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REPUBLIC OF SOUTH AFRICA

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THE PRESIDENCY

No. 1142

22 May 1991

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

No. 58 of 1991: South African Medical Research Council, 1991.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

ACT

To provide for the continued existence of the South African Medical Research Council and for the management thereof by a Board; and for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 15 May 1991.)*

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

Definitions

1. In this Act, unless the context otherwise indicates—
 - (i) "Board" means the Board referred to in section 6; (ix) 5
 - (ii) "chairman" means the person appointed in terms of section 6 (2) (a) as the chairman of the Board; (xii)
 - (iii) "development" means the activities by which knowledge acquired through research is utilized; (vii)
 - (iv) "Executive Management Committee" means the Executive Management Committee referred to in section 7; (iv) 10
 - (v) "financial year" means the period from 1 April in any year to 31 March in the next succeeding year; (i)
 - (vi) "Minister" means the Minister to whom the administration of this Act has been assigned in terms of section 20; (v) 15
 - (vii) "president" means the person appointed in terms of section 9 as the chief executive officer of the MRC; (viii)
 - (viii) "regulation" means a regulation in force in terms of this Act; (x)
 - (ix) "research" means the creation, preservation, accumulation and improvement of knowledge by means of scientific investigations and methods in the field of the medical and related sciences as well as those sciences the application of which is important for the promotion of health or the combating of disease, and includes the acquisition, development and transfer of expertise and technology, and "researcher" has a corresponding meaning; (vi) 20
 - (x) "technology transfer" means the transfer of knowledge, and techniques and processes for the application thereof; (xi) 25
 - (xi) "the MRC" means the South African Medical Research Council referred to in section 2 (1); (ii)
 - (xii) "this Act" includes a regulation. (iii) 30

Continued existence of South African Medical Research Council

2. (1) The South African Medical Research Council established by section 2 of the South African Medical Research Council Act, 1969 (Act No. 19 of 1969), shall, notwithstanding the repeal of that Act by this Act, continue to exist as a juristic person known as the MRC. 35

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(2) The registrar of deeds concerned shall make the entries or endorsements in or on any relevant register, title deed or other document in his office or submitted to him which he may deem necessary in order to give effect to the provisions of subsection (1), and no office fee or other charge shall be payable in respect of any such entry or endorsement. 5

Objects of MRC

3. The objects of the MRC are, through research, development and technology transfer, to promote the improvement of the health and the quality of life of the population of the Republic and to perform such other functions as may be assigned to the MRC by or under this Act. 10

Functions, powers and duties of MRC

4. (1) The functions, powers and duties of the MRC shall be to achieve its objects with the means at its disposal, and for the purposes of achieving those objects the MRC may—

- (a) (i) undertake research of its own accord; or 15
- (ii) undertake research on behalf of the State or any other authority, or on behalf of any person or institution, or support such research financially;
- (b) operate and maintain national research facilities assigned to it by the Minister; 20
- (c) promote co-operation between the Republic and other countries with regard to research, development and technology transfer;
- (d) develop and utilize the technological expertise in its possession or make it available to any person or institution in the Republic or elsewhere;
- (e) promote the training of researchers and related personnel, and for this purpose grant study bursaries and loans, and make monetary contributions for research programmes; 25
- (f) establish and control research laboratories and other facilities in those fields of research which the Board may from time to time approve;
- (g) co-operate with persons and institutions undertaking research in other countries, by the exchanging of scientific knowledge by means of international meetings and other programmes; 30
- (h) make grants—
 - (i) to universities, technikons, colleges, museums and scientific institutions in aid of research by their staff and to establish channels for the exchange and supplementation of knowledge and expertise; 35
 - (ii) to universities, technikons, colleges, schools, museums and other institutions or to persons associated therewith, for research and development or for the provision of facilities with a view to research and development; 40
- (i) participate in joint research operations with departments of State, universities, technikons, colleges, museums, scientific institutions and other persons;
- (j) co-operate with educational authorities and scientific or technical societies or industrial institutions representing employers and employees, respectively, for the promotion of the instruction and training of researchers, technical experts and other supporting personnel in universities, technikons, colleges and schools; 45
- (k) enter into agreements with any person or, subject to the provisions of section 5, with any government or administration, upon such conditions as the MRC and that person, government or administration may agree; 50
- (l) purchase, hire, possess or otherwise acquire movable property, and let, pledge, encumber or dispose of that property;
- (m) hire or let services and immovable property;
- (n) perform or exercise any function or power entrusted to or conferred upon the MRC in terms of any other law; 55
- (o) with the approval of the Minister, acting with the concurrence of the Minister of Finance—

