



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 521. 24 Maart 1982.

No. 521. 24 March 1982.

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

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

No. 47 van 1982: Wysigingswet op die Suid-Afrikaanse Mediese Navorsingsraad, 1982.

No. 47 of 1982: South African Medical Research Council Amendment Act, 1982.

Wet No. 47, 1982

WYSIGINGSWET OP DIE SUID-AFRIKAANSE MEDIESE
NAVORSINGSRAAD, 1982

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1969, ten einde die omskrywing van „vise-president” te skrap en 'n omskrywing van „adjunk-president” in te voeg; verdere voorsiening te maak met betrekking tot die bevoegdhede van die Suid-Afrikaanse Mediese Navorsingsraad ten opsigte van eiendom; die raad te magtig om onder sekere omstandighede mediese navorsing in enige gebied buite die Republiek te onderneem; die samestelling van die raad en die uitvoerende komitee van die raad te wysig; voorsiening te maak vir die bepaling van diensvoorwaardes van amptenare en werknemers van die raad; voorskotte van geld aan sekere persone om hulle in staat te stel om lede van 'n sekere pensioenfonds te word, te magtig; die aanwending van rente op beleggings van die raad te reël; rekenpligtigheid ten opsigte van die raad se fondse te reël; en voorsiening te maak vir die verhaal van verliese of skade in sekere omstandighede aan die raad veroorsaak; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 4 Maart 1982.)

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

Wysiging van
artikel 1 van
Wet 19 van 1969.

1. Artikel 1 van die Wet op die Suid-Afrikaanse Mediese Navorsingsraad, 1969 (hieronder die Hoofwet genoem), word hierby gewysig— 5

(a) deur die volgende omskrywing voor die omskrywing van „kollege” in te voeg:

„„adjunk-president” die persoon wat ingevolge artikel 6 as adjunk-president van die raad aangestel is;”;

en 10

(b) deur die omskrywing van „vise-president” te skrap.

Wysiging van
artikel 5 van
Wet 19 van 1969.

2. Artikel 5 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (f) deur die volgende paragraaf te vervang:

„(f) met die goedkeuring van die Minister, en òf alleen 15
òf gesamentlik met iemand anders, **[roerende en]**
onroerende goed aankoop of op 'n ander wyse
verkry, of besit of vervreem, **[huur of verhuur]** en
laboratoria of ander fasiliteite tot stand bring;”;
en 20

(b) deur die volgende paragraaf na paragraaf (f) in te voeg:

„(fA) roerende goed aankoop of op 'n ander wyse
verkry, of besit of vervreem, en sodanige goed of
enige onroerende goed of dienste huur of
verhuur;”.

25

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GENERAL EXPLANATORY NOTE:

- [** **]** Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the South African Medical Research Council Act, 1969, so as to delete the definition of “vice-president” and to insert a definition of “deputy-president”; to make further provision in relation to the powers of the South African Medical Research Council in respect of property; to empower the council to undertake medical research in any territory outside the Republic in certain circumstances; to alter the constitution of the council and the executive committee of the council; to provide for the determination of conditions of service of officers and employees of the council; to authorize advances of money to certain persons to enable them to become members of a certain pension fund; to regulate the utilization of interest on investments of the council; to regulate accountability for the funds of the council; and to provide for the recovery of losses or damages caused to the council in certain circumstances; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 4 March 1982.)*

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

1. Section 1 of the South African Medical Research Council Act, 1969 (hereinafter referred to as the principal Act), is hereby amended—
 - (a) by the insertion after the definition of “council” of the following definition:
“deputy-president means the person appointed in terms of section 6 as deputy-president of the council;” and
 - (b) by the deletion of the definition of “vice-president”.

Amendment of section 1 of Act 19 of 1969.

2. Section 5 of the principal Act is hereby amended—
 - (a) by the substitution for paragraph (f) of the following paragraph:
“(f) with the approval of the Minister, and either individually or jointly with any other person, purchase or otherwise acquire, or hold or alienate **[hire or let movable and]** immovable property and establish laboratories or other facilities;” and
 - (b) by the insertion after paragraph (f) of the following paragraph:
“(fA) purchase or otherwise acquire, or hold or alienate movable property, and hire or let such property or any immovable property or services;”.

Amendment of section 5 of Act 19 of 1969.

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Invoeging van artikel 5A in Wet 19 van 1969.

3. Die volgende artikel word hierby in die Hoofwet na artikel 5 ingevoeg:

„Uitoefening van bevoegd-hede in gebiede buite Republiek.

