwerp uitmaak van 'n ander wet waarby voorsiening gemaak word vir die uitvaardiging van regulasies wat enige eienskappe van daardie handelsware voorskryf, die Minister raadpleeg aan wie die uitvoering van daardie ander wet opgedra is, of, in die geval van 'n wet wat slegs in die Gebied van toepassing is, die Administrateur van die Gebied raadpleeg.

(4) Iemand wat 'n beswaar ingevolge sub-artikel (3) ingedien het, het die reg—

(a) om op die tyd en plek wat die Minister bepaal, of persoonlik of deur 'n verteenwoordiger voor die Minister te verskyn en sy saak voor te lê; en

(b) indien die Minister nieteenstaande sy beswaar, die betrokke kennisgewing ingevolge sub-artikel (1) publiseer, om skriftelik die redes meegedeel te word waarom die Minister dit gedoen het.

(5) Die Minister mag nie 'n kennisgewing ingevolge paragraaf (a) van sub-artikel (1) publiseer nie indien, volgens sy oordeel, dit wesenlik sal verskil van die toepaslike voorlopige kennisgewing wat ingevolge paragraaf (a) van sub-artikel (3) gepubliseer is.

(6) 'n Kennisgewing gepubliseer ingevolge paragraaf (a) van sub-artikel (1) of ingevolge sub-artikel (3), moet volledige besonderhede bevat aangaande die betrokke standaardspesifikasie of wysiging daarvan.

(7) Indien die Minister ingevolge sub-artikel (1) 'n standaardspesifikasie tot 'n verpligte standaardspesifikasie vir enige handelsware of vir die vervaardiging, produksie, bewerking of

(9) If the Minister is satisfied that the circumstances require it he may by notice in the *Gazette* suspend the operation of sub-section (8) in respect of, or confine such operation to, any person or class of persons or any commodity or class of commodities.

15. (1) Subject to the provisions of sub-sections (2), (3), (4), (5) and (6) the Minister may by notice in the *Gazette*—

Compulsory standard specifications and distinctive marks in connection therewith.

- (a) on the recommendation of the council—
 - (i) declare any standard specification for any commodity or for the manufacture, production, processing or treatment of any commodity, to be a compulsory standard specification for that commodity or, as the case may be, for the manufacture, production, processing or treatment of that commodity, as from a date to be fixed in the notice, which shall be a date not less than two months after the date of the notice;
 - (ii) amend any compulsory standard specification with effect as from such a date so fixed;
- (b) prescribe in respect of any compulsory standard specification, a distinctive mark for any commodity which complies with that specification or which has been manufactured, produced, processed or treated in accordance with that specification; and
- (c) withdraw any notice issued in terms of paragraph (a) or (b), or amend any notice issued in terms of paragraph (a), as to the date fixed in terms of the said paragraph, or amend any mark prescribed in terms of paragraph (b).

(2) The council shall not recommend to the Minister that a standard specification be declared a compulsory standard specification for the manufacture, production, processing or treatment of a commodity, and the Minister shall not declare a standard specification to be such a compulsory standard specification, unless the council or the Minister, as the case may be, is satisfied that it is not practicable to achieve the purposes of such a compulsory standard specification by a compulsory standard specification for the commodity.

(3) Before publishing a notice in terms of paragraph (a) of sub-section (1), the Minister shall—

- (a) cause to be published in the *Gazette* a preliminary notice setting forth the purport of such first-mentioned notice and calling upon all interested persons who have any objections against the proposed provisions thereof, to lodge them in writing with the council at an address stated in the preliminary notice, within two months after the publication thereof; and
- (b) if the proposed notice relates to any commodity, or to the manufacture, production, processing or treatment of any commodity, which is the subject of any other law providing for the making of regulations prescribing any characteristics of that commodity, consult the Minister to whom the administration of that other law has been assigned or, in the case of a law which applies only in the Territory, the Administrator of the Territory.

(4) Any person who has lodged an objection in terms of sub-section (3) shall be entitled—

- (a) to appear before the Minister and to be heard, either personally or through a representative, at such time and place as the Minister may determine; and
- (b) if the Minister publishes the notice in question in terms of sub-section (1) notwithstanding his objection, to be furnished in writing with the Minister's reasons for doing so.

(5) The Minister shall not publish any notice in terms of paragraph (a) of sub-section (1) if, in his opinion, it will differ materially from the appropriate preliminary notice published in terms of paragraph (a) of sub-section (3).

(6) Any notice published in terms of paragraph (a) of sub-section (1) or in terms of sub-section (3) shall contain full particulars of the standard specification in question or amendment thereof.

(7) If the Minister has in terms of sub-section (1) declared any standard specification to be a compulsory standard specification for any commodity or for the manufacture, production,

behandeling van enige handelsware verklaar het, mag niemand vanaf die toepaslike vasgestelde datum, behalwe uit hoofde van 'n permit uitgereik deur die raad of iemand wat op sy gesag handel, daardie handelsware verkoop nie tensy dit aan daardie spesifikasie voldoen of ooreenkomstig daardie spesifikasie vervaardig, geproduseer, bewerk of behandel is.