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- (i) purchase, possess or otherwise acquire immovable property and encumber or dispose of that property;
 - (ii) borrow money from time to time on such terms and conditions as the Board may approve, by way of loans from any source and against the security which the Board may deem fit; and 5
 - (iii) on its own, or in association with any person, establish a company for the purpose of developing or exploiting in any manner any invention or technological expertise, and for this purpose acquire an interest in or control over a company or statutory body referred to in section 1 of the Exchequer Act, 1975 (Act No. 66 of 1975); 10
 - (p) generate income by the marketing of its biomedical expertise and technology;
 - (q) subject to the provisions of any other law relating to the regulating of and control over medicines, related substances and medical equipment, on its own or in association with any person, test and evaluate such medicines, related substances and medical equipment pertaining to preventative or curative medical care for medical scientific purposes or the promotion of technology in general; 15
 - (r) in addition to any function, power or duty that the MRC is required or empowered to do in terms of the provisions of this Act or in terms of any other law, do everything that is conducive to the achievement of its objects or is calculated, directly or indirectly, to enhance the value of or render profitable the property or rights of the MRC. 20
- (2) The MRC shall, in addition to its other functions in terms of this Act or any other law— 25
- (a) undertake the investigations or research which the Minister may assign to it; and
 - (b) advise the Minister—
 - (i) on the determination of policy and national priorities regarding research; and 30
 - (ii) on development, promotion, implementation and co-ordination of research on a national basis.

Exercise of powers of MRC outside Republic

5. (1) The MRC may at the request or with the prior approval of the Minister undertake research, development and technology transfer in any territory outside the Republic on behalf of any person (including any institution, government or administration). 35

(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* to the exercising by the MRC of its powers in terms of this section as if the territory in which it so exercises its powers were within the Republic. 40

(3) Research, development and technology transfer shall under subsection (1) be undertaken on such conditions as may be agreed upon between the MRC and the person (including any institution, government or administration) on whose behalf the research, development and technology transfer are to be undertaken, and as may be approved by the Minister. 45

(4) The Minister may with the concurrence of the Minister of Finance indemnify the MRC against any losses which it may incur consequent upon any act or omission of the person, institution, government or administration referred to in subsection (1). 50

Control over, and management of affairs of, MRC

6. (1) The affairs of the MRC shall be managed and controlled by a Board, which shall, subject to the provisions of this Act, determine the policy and objectives of the MRC and exercise control generally over the performance of its functions, the exercise of its powers and the execution of its duties. 55