5A. (1) Die raad kan op versoek van of met die vooraf verkreeë goedkeuring van die Minister mediese navorsing in enige gebied buite die Republiek onderneem namens enigiemand (met inbegrip van enige regering of administrasie) in sodanige gebied. 5
 (2) Behoudens die bepalings van subartikel (3) is die bepalings van hierdie Wet, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing in verband met die uitoefening deur die raad van sy bevoegd-hede ingevolge hierdie artikel asof die gebied waarin hy sy bevoegd-hede aldus uitoefen binne die Republiek is. 10
 (3) Ondanks andersluidende bepalings van hierdie Wet is die bedinge en voorwaardes waarop die raad ingevolge subartikel (1) navorsing kan onderneem, dié waarop daar tussen die raad en die persoon (met inbegrip van enige regering of administrasie) namens wie navorsing onderneem gaan word, ooreengekom word. 15
 (4) Die Minister kan in oorleg met die Minister van Finansies die raad vrywaar teen verliese wat die raad mag ly as gevolg van 'n handeling of versuim van die regering of administrasie van 'n gebied buite die Republiek. 20 25

Wysiging van artikel 6 van Wet 19 van 1969.

4. Artikel 6 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die raad bestaan uit 'n president, 'n **[vise-president]** adjunk-president en **[twaalf]** veertien ander lede wat die **[Staatspresident]** Minister aanstel, en **[wat almal]** van wie twaalf persone moet wees wat hulle in die een of ander vertakking van die mediese of 'n aanverwante wetenskap onderskei het.”; en 30 35

(b) deur die woord „vise-president” waar dit ook al voorkom deur die woord „adjunk-president” te vervang.

Wysiging van artikel 7 van Wet 19 van 1969.

5. Artikel 7 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 40

„(1) Die president moet 'n in die Republiek geregistreerde geneesheer wees, word aangestel vir die tydperk, maar van hoogstens vyf jaar op 'n keer, wat die **[Staatspresident]** Minister bepaal, en **[genoemde president]** sit voor op die vergaderings van die raad en van die uitvoerende komitee vermeld in artikel 10 waarop hy aanwesig is.”. 45

Vervanging van artikel 8 van Wet 19 van 1969.

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

„Adjunk-president van raad.

8. (1) Die **[vise-president]** adjunk-president moet 'n in die Republiek geregistreerde geneesheer wees en word aangestel vir die tydperk, maar van hoogstens vyf jaar op 'n keer, wat die **[Staatspresident]** Minister bepaal. 50

(2) Die **[vise-president]** adjunk-president is hoof- uitvoerende amptenaar van die raad en verrig die werksaamhede beoog in artikel 7 (2) indien en so-lank die president sy amp op 'n deeltydse grondslag beklee, en is ondervoorsitter van die raad, en wanneer die president afwesig is of nie in staat is om sy pligte as voorsitter uit te voer nie, sit die 55 60

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3. The following section is hereby inserted in the principal Act after section 5:

Insertion of section 5A in Act 19 of 1969.

5 "Exercising of powers in territories outside Republic. 5A. (1) The council may, at the request or with the prior approval of the Minister, undertake medical research in any territory outside the Republic on behalf of any person (including any government or administration) in such territory.
10 (2) Subject to the provisions of subsection (3), the provisions of this Act shall, in so far as they can be applied, apply *mutatis mutandis* in connection with the exercising by the council of its powers in terms of this section as if the territory in which it so exercises its powers is within the Republic.
15 (3) Notwithstanding anything to the contrary in this Act contained, the terms and conditions on which the council may undertake research in terms of subsection (1), shall be such as may be agreed upon between the council and the person (including any government or administration) on whose behalf research is to be undertaken.
20 (4) The Minister may in consultation with the Minister of Finance indemnify the council against any losses it may incur consequent upon any act or omission of the government or administration of any territory outside the Republic."
25

4. Section 6 of the principal Act is hereby amended—

Amendment of section 6 of Act 19 of 1969.

30 (a) by the substitution for subsection (1) of the following subsection:
" (1) The council shall consist of a president, a **[vice-president]** deputy-president and **[twelve]** fourteen other members appointed by the **[State President]** Minister and **[all]** of whom twelve shall be persons who have distinguished themselves in any branch of the medical or a related science."; and
35 (b) by the substitution for the word "vice-president" wherever it occurs of the word "deputy-president".