(8) Indien die Minister ten opsigte van 'n verpligte standaard-spesifikasie 'n onderskeidingsmerk ingevolge sub-artikel (1) voorgeskryf het, mag niemand daardie merk op enige handelsware aanbring nie, behalwe uit hoofde van 'n permit uitgereik deur die raad of iemand wat op sy gesag handel, en tensy dié handelsware aan daardie spesifikasie voldoen of ooreenkomstig daardie spesifikasie vervaardig, geproduseer, bewerk of behandel is.

(9) Die bepalings van sub-artikels (3) en (5) van artikel *veertien* is *mutatis mutandis* van toepassing met betrekking tot so 'n onderskeidingsmerk, en die bepalings van sub-artikel (6) van genoemde artikel is aldus van toepassing met betrekking tot 'n permit vermeld in sub-artikel (7) of (8) van hierdie artikel.

Beroep op
Minister teen
weiering of
intrekking van
permit.

16. Iemand wat ontevrede is met die besluit van die raad of iemand wat op sy gesag handel, met betrekking tot 'n aansoek wat hy gedoen het om 'n permit vermeld in sub-artikel (4) van artikel *veertien* of in sub-artikel (7) of (8) van artikel *vyftien*, of met betrekking tot die intrekking van so 'n permit, kan hom op die Minister beroep, en die Minister kan dié besluit bekragtig, ter syde stel of wysig.

Stuur van
monsters van
en inligting
betreffende
handelsware
aan raad.

17. Iemand aan wie 'n permit ingevolge sub-artikel (6) van artikel *veertien* of sub-artikel (9) van artikel *vyftien* uitgereik is, moet op skriftelike versoek van die raad, binne die tydperk vermeld in die versoek, aan die raad of iemand anders aldus vermeld, monsters, insgelyks vermeld, van enige handelsware instuur ten opsigte waarvan daardie permit uitgereik is, of aan die raad binne 'n tydperk aldus vermeld, die inligting, insgelyks vermeld, met betrekking tot sodanige handelsware of die vervaardiging, produksie, bewerking of behandeling daarvan verstrek.

Aanstelling van
inspekteurs.

18. (1) Die Minister kan op versoek van die raad iemand wat 'n amptenaar in die Staatsdiens of 'n lid van die personeel van die raad is en na sy mening behoorlik gekwalifiseer is, as 'n inspekteur vir die doeleindes van hierdie Wet aanstel: Met dien verstande dat niemand aldus aangestel word nie tensy die Staatsdienskommissie oortuig is dat sy vaardigheid in die gebruik van die amptelike tale sodanig is dat dit hom in staat stel om die pligte van 'n inspekteur op doelmatige wyse te verrig.

(2) Iedere inspekteur moet voorsien word van 'n sertifikaat wat onderteken is deur 'n amptenaar deur die Minister daartoe aangewys en wat vermeld dat hy as inspekteur vir die doeleindes van hierdie Wet aangestel is.

Bevoegdhede van
inspekteurs.

19. (1) Indien 'n inspekteur in die algemeen of in 'n besondere geval deur die raad skriftelik daartoe gelas is, kan hy vir die doeleindes van hierdie Wet—

(a) te eniger tyd gedurende werkure, sonder voorafgaande kennisgewing, 'n perseel betree waarin of waarop handelsware vermeld in bedoelde lasgewing, vervaardig, geproduseer, bewerk, behandel of vir handelsdoeleindes gehou word of volgens redelike vermoede vervaardig, geproduseer, bewerk, behandel of aldus gehou word, indien daar vir genoemde handelsware of vir die vervaardiging, produksie, bewerking of behandeling daarvan, 'n verpligte standaard-spesifikasie of 'n standaardmerk bestaan;

(b) sodanige handelsware of enige materiaal of stof in of op so 'n perseel wat gebruik word of vermoedelik bestem is om gebruik te word by die vervaardiging, produksie, bewerking of behandeling daarvan, ondersoek en monsters daarvan neem, en enige pakket of houer in of op so 'n perseel oopmaak wat enige sodanige handelsware, materiaal of stof bevat of vermoedelik bevat;

(c) enige werksaamhede ondersoek wat in of op so 'n perseel verrig word in verband met die vervaardiging, produksie, bewerking of behandeling van handelsware, indien vir sodanige vervaardiging, produksie, bewerking of behandeling 'n verpligte standaard-spesifikasie of 'n standaardmerk bestaan;

(d) te eniger tyd van enige persoon eis dat hy onverwyld of op 'n tyd en plek deur die inspekteur bepaal, aan

processing or treatment of any commodity, no person shall as from the appropriate specified date, except under a permit issued by the council or a person acting under its authority, sell that commodity, unless it complies with that specification or has been manufactured, produced, processed or treated in accordance with that specification.

(8) If the Minister has in terms of sub-section (1) prescribed a distinctive mark in respect of any compulsory standard specification, no person shall apply that mark to any commodity except under a permit issued by the council or a person acting under its authority, and unless that commodity complies with that specification or has been manufactured, produced, processed or treated in accordance with that specification.

(9) The provisions of sub-sections (3) and (5) of section *fourteen* shall *mutatis mutandis* apply with reference to any such distinctive mark, and the provisions of sub-section (6) of the said section shall so apply with reference to any permit referred to in sub-section (7) or (8) of this section.