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- (2) The Board shall consist of—
- (a) (i) a chairman;
 - (ii) not less than 12 but not more than 14 other members who have distinguished themselves in any branch of the medical or related science; and
 - (iii) not more than two other members, appointed by the Minister; and
 - (b) the president, who shall serve on the Board by virtue of his office.
- (3) A member of the Board, excluding the president, shall hold office for a period not exceeding three years, but shall be eligible for reappointment.
- (4) A member of the Board shall vacate his office if—
- (a) he reaches the age of 70 years;
 - (b) he is declared insolvent or surrenders his estate for the benefit of his creditors;
 - (c) he is found guilty of an offence and sentenced to imprisonment without the option of a fine;
 - (d) he is absent from three consecutive meetings of the Board without the consent of the chairman unless the Board condones his absence on good cause shown;
 - (e) he resigns as a member;
 - (f) (i) he is in terms of the provisions of the Electoral Act, 1979 (Act No. 45 of 1979), nominated as a candidate for election as a member of Parliament; or
 - (ii) he is in terms of the provisions of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), nominated as a member of Parliament, or is appointed or designated as a member of the President's Council; or
 - (g) his term of office is terminated under subsection (5).
- (5) The Minister may, with the concurrence of the Board, at any time discharge a member of the Board from office if he is of the opinion that such member is incompetent to fulfil his duties or is guilty of misconduct.
- (6) If a member dies or by written notice, directed to the Minister, resigns or in terms of subsection (4) or (5) ceases to be a member, the Minister may, subject to the provisions of this section, appoint a person in his place for the unexpired period of his term of office.
- (7) The chairman and the other members of the Board, excluding a chairman or member who is in the full-time employment of the State or employees of the MRC, shall be appointed on such conditions, including conditions relating to the payment of remuneration and allowances, as the Minister may determine with the concurrence of the Minister of Finance.
- (8) (a) The Minister shall appoint a member of the Board as vice-chairman.
- (b) If the chairman is unable to perform his duties in terms of this Act, the vice-chairman shall act as chairman of the Board, and whilst the vice-chairman is thus acting, he shall exercise all the powers and perform all the duties and functions of the chairman.
- (9) The chairman or vice-chairman, or, in their absence, a member of the Board elected by the members present, shall preside at a meeting of the Board.
- (10) (a) The Minister may, after consultation with the Board, from time to time reserve any matter provided for in this Act as a matter in respect of which a decision of the Board shall be subject to the consent of the Minister.
- (b) The Minister and the Minister of Finance may jointly from time to time reserve any financial matter provided for in this Act as a matter in respect of which a decision of the Board shall be subject to the consent of the Minister with the concurrence of the Minister of Finance.

Executive Management Committee

7. The Board shall designate an executive management committee, which shall consist of the president and so many other members, who shall be employees of the MRC, as the Board may deem necessary, and who shall, subject to the directives and control of the Board, be responsible for the management of the affairs of the MRC in accordance with the objects and policy of the MRC.

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Committees of Board

8. (1) The Board may nominate one or more committees, which shall, subject to the instructions of the Board, perform such functions of the Board as the Board may determine.

(2) Such a committee shall consist of one or more persons, as the Board may determine, being members of the Board, employees of the MRC or other persons whom the Board deems capable, and the Board may at any time dissolve or reconstitute such a committee.

(3) If a committee referred to in subsection (1) consists of more than one member, the Board shall designate a member of the committee as chairman thereof.

(4) The MRC may pay to members of a committee referred to in subsection (1) who are not in the full-time employment of the State, or are not members of the Board or employees of the MRC, such remuneration and allowances as the Minister, with the concurrence of the Minister of Finance, may determine.

(5) The Board shall not be absolved from the performance of any function entrusted to any committee of the Board in terms of this section.

President of MRC

9. (1) The Board shall appoint a chief executive officer for the MRC, who shall occupy the post of president of the MRC.

(2) The president shall be registered as a medical practitioner under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974).

(3) The president shall be the chairman of the Executive Management Committee, shall, together with the other members thereof, be responsible for the management of the affairs of the MRC, and shall report on such affairs as may be required of him by the Board.

(4) The president shall be appointed for a period not exceeding five years on the conditions, including conditions relating to the payment of remuneration and allowances, as the Board may determine in accordance with a system approved by the Minister, with the concurrence of the Minister of Finance, as such system is amended from time to time.

(5) The president may, at the expiration of his period of office, with his consent be reappointed.

(6) Whenever for any reason the president is absent or unable to carry out his duties, or whenever there is a vacancy in the office of the president, the Board may, on such conditions and subject to the payment of such remuneration and allowances as it may determine, in accordance with a system approved from time to time for that purpose by the Minister, with the concurrence of the Minister of Finance, appoint another person who complies with the provisions of subsection (2), to act as president during such absence or inability, or until a president has been appointed in terms of subsection (1), and that other person shall, while so acting, have all the powers and perform all the duties of the president.