5. Section 7 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 7 of Act 19 of 1969.

40 "(1) The president shall be a medical practitioner registered in the Republic, shall be appointed for such period, not exceeding five years at a time, as the **[State President]** Minister may determine, and **[the said president]** shall preside at meetings of the council and the executive committee referred to in section 10 at which he is present."

45 6. The following section is hereby substituted for section 8 of the principal Act:

Substitution of section 8 of Act 19 of 1969.

50 "Deputy-president of council. 8. (1) The **[vice-president]** deputy-president shall be a medical practitioner registered in the Republic and shall be appointed for such period, not exceeding five years at a time, as the **[State President]** Minister may determine.
55 (2) The **[vice-president]** deputy-president shall be the chief executive officer of the council and perform the functions contemplated in section 7 (2) if and for so long as the president holds office on a part-time basis, and shall be vice-chairman of the council, and when the president is absent or unable to perform his duties as chairman, the **[vice-president]** deputy-

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[vise-president] adjunk-president voor op vergaderings van die raad en van die uitvoerende komitee vermeld in artikel 10 waarop hy aanwesig is."

Wysiging van artikel 10 van Wet 19 van 1969.

7. Artikel 10 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te 5
 vervang:
 „(1) Die raad het 'n uitvoerende komitee wat bestaan uit die president, die **[vise-president]** adjunk-president en **[twee]** drie ander lede van die raad wat jaarliks deur die raad gekies word.”; en 10
- (b) deur in subartikel (4) die woord „vise-president” deur die woord „adjunk-president” te vervang.

Wysiging van artikel 13 van Wet 19 van 1969.

8. Artikel 13 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te 15
 vervang:
 „(1) Die raad kan teen die besoldiging en toelaes en op die ander diensvoorwaardes wat die Minister in oorleg met die Minister van Finansies goedkeur, die amptenare en werknemers aanstel wat hy nodig ag om hom by die verrigting van sy werksaamhede kragtens 20 hierdie Wet behulpsaam te wees.”; en
- (b) deur die volgende subartikel by te voeg:
 „(9) Die raad kan uit sy fondse die bedrag, op die voorwaardes wat hy goed ag, aan die president of die adjunk-president, indien die president of, na gelang 25 van die geval, die adjunk-president sy amp op 'n heelydse grondslag beklee, of 'n ander lid van sy personeel voorskiet ten einde hom in staat te stel om 'n lid te word van die pensioenfonds ingestel kragtens die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 30 1963.”.

Wysiging van artikel 22 van Wet 19 van 1969.

9. Artikel 22 van die Hoofwet word hierby gewysig deur subartikel (7) deur die volgende subartikel te vervang:
- „(7) Die raad kan—
- (a) enige onbestede gedeelte van sy geld belê by die 35 Staatskuldkommissaris of op die ander wyse wat die Minister in oorleg met die Minister van Finansies bepaal; en
- (b) rente op sodanige beleggings aanwend vir die uitgawes in verband met die verrigting van sy werksaamhede 40 wat die Minister aldus bepaal.”.

Invoeging van artikels 22A en 22B in Wet 19 van 1969.

10. Die volgende artikels word hierby in die Hoofwet na artikel 22 ingevoeg:
- „Rekenpligte beampte. **22A.** Die president of 'n beampte van die raad 45
 deur die president aangewys, is die rekenpligtige beampte belas met die verantwoording van al die geld ontvang, en van al die betalings gedoen, deur die raad: Met dien verstande dat die president vir die doeleindes van artikel 22B 'n amptenaar van die raad as rekenpligtige beampte ten opsigte van 'n 50 laboratorium of ander fasiliteit van die raad kan aanwys.
- 22B.** (1) Indien iemand wat in diens van die raad is of was die raad 'n verlies of skade berokken het 55 deurdat hy—
- (a) versuim het om geld verskuldig aan die raad vir die invordering waarvan hy verantwoordelik is of was, in te vorder;
- (b) vir 'n onreëlmatige uitbetaling van die raad se 60 geld of vir 'n uitbetaling van sodanige geld wat nie deur 'n behoorlike bewysstuk gestaaf word nie, verantwoordelik is of was;

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president shall preside at meetings of the council and of the executive committee referred to in section 10 at which he is present."

7. Section 10 of the principal Act is hereby amended— Amendment of section 10 of Act 19 of 1969.

(a) by the substitution for subsection (1) of the following subsection:

"(1) The council shall have an executive committee consisting of the president, the **[vice-president]** deputy-president and **[two]** three other members of the council elected annually by the council."; and

(b) by the substitution in subsection (4) for the word "vice-president" of the word "deputy-president".