16. Any person who is dissatisfied with the decision of the council or a person acting under its authority, in regard to any application by him for a permit referred to in sub-section (4) of section *fourteen* or in sub-section (7) or (8) of section *fifteen*, or in regard to the withdrawal of any such permit, may appeal to the Minister, and the Minister may confirm, set aside or vary the decision.

Appeal to Minister against refusal or withdrawal of permit.

17. Any person to whom a permit has been issued in terms of sub-section (6) of section *fourteen* or sub-section (9) of section *fifteen* shall, upon a written request from the council, transmit to the council or the person specified in the request, within the period so specified, such samples as may be so specified of any commodity in respect of which that permit has been issued, or furnish to the council within the period so specified, such information as may be so specified in regard to any such commodity or the manufacture, production, processing or treatment thereof.

Furnishing to council of samples of and information as to commodities.

18. (1) The Minister may at the request of the council appoint any person who is an officer in the public service or a member of the staff of the council and who, in his opinion, is suitably qualified, as an inspector for the purposes of this Act: Provided that no person shall be so appointed unless the Public Service Commission is satisfied that his proficiency in the use of the official languages is such as to render him capable of performing efficiently the duties of an inspector.

Appointment of inspectors.

(2) Every inspector shall be furnished with a certificate signed by an officer thereto designated by the Minister and stating that he has been appointed as an inspector for the purposes of this Act.

19. (1) If an inspector has been generally or specifically instructed thereto by the council in writing, he may for the purposes of this Act—

Powers of inspectors.

- (a) without previous notice at any time during business hours, enter upon any premises in or upon which any commodity specified in such instruction is or is reasonably suspected to be manufactured, produced, processed, treated or kept for the purpose of trade, if there is a compulsory standard specification or a standardization mark for such commodity or for the manufacture, production, processing or treatment thereof;
- (b) inspect and take samples of any such commodity or any material or substance in or on such premises used or suspected to be intended for use in the manufacture, production, processing or treatment thereof, and open any package or container in or on such premises which contains or is suspected to contain any quantity of any such commodity, material or substance;
- (c) inspect any operations carried out in or upon any such premises in connection with the manufacture, production, processing or treatment of any commodity, if there is a compulsory standard specification or a standardization mark for such manufacture, production, processing or treatment;
- (d) at any time require any person to produce then and there, or at a time and place fixed by the inspector,

hom enige boek, kennisgewing, aantekening, lys of ander geskrif voorlê wat in die besit of bewaring of onder die beheer van daardie persoon is of van 'n ander persoon ten behoewe van hom;

- (e) so 'n boek, kennisgewing, aantekening, lys of geskrif ondersoek en afskrifte of uittreksels maak van of uit so 'n boek, kennisgewing, aantekening, lys of geskrif wat betrekking het op enige handelsware vermeld in paragraaf (a), of op 'n permit wat ingevolge sub-artikel (6) van artikel *veertien* of sub-artikel (9) van artikel *vyftien* uitgereik is of gaan word, en van enige persoon 'n uitleg vorder van enige inskrywings daarin, en beslag lê op so 'n boek, kennisgewing, aantekening, lys of geskrif wat volgens sy oordeel bewys mag lewer van 'n misdryf kragtens hierdie Wet;
- (f) met betrekking tot enige saak wat hy ondersoek, of alleen of in teenwoordigheid van iemand anders, soos hy wenslik ag, enige persoon ondervra wat hy vind op 'n perseel ingevolge hierdie artikel betree, of omtrent wie hy op redelike gronde van mening is dat hy op so 'n perseel in diens is of was, of dat hy die besit of bewaring het van, of die beheer het oor, enig iets in hierdie sub-artikel vermeld;
- (g) iemand vermeld in paragraaf (d), (e) of (f) gelas om, op 'n tyd en plek deur hom bepaal, voor hom te verskyn, en op dié tyd en plek daardie persoon ondervra met betrekking tot enige saak wat hy besig is om te ondersoek.

(2) 'n Inspekteur wat 'n perseel ingevolge sub-artikel (1) betree, kan 'n tolk met hom saamneem.

(3) Iemand wat toesig het oor 'n perseel vermeld in sub-artikel (1), moet te alle tye die hulp verskaf wat 'n inspekteur verlang ten einde sy bevoegdhede ingevolge genoemde sub-artikel uit te oefen.

(4) 'n Inspekteur wat 'n bevoegdheid uitoefen wat hierdie artikel aan hom verleen, moet, op versoek, die sertifikaat toon waarvan hy ingevolge sub-artikel (2) van artikel *agtien* voorsien is, en die skriftelike lasgewing bedoel in sub-artikel (1) van hierdie artikel.

Ouditering en
jaarverslag.

20. (1) Die Kontroleur en Ouditeur-generaal moet die rekeninge en balansstaat van die raad ouditeer.

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

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

Beskerming van
Staat, raad en
lede van raad.

21. Die feit dat handelsware inderdaad of na bewering aan 'n standaardspesifikasie of 'n verpligte standaardspesifikasie voldoen of ooreenkomstig so 'n spesifikasie vervaardig, geproduseer, bewerk of behandel is, of dat 'n standaardmerk of 'n onderskeidingsmerk in verband met handelsware gebruik is, gee nie aanleiding tot 'n eis teen die Staat of die Administrasie van die Gebied of die raad of 'n lid van die raad nie.