Meetings of Board

10. (1) The meetings of the Board shall be held at such times and places as the Board may determine: Provided that the first meeting shall be held at such time and place as the chairman may determine.

(2) The chairman, or in his absence the vice-chairman, may at any time in his discretion, or on request of the Minister or president, convene a special meeting of the Board, which shall be held at such time and place as the chairman or the vice-chairman, as the case may be, may direct.

(3) The quorum for a meeting of the Board shall be the majority of its members.

(4) A decision of the Board shall be taken by resolution of the majority of the members present at any meeting of the Board, 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 Board.

(5) No decision taken by the Board or act performed under the authority of the Board shall be invalid merely by reason of a casual vacancy on the Board.

Staff of MRC and conditions of service

11. (1) (a) The Board may, subject to paragraph (b) and on such conditions as it may determine, appoint the employees whom it deems necessary to assist the MRC in the performance of its functions.

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- (b) The MRC shall pay to its employees such remuneration, allowances, subsidies and other benefits as the Board may determine, in accordance with a system approved by the Minister, with the concurrence of the Minister of Finance, as such system is amended from time to time.
- (c) The Board may, on such conditions as it may deem fit and with the concurrence of an employee of the MRC, second such employee, either for a particular service or for a period of time, to the service of a department of State, the government of any other country or territory, an institution or a person in or outside the Republic, provided that such an employee's rights, privileges and benefits by virtue of his conditions of service as an employee of the MRC are not adversely affected by such secondment.
- (d) Any person who, immediately prior to the commencement of this Act, was an officer or employee appointed or deemed to have been appointed as such in terms of section 13 (1) of the South African Medical Research Council Act, 1969 (Act No. 19 of 1969), shall as from the commencement of this Act be deemed to have been appointed in terms of paragraph (a) of this subsection on such conditions of service as may be determined from time to time in terms of the said paragraph.
- (e) The MRC shall for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to be an associated institution.
- (2) The Board may from time to time, on such conditions and against such security as it may deem fit—
- (a) provide collateral security, including guarantees, to a registered financial institution in respect of a loan granted to an employee of the MRC by that financial institution, to enable the employee to acquire, improve or enlarge immovable property for residential purposes;
- (b) build, cause to be built, purchase or rent houses, flats or flat buildings for occupation by employees, and may sell or let those houses or flats to employees, or otherwise dispose of, let or otherwise deal with those houses, flats or flat buildings;
- (c) establish, institute, erect or maintain sports or recreational societies, social clubs, social and health services, restaurants, hostels, bursary schemes for purposes of study or other similar undertakings or schemes which in its opinion may be beneficial to its employees.
- (3) If a person who is employed in any capacity by or on behalf of the MRC suffers an injury or contracts a disease while engaged in, and which is directly attributable to, any activity in the course of such employment, the Minister may, on the recommendation of the Board and with the concurrence of the Minister of Finance, authorize the MRC to pay compensation to such person or, in the event of his death, to his dependants.
- (4) The provisions of subsection (3) shall not affect the right of any person to claim damages in respect of any injury or disease referred to in that subsection.

Financing of MRC

12. (1) The funds of the MRC shall consist of—
- (a) money appropriated by Parliament to finance the functions of the MRC;
- (b) revenue obtained by virtue of the provisions of subsections (4) and (5);
- (c) money borrowed by the MRC in terms of section 4 (1) (o) (ii);
- (d) fees or royalties referred to in section 16 (2) which are paid to the MRC;
- (e) the proceeds from the sale of shares, and from dividends on shares held by the MRC, in any company referred to in section 4 (1) (o) (iii);
- (f) donations or contributions which the MRC may receive from any person, body, government or administration;
- (g) money received from any other source.
- (2) (a) The MRC shall utilize its funds for defraying expenses in connection with the performance of its functions and the exercise of its powers.
- (b) The MRC shall utilize any money contemplated in subsection (1) (a) in accordance with the statement of its estimated income and expenditure