8. Section 13 of the principal Act is hereby amended— Amendment of section 13 of Act 19 of 1969.

(a) by the substitution for subsection (1) of the following subsection:

"(1) The council may at such remuneration and allowances and on such other conditions of service as may be approved by the Minister in consultation with the Minister of Finance, appoint such officers and employees as it may deem necessary to assist it in the performance of its functions under this Act."; and

(b) by the addition of the following subsection:

"(9) The council may advance from its funds such amount on such conditions as it may deem fit, to the president or the deputy-president, if the president or, as the case may be, the deputy-president holds office on a full-time basis, or any other member of its staff in order to enable him to become a member of the pension fund established under the Associated Institutions Pension Fund Act, 1963."

9. Section 22 of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection: Amendment of section 22 of Act 19 of 1969.

"(7) The council may—

(a) invest any unexpended portion of its moneys with the Public Debt Commissioners or in such other manner as may be determined by the Minister in consultation with the Minister of Finance; and

(b) utilize any interest on such investments for such expenditure in connection with the performance of its functions as may be so determined by the Minister."

10. The following sections are hereby inserted in the principal Act after section 22: Insertion of sections 22A and 22B in Act 19 of 1969.

22A. The president or an officer of the council designated by the president shall be the accounting officer charged with the responsibility of accounting for all moneys received, and for all payments made, by the council: Provided that the president may for the purposes of section 22B designate an officer of the council as accounting officer in respect of any laboratory or other facility of the council.

22B. (1) If any person who is or was in the employ of the council caused the council any loss or damage because he—

(a) failed to collect moneys due to the council for the collection of which he is or was responsible;

(b) is or was responsible for an irregular payment of moneys of the council or for a payment of such moneys not supported by a proper voucher;

Accounting officer.

Recovery of losses and damages.

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- (c) weens versuim om sy pligte uit te voer, vir 'n vrugtelose uitgawe van die raad se geld verantwoordelik is of was;
- (d) vir 'n tekort in, of die vernietiging of beskadiging van, die raad se geld, seëls, sigwaardestukke en vorms wat 'n potensiele waarde het, sekuriteite, uitrusting, voorrade of ander eiendom van die raad verantwoordelik is of was; of
- (e) weens versuim om sy pligte uit te voer, vir 'n eis teen die raad verantwoordelik is of was, 10
moet die rekenpligtige beampte in artikel 22A bedoel die bedrag van sodanige verlies of skade vasstel, en kan hy daardie persoon by skriftelike kennisgewing gelas om die geheel of 'n gedeelte van die bedrag wat aldus vasgestel is, binne 30 dae vanaf die datum van die kennisgewing aan hom te betaal. 15
- (2) Indien iemand wat in diens van die raad is en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, word die bedrag, behoudens die bepalinge van subartikels (4), (5) en (6), van sy maandelikse salaris afgetrek. Met dien verstande dat so 'n aftrekking nie in een maand meer as een vierde van sy maandelikse salaris mag beloop nie. 20
- (3) Indien iemand wat in diens van die raad was en ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, kan genoemde rekenpligtige beampte, behoudens die bepalinge van subartikels (4), (5) en (6), die bedrag deur middel van geregtelike proses op die persoon verhaal. 25
- (4) Indien iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, binne die tydperk in die betrokke kennisgewing bepaal, aanbied om die bedrag in paaiemente te betaal, kan genoemde rekenpligtige beampte hom toelaat om te betaal in die paaiemente wat, na hy meen, redelik is. 30
- (5) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan binne 'n tydperk van 30 dae van die datum van die lasgewing by die raad appèl aanteken met opgaaf van die gronde vir sy appèl, en die raad kan, na die verdere ondersoek wat die raad nodig ag, die appèl verwerp of gelas dat die appellant geheel en al of ten dele, na gelang van wat die raad billik en redelik ag, van die betaling van daardie bedrag kwytgeskeld word. 35
- (6) Iemand wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, kan, in plaas van kragtens subartikel (5) by die raad appèl aan te teken, by 'n bevoegde hof aansoek doen, binne 'n tydperk van 30 dae van die datum van die lasgewing, of binne die verdere tydperk wat die hof toelaat, om 'n bevel waarby die lasgewing tersyde gestel of daardie bedrag verminder word, en die hof kan op so 'n aansoek, indien hy nie deur genoemde rekenpligtige beampte aan die hand van die omstandighede van die geval oortuig word nie dat die lasgewing tereg opgelê is of dat daardie bedrag juis is, 'n bevel uitreik waarby die lasgewing tersyde gestel word of daardie bedrag verminder word, na gelang van die geval. 40
- (7) Indien 'n bedrag ingevolge subartikel (5) of (6) verminder word, word die verminderde bedrag *mutatis mutandis* ooreenkomstig die bepalinge van subartikels (1), (2), (3) en (4) verhaal. 45

Wysiging van
artikel 23 van
Wet 19 van 1969.