Geheimhouding
en uitwerking van
bekendmaking
van inligting op
aansoek om
patent.

22. (1) 'n Lid van die raad of van 'n komitee daarvan, die direkteur, 'n lid van die personeel van die raad, 'n inspekteur of iemand anders wat betrokke is of gewees het by die uitvoering van hierdie Wet, mag nie aan iemand anders, behalwe aan die Minister, of behalwe vir die doeleindes van die verrigting van sy pligte of die uitoefening van sy bevoegdhede, of behalwe wanneer dit in 'n hof of ingevolge 'n wet van hom vereis word, enige inligting openbaar nie wat hy by die verrigting van sy pligte of die uitoefening van sy bevoegdhede ingewin het.

(2) Die bekendmaking van inligting aan die Minister of aan die raad of 'n komitee of verteenwoordiger daarvan of aan 'n inspekteur of iemand anders vir 'n doel wat met die uitvoering van hierdie Wet in verband staan, doen nie afbreuk nie aan die regte van iemand wat later om 'n patent aansoek doen.

- any book, notice, record, list or other document which is in the possession or custody or under the control of that person or of any other person on his behalf;
- (e) examine any such book, notice, record, list or document, and make copies of or take extracts from any such book, notice, record, list or document which relates to any commodity referred to in paragraph (a), or to any permit issued or to be issued in terms of sub-section (6) of section *fourteen* or sub-section (9) of section *fifteen*, and require from any person an explanation of any entries therein, and seize any such book, notice, record, list or document which in his opinion may afford evidence of any offence under this Act;
- (f) in regard to any matter which is being investigated by him, question, either alone or in the presence of any other person, as he thinks fit, every person whom he finds on premises entered in terms of this section, or who he has reasonable grounds for believing is or has been employed on any such premises or is in possession, custody or control of anything referred to in this sub-section;
- (g) order any person referred to in paragraph (d), (e) or (f) to appear before him at a time and place fixed by him, and at such time and place question that person concerning any matter which is being investigated by him.
- (2) An inspector entering any premises in terms of sub-section (1) may take an interpreter with him.
- (3) Any person who is in charge of any premises referred to in sub-section (1) shall at all times furnish such facilities as are required by an inspector for the purpose of exercising his powers in terms of the said sub-section.
- (4) Any inspector exercising any power conferred on him by this section shall, on demand, produce the certificate furnished to him in terms of sub-section (2) of section *eighteen*, and the written instructions contemplated in sub-section (1) of this section.
- 20.** (1) The Controller and Auditor-General shall audit the accounts and balance sheet of the council. Auditing and annual report.
- (2) (a) The council shall furnish to the Minister such information as he may call for from time to time in connection with the activities and financial position of the council, and shall in addition submit to the Minister an annual report, including a balance sheet and a statement of income and expenditure certified by the Controller and Auditor-General, and such other particulars as the Minister may require.
- (b) The Minister shall lay the said report upon the Table of the Senate and of the House of Assembly within fourteen days after receipt thereof, if Parliament is in ordinary session or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.
- 21.** The fact that any commodity complies or is alleged to comply with a standard specification or a compulsory standard specification or has been or is alleged to have been manufactured, produced, processed or treated in accordance with any such specification, or that a standardization mark or a distinctive mark has been used in connection with any commodity, shall not give rise to any claim against the State or the Administration of the Territory or the council or any member of the council. Protection of State, council and members of council.
- 22.** (1) A member of the council or of a committee thereof, the director, a member of the staff of the council, an inspector or other person who is or was engaged in the administration of this Act, shall not disclose to any other person, except to the Minister or for the purposes of the performance of his duties or the exercise of his powers or except when required to do so before a court or in terms of any law, any information acquired by him in the performance of his duties or the exercise of his powers. Secrecy and effect of disclosure of information on application for patent.
- (2) The disclosure of any information to the Minister or to the council or any committee or representative thereof or to an inspector or any other person for a purpose connected with the administration of this Act, shall not prejudice the rights of any person who subsequently applies for a patent.

Beperking op
die gebruik
van woord
„standaard” in
sekere name.

23. (1) Behoudens die bepalings van sub-artikels (2) en (3), en behalwe met die skriftelike toestemming van die Minister—

- (a) mag geen vereniging of maatskappy sy werksaamhede verrig onder 'n naam wat die woord „standaard” bevat nie;
- (b) mag geen vereniging of maatskappy onder so 'n naam geregistreer word nie;
- (c) mag geen individu onder so 'n naam wat nie sy eie is nie, sake doen of 'n bedryf of beroep beoefen nie;
- (d) mag geen handelsmerk wat die woord „standaard” bevat, kragtens die „Wet op Modellen, Handelsmerken en Auteursrecht, 1916” (Wet No. 9 van 1916), of die „Proklamatie op Patenten, Modellen, Handelsmerken en Auteursrechten, 1923” (Proklamasie No. 17 van 1923 van die Gebied), geregistreer word nie; en
- (e) mag niemand, behalwe uit hoofde van 'n permit uitgegeek ingevolge sub-artikel (6) van artikel *veertien*, enige handelware verkoop nie onder 'n merk wat die woord „standaard” bevat of onder 'n beskrywing waarin genoemde woord op 'n wyse gebruik word wat die indruk kan skep dat daardie handelware of die vervaardiging, produksie, bewerking of behandeling daarvan voldoen aan 'n standaardspesifikasie.