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referred to in subsection (3), as approved by the Minister: Provided that, subject to the provisions of paragraph (a), the MRC may utilize any amount or portion of any amount required to be so utilized for a particular purpose in connection with a specified matter, for any other purpose in connection with that matter: Provided further that the MRC may, with the concurrence of the Minister, utilize any balance of the money remaining at the end of the MRC's financial year in question, for any expenses in connection with the exercise of its powers or the performance of its functions. 5

(c) The MRC shall utilize any donations or contributions contemplated in subsection (1) (f) for the purpose and subject to the conditions determined by the donor or contributor. 10

(3) The Board shall in each financial year, at a time determined by the Minister, submit a statement of the MRC's estimated income and expenditure during the following financial year to the Minister for his approval, granted with the concurrence of the Minister of Finance. 15

(4) The MRC may, in respect of any work performed or services rendered by it under this Act, or for the use of its facilities or rights consequent upon any discoveries, inventions or improvements, charge such fees or make such other financial arrangements as it may deem fit. 20

(5) (a) The Board may invest any unexpended portion of the MRC's funds with the Corporation for Public Deposits established by section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), or, subject to the approval of the Minister acting with the concurrence of the Minister of Finance, dispose thereof in any other manner. 25

(b) The Board may, at its discretion, utilize the interest on such investments for defraying expenses in connection with the performance of its functions.

(c) The Board may establish such reserve funds and deposit therein such amounts as the Minister, acting with the concurrence of the Minister of Finance, may approve. 30

Accounting officer

13. (1) In addition to the other functions and duties entrusted to him by this Act, the president shall be the accounting officer charged with the responsibility of accounting for all money received, the utilization thereof and the use and care of the property of the MRC. 35

(2) The accounting officer shall cause such records of account to be kept as are necessary to represent fairly the state of affairs and business of the MRC and to explain the transactions and financial position of the business of the MRC.

Accounting, auditing and annual report

14. (1) The keeping and compilation of annual financial statements of a company referred to in section 4 (1) (o) (iii) shall be done in accordance with the provisions of the Companies Act, 1973 (Act No. 61 of 1973). 40

(2) The Auditor-General shall audit the books of accounts, accounting statements and annual financial statements of the MRC.

(3) The Board shall furnish the Minister with such information as he may call for from time to time in connection with the activities and financial position of the MRC and shall as soon as practicable after the end of each financial year submit to the Minister an annual report on the MRC's affairs and functions in respect of that financial year, which shall, *inter alia*, include— 45

(a) an audited balance sheet, including any notes thereon or a document annexed thereto providing the information required by this Act; 50

(b) an audited income statement, including any similar financial statement where such form is appropriate, and including any notes thereon or a document annexed thereto providing the information required by this Act; and 55

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- (c) a statement of cash flow information.
- (4) The financial statements referred to in subsection (3) (a), (b) and (c) shall—
- (a) be in conformity with generally accepted accounting practice;
 - (b) fairly reflect the state of affairs and functions of the MRC and the results thereof; and
 - (c) refer to any relevant matter not specifically prescribed by this Act which affects or is likely to affect the affairs of the MRC, both by way of figures and by a descriptive report, amplifying and explaining, where necessary, figures in the financial statements.
- (5) A report referred to in subsection (3) shall be printed in both official languages.
- (6) As soon as practicable after a report has been submitted to the Minister in terms of subsection (3), he shall table it in Parliament.

Recovery of loss and damage

15. (1) If a person who is or was in the employment of the MRC caused the MRC any loss or damage because he—
- (a) failed to collect money due to the MRC and for the collection of which he is or was responsible;
 - (b) is or was responsible for an irregular payment of money of the MRC or for a payment of such money not supported by a proper voucher;
 - (c) is or was responsible for fruitless expenditure of money of the MRC owing to an omission to carry out his duties;
 - (d) is or was responsible for a deficiency in, the destruction of or any damage to the MRC's money, stamps, face value documents and forms having potential value, securities, equipment, stores or any other property of the MRC;
 - (e) is or was responsible for a claim against the MRC owing to failure to carry out his duties,

the accounting officer shall determine the amount of such loss or damage, and may order that person, by notice in writing, to pay to the MRC, within 30 days from the date of such notice, the whole or any part of the amount so determined.

