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GOVERNMENT GAZETTE

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PRESIDENT'S OFFICE

KANTOOR VAN DIE PRESIDENT

No. 674.

19 April 1996

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

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

No. 16 of 1996: Agricultural Research Amendment Act, 1996.

No. 16 van 1996: Wysigingswet op Landbounavorsing, 1996.

GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Agricultural Research Act, 1990, so as to reregulate the constitution of the Council managing the affairs of the Agricultural Research Council; to further regulate the period of office of members of the Council; and to replace an obsolete provision; to extend the application of the Act; and to provide for matters connected therewith.

(English text signed by the President.)
(Assented to 16 April 1996.)

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

Substitution of section 9 of Act 86 of 1990

1. The following section is hereby substituted for section 9 of the Agricultural Research Act, 1990 (hereinafter referred to as the principal Act):

“Constitution of Council

9. (1) The Council shall consist of—

- (a) the chairperson;
- (b) at least eight but not more than 15 other members appointed by the Minister; and
- (c) the president, who shall serve on the Council by virtue of his or her office.

(2)(a) The members referred to in subsection (1)(a) and (b) shall be appointed by virtue of their knowledge and experience of agriculture, marketing, the training of agriculturists and veterinarians, business and financial management, the law, the environment, rural development, or research, development or technology transfer in the field of agriculture.

(b) In the composition of the Council the interests of each province shall be taken into account.

(3)(a) Whenever a member of the Council has to be appointed, the Minister shall—

- (i) by notice in at least two national newspapers and so many local newspapers as the Minister may determine, invite persons, stakeholders and the Premier of each province to submit to him or her, within the period mentioned in the notice, the names of persons;
- (ii) establish a committee consisting of the number of persons which the Minister may determine, designate a chairperson for the committee and submit to the committee all the nominations received.

(b) The chairperson of the appropriate committee of the National Assembly and the chairperson of the corresponding committee of the Senate, or their delegates, shall be members of the committee referred to in paragraph (a)(ii).

(c) The committee referred to in paragraph (a)(ii) shall from the nominations submitted to it by the Minister, compile a short list of eligible candidates who have knowledge and experience of any matter referred to in subsection (2), and submit it to the Parliamentary committees referred to in paragraph (b).

(d) The Parliamentary committees referred to in paragraph (b) shall, within one month after receipt of the shortlist, and in consultation with each other, make a recommendation to the Minister as to which candidate should be appointed to the Council.

(e) A member of the Council shall be appointed by the Minister after due consideration of the recommendation made to him or her in terms of paragraph (d): Provided that if the Minister does not agree with the recommendation, the Minister shall refer the matter back to the Parliamentary committees referred to in paragraph (b) for consultation.

(4) No political office-bearer as defined in section 190A of the Constitution, as well as a member of a Provincial House of Traditional Leaders, the Council of Traditional Leaders, the Volkstaat Council or a local government, and any official of a political party, shall be appointed as a member of the Council."

Amendment of section 12 of Act 86 of 1990

2. Section 12 of the principal Act is hereby amended—

(a) by the deletion of paragraph (a) of subsection (2);

(b) by the substitution for paragraph (f) of subsection (2) of the following paragraph:

"(f) he or she is nominated as a candidate for election as a member of Parliament, a Provincial House of Traditional Leaders, the Council of Traditional Leaders, the Volkstaat Council, a provincial legislature, or the council or other governing body of a local government body or is appointed as an official of a political party; or"; and

(c) by the addition after subsection (4) of the following subsection:

"(5) If, at the expiration of the period for which a member was appointed, no new appointment has been made in his or her stead, that member shall remain in office until such an appointment is made: Provided that a member shall so remain in office for a period not exceeding three months."

Amendment of section 25 of Act 86 of 1990

3. Section 25 of the principal Act is hereby amended by the insertion after paragraph (a) of subsection (1) of the following paragraphs:

"(aA) the publication and contents of the notice referred to in section 9(3);

"(aB) the manner in which the Council must submit to the Minister its needs in relation to expertise in the Council;"

Extension of application of Act 86 of 1990

4. The principal Act shall apply throughout the Republic.

Short title

5. This Act shall be called the Agricultural Research Amendment Act, 1996.