(2) 'n Vereniging, maatskappy of individu wat onmiddellik vóór die inwerkingtreding van hierdie Wet wettiglik onder 'n naam bedoel in paragraaf (a) van sub-artikel (1), enige werksaamhede verrig, sake doen, 'n bedryf of beroep beoefen of geregistreer is, kan ondanks die bepalings van sub-artikel (1) daardie werksaamhede, sake, bedryf of beroep onder daardie naam voortsit of daaronder geregistreer bly, na gelang van die geval.

(3) 'n Handelsmerk wat by die inwerkingtreding van hierdie Wet geregistreer is, en die verkoop van handelware onder so 'n handelsmerk, word nie deur die bepalings van sub-artikel (1) geraak nie.

(4) Die Minister kan te eniger tyd 'n toestemming intrek wat hy ingevolge sub-artikel (1) verleen het, indien dit volgens sy oordeel nodig is om dit te doen ten einde verwarring of misbruik te voorkom.

Viktimisasie
verbode.

24. (1) 'n Werkgewer mag nie iemand wat in sy diens is, uit sy diens ontslaan of die skaal van sy besoldiging verminder of sy diensvoorwaardes andersins verander tot voorwaardes wat vir hom minder gunstig is, of sy posisie met betrekking tot ander persone in sy diens tot sy nadeel verander nie, omrede so iemand aan 'n inspekteur inligting verstrekket wat hy ingevolge hierdie Wet verlang sou kan word om aan hom te verstrek, of voldoen het aan enige wettige vereiste van 'n inspekteur, of by enige verrigtings ingevolge hierdie Wet getuienis afgelê het, of omrede hy vermoed dat so iemand dit gedoen het.

(2) Die hof wat 'n werkgewer aan 'n oortreding van die bepalings van sub-artikel (1) skuldig bevind, kan, benewens enige vonnis wat hy mag oplê—

- (a) indien die onderwerp van die aanklag die vermindering van 'n werknemer se skaal van besoldiging of die verandering van 'n werknemer se diensvoorwaardes of posisie was, die werkgewer gelas om die betrokke werknemer te herstel in die skaal van besoldiging, diensvoorwaardes of posisie wat vóór die vermindering of verandering ten opsigte van hom bestaan het, en wel met ingang van die datum waarop die vermindering of verandering aangebring is; en

- (b) indien die ontslag van 'n werknemer die onderwerp van die aanklag was, die werkgewer beveel om die betrokke werknemer 'n bedrag te betaal wat, volgens die beraaming van die hof, gelyk is aan drie maande se besoldiging teen die skaal waarvolgens hy ten tyde van sy ontslag besoldig was.

(3) 'n Bevel ingevolge paragraaf (b) van sub-artikel (2) gegee, het die uitwerking van 'n siviele vonnis ten gunste van die betrokke werknemer, en kan ten uitvoer gelê word asof dit so 'n vonnis was.

Misdrywe.

25. (1) Iemand wat—

- (a) die bepalings van sub-artikel (4) of (7) van artikel *veertien* of sub-artikel (7) of (8) van artikel *vyftien* of artikel *vier-en-twintig* of die voorwaardes van 'n permit uitgereik ingevolge artikel *veertien* of *vyftien* of van 'n verslag verstrekket ingevolge sub-artikel (3) van artikel *tien*, oortree of versuim om daaraan te voldoen;

23. (1) Subject to the provisions of sub-sections (2) and (3), and except with the written consent of the Minister—

Restriction on the use of word "standard" in certain names.

- (a) no association or company shall carry on its activities under a name which contains the word "standard";
- (b) no association or company shall be registered under such a name;
- (c) no individual shall carry on any business, trade or occupation under any such name not being his own;
- (d) no trade mark which contains the word "standard" shall be registered under the Designs, Trade Marks and Copyright Act, 1916 (Act No. 9 of 1916), or the Patents, Designs, Trade Marks and Copyright Proclamation, 1923 (Proclamation No. 17 of 1923 of the Territory); and
- (e) no person shall, except under a permit issued in terms of sub-section (6) of section *fourteen*, sell any commodity under a mark which contains the word "standard" or under a description in which the said word is used in a manner which may create the impression that that commodity or the manufacture, production, processing or treatment thereof complies with a standard specification.

(2) An association, company or individual who immediately prior to the commencement of this Act lawfully carries on any activity, business, trade or occupation or is registered under any name contemplated in paragraph (a) of sub-section (1) may, notwithstanding the provisions of sub-section (1), continue to carry on that activity, business, trade or occupation, or to be registered, as the case may be, under that name.

(3) Any trade mark registered at the commencement of this Act and the sale of any commodity under any such trade mark shall not be affected by the provisions of sub-section (1).

(4) The Minister may at any time withdraw any consent given by him in terms of sub-section (1) if, in his opinion, it is necessary to do so in order to avoid confusion or abuse.

24. (1) An employer shall not dismiss any person employed by him or reduce his rate of remuneration or otherwise alter the conditions of his employment to conditions less favourable to him, or alter his position to his disadvantage relatively to other persons employed by him, by reason of the fact that that person has given to an inspector any information which in terms of this Act he could be required to give to him, or has complied with any lawful requirement of an inspector, or has given evidence in any proceedings under this Act, or by reason of the fact that he suspects that person of having done it.