(2) If a person who is in the employment of the MRC and who has in terms of subsection (1) been 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 not in any month exceed a fourth of his monthly salary.

(3) If a person who was in the employment of the MRC and who has in terms of subsection (1) been ordered to pay an amount, fails to pay the amount within the period stipulated in the notice in question, the accounting officer shall, subject to the provisions of subsections (4), (5) and (6), recover the amount from the person concerned by legal process.

(4) If a person who has in terms of subsection (1) been ordered to pay an amount, offers, within the period stipulated in the notice in question, to pay the amount in instalments, the accounting officer may allow payment in such instalments as he may consider reasonable.

(5) A 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 in writing against such order to the Board, stating the grounds for his appeal, and the Board may, after such investigation as it may deem necessary, dismiss the appeal, or order that the appellant be exempted, either wholly or partly, as the Board may deem fair and reasonable, from the payment of such amount.

(6) A person who has in terms of subsection (1) been ordered to pay an amount may, instead of appealing to the Board 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 aside such first-mentioned order or reducing such amount, and the court may upon such an application, if it is not convinced by the accounting officer on the merits of the case that the order was

rightly made or that the amount is correct, make an order setting aside such first-mentioned order or reducing that amount, as the case may be.

Discoveries, inventions and improvements by employees of MRC and other persons

16. (1) Subject to the provisions of subsections (5) and (6), the rights in all discoveries and inventions and in all improvements in respect of processes, apparatus, machines and medicines made by— 5

- (a) employees of the MRC;
- (b) persons assisting the MRC with any investigation or research; or
- (c) persons to whom bursaries or grants-in-aid have been granted by the MRC, unless it is otherwise agreed to by the Board and such persons, 10

shall vest in the MRC.

(2) The MRC may make the discoveries, inventions and improvements referred to in subsection (1) and the rights of which are vested in the MRC, available for use in the public interest subject to such conditions and the payment of such fees or royalties as the MRC may determine. 15

(3) If the rights in any discovery, invention or improvement are vested in the MRC in terms of subsection (1), the Board may award to the person responsible for the discovery, invention or improvement such bonus as it deems fit, or make provision for financial participation by such person in the profits derived from the discovery, invention or improvement to such extent as the Minister may determine with the concurrence of the Minister of Finance. 20

(4) The MRC may apply for a patent in respect of any discovery, invention or improvement referred to in subsection (1), and shall for the purposes of the Patents Act, 1978 (Act No. 57 of 1978), be regarded as the assignee of the discoverer or inventor in question. 25

(5) Unless it is otherwise agreed, the rights in respect of any discovery, invention or improvement made by the MRC in the course of an investigation for or on behalf of another person, government or administration shall vest in the MRC.

(6) The provisions of this section shall not apply in respect of any discovery, invention or improvement referred to in subsection (1) which was made by the person concerned other than— 30

- (a) in the course of his employment as an employee of the MRC;
- (b) in the course of any investigation or research while assisting the MRC; or
- (c) in the course of any research in respect of which he receives a bursary or grant-in-aid from the MRC, 35

and which is not connected with such employment, investigation or research.

Research on and experimentation with humans, animals and human and animal material

17. (1) The Board shall regulate and control research on or experimentation with humans, animals or human or animal material performed by— 40

- (a) employees of the MRC; or
- (b) persons performing such research or experimentation for or on behalf of the MRC, or with research aid by the MRC.

(2) The Board may—

- (a) for the purposes of subsection (1), determine ethical directives which shall be followed in such research or experimentation; and 45
- (b) take such control measures as it may deem necessary in order to ensure that the ethical directives are complied with.