11. Artikel 23 van die Hoofwet word hierby gewysig—
(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

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- (c) is or was responsible for fruitless expenditure of moneys of the council due to an omission to carry out his duties;
- 5 (d) is or was responsible for a deficiency in, or for the destruction of or damage to, moneys of the council, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other property of the council;
- 10 (e) due to an omission to carry out his duties, is or was responsible for a claim against the council, the accounting officer contemplated in section 22A shall determine the amount of such loss or damage, and may order, by notice in writing, that person to
- 15 pay him, within 30 days from the date of such notice, the whole or any part of the amount so determined.
- (2) If any person who is in the employ of the council and who has in terms of subsection (1) been
- 20 ordered to pay an amount, fails to pay the amount within the period stipulated in the notice in question, the amount shall, subject to the provisions of subsections (4), (5) and (6), be deducted from his monthly salary: Provided that such deduction shall
- 25 not in any month exceed one-fourth of his monthly salary.
- (3) If any person who was in the employ of the council and who has, in terms of subsection (1), been ordered to pay an amount, fails to pay the
- 30 amount within the period stipulated in the notice in question, the said accounting officer may, subject to the provisions of subsections (4), (5) and (6), recover such amount from such person by legal process.
- (4) If any person who has been ordered to pay an
- 35 amount in terms of subsection (1) makes, within the period stipulated in the notice in question, an offer to pay the amount in instalments, the said accounting officer may allow payment in such instalments as he may consider reasonable.
- 40 (5) Any person who has in terms of subsection (1) been ordered to pay an amount may, within a period of 30 days from the date of such order, appeal to the council, stating the grounds for his appeal, and the
- 45 council may, after such further investigation as it may deem necessary, dismiss the appeal or order that the appellant be exempted either wholly or partly, according as the council may consider fair and reasonable, from the payment of such amount.
- (6) Any person who has in terms of subsection (1)
- 50 been ordered to pay an amount may, instead of appealing to the council under subsection (5), apply within a period of 30 days from the date of such order, or within such further period as the court may allow, to a competent court for an order setting
- 55 aside such first-mentioned order or reducing such amount, and the court may upon such an application, if it is not convinced by the said accounting officer on the merits of the case that the order was
- 60 rightly made or that that amount is correct, make an order setting aside such first-mentioned order or reducing that amount, as the case may be.
- (7) If an amount is reduced in terms of subsection
- 65 (5) or (6), the reduced amount shall *mutatis mutandis* be recovered in accordance with the provisions of subsections (1), (2), (3) and (4)."

11. Section 23 of the principal Act is hereby amended—

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

Amendment of
section 23 of
Act 19 of 1969.

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„Die **[Staatspresident]** Minister kan, op aanbeveling van die raad, regulasies uitvaardig betreffende—”; en

(b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang: 5

„(c) die diensvoorwaardes (uitgesonderd diensvoorwaardes betreffende besoldiging en toelae) van die president, die **[vise-president]** adjunk-president en die ander lede van die raad;”.

Oorgangsbepalings.

12. Enigiets voor die inwerkingtreding van hierdie Wet 10
gedoen kragtens 'n bepaling van die Hoofwet wat deur 'n
bepaling van hierdie Wet gewysig is, word geag kragtens die
bepaling soos aldus gewysig, gedoen te wees.

Kort titel.

13. Hierdie Wet heet die Wysigingswet op die Suid-Afrikaanse
Mediese Navorsingsraad, 1982. 15

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“The **[State President]** Minister may, on the recommendation of the council, make regulations as to—”; and

5 (b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) the conditions of service (excluding such conditions relating to remuneration and allowances) of the president, the **[vice-president]** deputy-president and the other members of the council;”.

10 12. Anything done prior to the commencement of this Act under a provision of the principal Act amended by a provision of this Act, shall be deemed to have been done under the provision as so amended. Transitory provisions.

15 13. This Act shall be called the South African Medical Research Council Amendment Act, 1982. Short title.