Victimization forbidden.

(2) The court convicting an employer of a contravention of the provisions of sub-section (1) may, in addition to any sentence which it may impose—

- (a) if the subject of the charge was the reduction of the rate of remuneration of an employee or the alteration of the conditions of employment or position of an employee, order the employer to restore, with effect from the date on which the reduction or alteration was made, the rate of remuneration, conditions of employment or the position of the employee in question to that existing in respect of him prior to the reduction or alteration; and
- (b) if the discharge of an employee was the subject of the charge, order the employer to pay to the employee in question a sum which, according to the estimate of the court, is equal to three months' remuneration at the rate according to which he was being remunerated at the time of his dismissal.

(3) Any order made in terms of paragraph (b) of sub-section (2) shall have the effect of and may be executed as if it were a civil judgment in favour of the employee in question.

25. (1) Any person who—

Offences.

- (a) contravenes or fails to comply with the provisions of sub-section (4) or (7) of section *fourteen* or sub-section (7) or (8) of section *fifteen* or section *twenty-four*, or the conditions of any permit issued in terms of section *fourteen* or *fifteen* or of any report furnished in terms of sub-section (3) of section *ten*;

- (b) die bepalings van artikel *twee-en-twintig* of van paragraaf (a), (c) of (e) van sub-artikel (1) van artikel *drie-en-twintig* oortree;
- (c) hom valslik as 'n inspekteur voordoën;
- (d) 'n relevante verklaring aan 'n inspekteur doen wat in enige wesenlike besonderheid vals is, terwyl hy weet dat dit vals is;
- (e) weier of in gebreke bly om na sy beste wete enige relevante vraag te beantwoord wat 'n inspekteur by die uitoefening van sy bevoegdhede aan hom gestel het;
- (f) weier of in gebreke bly om na sy beste vermoë te voldoen aan enige regmatige eis, vordering of lasgewing van 'n inspekteur;
- (g) 'n inspekteur by die uitoefening van sy bevoegdhede hinder of belemmer; of
- (h) versuim om te voldoen aan 'n versoek ingevolge artikel sewentien of aan 'n bepaling van 'n regulasie uitgevaardig ingevolge paragraaf (e) van artikel *sewe-en-twintig*,

is aan 'n misdryf skuldig en strafbaar—

- (i) in die geval van 'n misdryf vermeld in paragraaf (a), met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met sodanige boete sowel as sodanige gevangenisstraf;
- (ii) in die geval van 'n misdryf vermeld in paragraaf (b) tot en met (g), met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar, of met sodanige boete sowel as sodanige gevangenisstraf; en
- (iii) in die geval van 'n misdryf vermeld in paragraaf (h), met 'n boete van hoogstens honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met sodanige boete sowel as sodanige gevangenisstraf.

(2) Indien iemand skuldig bevind word aan 'n misdryf vermeld in paragraaf (a) van sub-artikel (1) (behalwe 'n oortreding van artikel *vier-en-twintig*), of aan 'n oortreding van paragraaf (e) van sub-artikel (1) van artikel *drie-en-twintig*, kan die hof wat hom skuldig bevind, benewens 'n ander straf wat hy mag opleë, al die goedere ten opsigte waarvan die misdryf begaan is, of 'n gedeelte daarvan, verbeurd verklaar, en met goedere wat aldus verbeurd verklaar is, moet gehandel word soos die Minister gelas.

(3) Indien iemand van 'n misdryf vermeld in paragraaf (a) van sub-artikel (1) (behalwe 'n oortreding van artikel *vier-en-twintig*), aangekla word, strek dit tot verdediging—

- (a) dat hy alle redelike voorsorgsmaatreëls teen die pleeg van die misdryf getref het; en
- (b) dat hy op versoek van die raad of 'n inspekteur, alle inligting verstrek het waarvoor hy beskik het omtrent die persoon van wie hy die handelsware verkry het waarop die aanklag betrekking het:

Met dien verstande dat dit nie aldus tot verdediging strek indien so iemand nie in staat was om sodanige inligting te verstrek waarvoor hy redelikerwyse moet beskik het nie.

Bewyslewing.

26. Indien iemand daarvan aangekla word dat hy, in stryd met die bepalings van artikel *vier-en-twintig*, een of ander persoon uit sy diens ontslaan het of die skaal van sy besoldiging verminder het of sy diensvoorwaardes andersins verander het tot voorwaardes wat vir hom minder gunstig is, of sy posisie met betrekking tot ander persone in sy diens tot sy nadeel verander het om 'n rede in genoemde artikel en in die aanklag vermeld, en bewys word dat die beskuldigde die handeling verrig het wat hom ten laste gelê word, word vermoed, totdat die teendeel bewys word, dat hy dit gedoen het om die rede aldus vermeld.

Regulasies.