(3) The Board may at its discretion enter into an agreement with any person to exercise the control referred to in subsection (1) on behalf of the Board, on the conditions determined in the agreement. 50

Regulations

18. The Minister may, after consultation with the Board, make regulations as to—

- (a) the circumstances under which a member of the Board shall vacate his office;

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- (b) the filling of casual vacancies on the Board and the appointment of persons to act on behalf of absent members;
 - (c) the matters in respect of which fees shall be payable to the MRC, the amount of such fees and the persons who shall be liable for the payment thereof, and the circumstances in which any fees so paid shall be refunded; 5
 - (d) the procedure at meetings of the Board;
 - (e) the preservation of secrecy in respect of the affairs of the MRC,
- and, generally, as to any matter in respect of which the Minister deems it necessary or expedient to make regulations in order to achieve the objects of this Act.

Delegations

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19. (1) The Board may—
- (a) in writing delegate to the chairman or any other member of the Board, the president or any other employee of, or holder of an office with, the MRC or to a committee nominated under section 8, any power conferred upon the Board by or under this Act; or 15
 - (b) in writing authorize the chairman or any other member of the Board, the president or any other employee of, or holder of an office with, the MRC or a committee nominated under section 8, to perform any duty assigned to the Board by or under this Act.
- (2) The president may— 20
- (a) in writing delegate to an employee of, or the holder of an office with, the MRC, any power conferred upon the president by or under this Act in his capacity as president or accounting officer; or
 - (b) in writing authorize that employee or holder of an office to perform any duty assigned to the president by or under this Act in the said capacities. 25
- (3) Any delegation under subsections (1) and (2) may be made subject to such conditions and restrictions as may be determined by the Board or the president, as the case may be, and may be withdrawn by the Board or the president, as the case may be.
- (4) The Board and the president shall not be divested of any power delegated under subsections (1) and (2) by it or him, and may amend or withdraw any decision made in the exercise of such delegated power. 30

Administration of Act

20. The State President may by proclamation in the *Gazette* assign the administration of this Act to any Minister, and may determine 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. 35

Savings

21. (1) At the commencement of this Act anything done in terms of the provisions of the South African Medical Research Council Act, 1969 (Act No. 19 of 1969), and the South African Medical Research Council Amendment Act, 1982 (Act No. 47 of 1982), prior to such commencement and which may be done in terms of the provisions of this Act, shall be deemed to have been done in terms of the latter provisions. 40
- (2) If at the commencement of this Act any matter has not been disposed of by the South African Medical Research Council established by section 2 of the South African Medical Research Council Act, 1969, or a committee thereof, the Board established in terms of this Act may continue with the disposal of the matter in accordance with the provisions of this Act, and anything done by the said council in connection with that matter shall be deemed to have been done by the Board established in terms of this Act. 45
- (3) Any regulation made by the Minister under section 23 of the South African Medical Research Council Act, 1969, and in force at the repeal of that Act by section 22 of this Act shall, notwithstanding such repeal, remain in force after the commencement of this Act in so far as it deals with any matter in respect of which 50

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the Minister may make regulations under section 18, until it is replaced by a regulation made under section 18.

(4) The person who, immediately prior to the commencement of this Act, held the office of president of the South African Medical Research Council shall as from the commencement of this Act be deemed to have been appointed in terms of section 9 (1) of this Act on the conditions of service and at the remuneration applicable to him immediately prior to such commencement, and shall hold such office for the remaining period for which he was thus appointed, but may be reappointed in terms of the provisions of section 9 at the expiration thereof. 5

(5) The conditions of service and remuneration referred to in subsection (4) shall, 10 subject to the provisions of section 9 (4), not be altered without the consent of the president concerned.

Repeal of laws

22. The South African Medical Research Council Act, 1969 (Act No. 19 of 1969), and the South African Medical Research Council Amendment Act, 1982 (Act No. 47 15 of 1982), are hereby repealed.

Short title and commencement

23. This Act shall be called the South African Medical Research Council Act, 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 20