27. Die Staatspresident kan regulasies uitvaardig betreffende—

- (a) die omstandighede waaronder 'n lid van die raad sy amp ontruim;
- (b) die prosedure by vergaderings van die raad en van komitees daarvan;
- (c) die diensvoorwaardes van die direkteur en ander lede van die personeel van die raad;
- (d) die prosedure wat in verband met 'n beroep op die Minister ingevolge artikel *sestien* gevolg moet word, en die tydperk waarin so 'n beroep gedoen moet word;

- (b) contravenes the provisions of section *twenty-two*, or of paragraph (a), (c) or (e) of sub-section (1) of section *twenty-three*;
- (c) falsely holds himself out to be an inspector;
- (d) makes any relevant statement to an inspector, which is false in any material particular, knowing it to be false;
- (e) refuses or fails to answer to the best of his knowledge any relevant question which an inspector has in the exercise of his powers put to him;
- (f) refuses or fails to comply to the best of his power with any lawful requirement, demand or order made by an inspector;
- (g) hinders or obstructs an inspector in the exercise of his powers; or
- (h) fails to comply with any request in terms of section *seventeen* or with any provision of a regulation made in terms of paragraph (e) of section *twenty-seven*,

shall be guilty of an offence and liable—

- (i) in the case of an offence referred to in paragraph (a), to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment;
- (ii) in the case of an offence referred to in paragraphs (b) to (g), inclusive, to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment; and
- (iii) in the case of an offence referred to in paragraph (h), to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(2) If any person is convicted of an offence referred to in paragraph (a) of sub-section (1) (other than a contravention of section *twenty-four*), or of a contravention of paragraph (e) of sub-section (1) of section *twenty-three*, the court convicting him may, in addition to any other penalty which it may impose, order the confiscation of all or any part of the goods in respect of which the offence was committed, and goods so ordered to be confiscated shall be dealt with as the Minister may direct.

(3) If any person is charged with any offence referred to in paragraph (a) of sub-section (1) (other than a contravention of section *twenty-four*), it shall be a defence—

- (a) that he took all reasonable precautions against committing the offence; and
- (b) that at the request of the council or an inspector, he furnished all information available to him as to the person from whom he acquired the commodity to which the charge relates:

Provided that it shall be no such defence if such person was unable to furnish such information which should reasonably have been available to him.

26. If any person is charged with having in contravention of the provisions of section *twenty-four*, dismissed any person employed by him or reduced the rate of his remuneration or otherwise altered the conditions of his employment to conditions less favourable to him, or altered his position to his disadvantage relatively to other persons employed by him, for a reason mentioned in the said section and in the charge, and it is proved that the accused committed the act with which he is charged, he shall be presumed, until the contrary is proved, to have done so for the reason so mentioned. Evidence.

27. The State President may make regulations as to—

Regulations.

- (a) the circumstances under which a member of the council shall vacate his office;
- (b) the procedure at meetings of the council and of committees thereof;
- (c) the conditions of service of the director and other members of the staff of the council;
- (d) the procedure to be followed in connection with an appeal to the Minister in terms of section *sixteen*, and the period within which such an appeal shall be lodged;

- (e) die aangeleenthede, behalwe dié elders in hierdie Wet vermeld, ten opsigte waarvan gelde aan die raad betaalbaar is, die bedrag van sodanige gelde, die tye wanneer en die wyse waarop sodanige gelde betaalbaar is, en die persone wat vir die betaling daarvan aanspreeklik is;
- (f) die omstandighede waaronder gelde wat aldus betaal is, terugbetaal moet word;

en oor die algemeen, betreffende enige aangeleentheid ten opsigte waarvan hy dit nodig of raadsaam ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.

Oorgang van sekere bates en laste van navorsingsraad op raad.

28. (1) Alle bates, regte, laste en verpligtings wat die navorsingsraad onmiddellik vóór die inwerkingtreding van hierdie Wet besit of waaraan hy dan onderworpe is vir die doeleindes van die buro, gaan by genoemde inwerkingtreding oor op die raad.

(2) Enige geld wat onmiddellik vóór die inwerkingtreding van hierdie Wet op krediet staan van die kapitaalfonds ingestel ingevolge sub-artikel (1) van artikel *veertien* van die Wet op die Wetenskaplike Navorsingsraad, 1945 (Wet No. 33 van 1945), en wat bestem is vir die doeleindes van die buro, gaan by genoemde inwerkingtreding oor op die raad.

Toepassing van Wet in Gebied.

29. Hierdie Wet is ook in die Gebied van toepassing.

Bewilliging deur Wetgewende Vergadering van Suidwes-Afrika van geld vir werksaamhede van raad.

30. Ondanks andersluidende bepalings van die „Zuidwest-Afrika Konstitutie Wet, 1925” (Wet No. 42 van 1925), of enige ander Wet, kan die Wetgewende Vergadering van Suidwes-Afrika geld uit die Inkomstefonds van Suidwes-Afrika bewillig vir die doeleindes waarvoor die geld vermeld in sub-artikel (3) van artikel *dertien* aangewend moet word.

Herroeping van wette en voorbehoude.

31. (1) Behoudens die bepalings van sub-artikels (2), (3) en (4) word die wette vermeld in die Bylae, hierby herroep.

(2) Enigiets wat gedoen is of ingevolge 'n wet geag word gedoen te wees deur die navorsingsraad of iemand op sy gesag ingevolge 'n bepaling van 'n wet by sub-artikel (1) herroep, en wat ingevolge 'n bepaling van hierdie Wet deur die raad, of iemand op sy gesag, gedoen sou kan word, word geag ingevolge laasgenoemde bepaling deur die raad of so iemand, na gelang van die geval, gedoen te wees, en enigiets anders wat gedoen is ingevolge 'n bepaling van 'n wet aldus herroep en ingevolge 'n bepaling van hierdie Wet gedoen sou kan word, word geag ingevolge laasgenoemde bepaling gedoen te wees.

(3) 'n Kennisgewing wat by die inwerkingtreding van hierdie Wet van krag is uit hoofde van die feit dat dit ingevolge artikel *sestien* van die Wysigingswet op Standaarde, 1951 (Wet No. 33 van 1951), geag word behoorlik uitgevaardig te wees ingevolge die bepalings van die Wet op Standaarde, 1945 (Wet No. 24 van 1945), word geag ingevolge die bepalings van hierdie Wet uitgevaardig te wees, en enige standaardspesifikasie (soos in laasgenoemde Wet omskryf) waarop dit betrekking het, word geag 'n standaardspesifikasie te wees soos in hierdie Wet omskryf.

(4) Die herroeping van die wette vermeld in die Bylae raak nie die geldigheid of toepassing in die Gebied nie van enige kennisgewing wat uitgevaardig is ingevolge die Wet op Standaarde, 1945, of ingevolge regulasies wat uitgevaardig is ingevolge genoemde wet.

Kort titel en inwerkingtreding.

32. Hierdie Wet heet die Wet op Standaarde, 1962, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* vasstel.

- (e) the matters, other than those elsewhere mentioned in this Act, in respect of which fees shall be payable to the council, the amount of such fees, the times at which and the manner in which such fees shall be payable, and the persons who shall be liable for the payment thereof;
- (f) the circumstances in which any fees so paid shall be refunded;

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

28. (1) All assets, rights, liabilities and obligations which immediately prior to the commencement of this Act vest in the research council or to which that council is then subject for the purposes of the bureau, shall at such commencement pass to the council.

Passing of certain assets and liabilities from research council to council.

(2) Any moneys which immediately prior to the commencement of this Act stand to the credit of the capital fund established in terms of sub-section (1) of section *fourteen* of the Scientific Research Council Act, 1945 (Act No. 33 of 1945), and which are intended for the purposes of the bureau, shall at such commencement pass to the bureau.

29. This Act shall also apply in the Territory.

Application of Act in Territory.

30. Notwithstanding anything to the contrary contained in the South-West Africa Constitution Act, 1925 (Act No. 42 of 1925), or any other law, the Legislative Assembly of South-West Africa may appropriate moneys from the Revenue Fund of South-West Africa for the purposes for which the moneys referred to in sub-section (3) of section *thirteen* are to be utilized.

Appropriation by Legislative Assembly of South-West Africa of moneys for functions of council.

31. (1) Subject to the provisions of sub-sections (2), (3) and (4) the laws specified in the Schedule are hereby repealed.

Repeal of laws and savings.

(2) Anything done or in terms of any law deemed to have been done by the research council or any person on the authority of the council in terms of any provision of a law repealed by sub-section (1), which could be done by the council or any person on the authority of the council, in terms of any provision of this Act, shall be deemed to have been done in terms of such last-mentioned provision by the council or such person, as the case may be, and any other thing done in terms of a provision of a law so repealed and which could be done in terms of any provision of this Act, shall be deemed to have been done in terms of such last-mentioned provision.

(3) Any notice in force at the commencement of this Act by virtue of the fact that in terms of section *sixteen* of the Standards Amendment Act, 1951 (Act No. 33 of 1951), it is deemed to have been duly issued in terms of the provisions of the Standards Act, 1945 (Act No. 24 of 1945), shall be deemed to have been issued in terms of the provisions of this Act, and any standard specification (as defined in the last-mentioned Act) to which it relates, shall be deemed to be a standard specification as defined in this Act.

(4) The repeal of the laws specified in the Schedule shall not affect the validity or the application in the Territory of any notice issued in terms of the Standards Act, 1945, or in terms of any regulations issued in terms of the said Act.

32. This Act shall be called the Standards Act, 1962, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

Bylae.

WETTE HERROEP.

No. en Jaar van Wet.	Titel.
Wet No. 24 van 1945.	Wet op Standaarde, 1945.
Wet No. 26 van 1946.	Wysigingswet op Standaarde, 1946.
Wet No. 19 van 1948.	Wysigingswet op Standaarde, 1948.
Wet No. 33 van 1951.	Wysigingswet op Standaarde, 1951.
Wet No. 29 van 1952.	Wysigingswet op Standaarde, 1952.
Wet No. 27 van 1954.	Wysigingswet op Standaarde, 1954.
Wet No. 63 van 1956.	Wet op Standaarde (Oordrag van Uitvoering), 1956.

Schedule.

LAWS REPEALED.

No. and Year of Law.	Title.
Act No. 24 of 1945.	Standards Act, 1945.
Act No. 26 of 1946.	Standards Amendment Act, 1946.
Act No. 19 of 1948.	Standards Amendment Act, 1948.
Act No. 33 of 1951.	Standards Amendment Act, 1951.
Act No. 29 of 1952.	Standards Amendment Act, 1952.
Act No. 27 of 1954.	Standards Amendment Act, 1954.
Act No. 63 of 1956.	Standards (Transfer of Administration) Act, 1956.