

STATE PRESIDENT'S OFFICE

No. 1196.  
9 July 1993

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

NO. 100 OF 1993: GEOSCIENCE ACT, 1993.

ACT

To provide for the promotion of research and the extension of knowledge in the field of geoscience; for that purpose to make provision for the establishment of a Council for Geoscience and for the management thereof by a Management Board; and to provide for matters connected therewith.

(Afrikaans text signed by the Acting State President.)

(Assented to 28 June 1993.)

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) "chairman" means the chairman of the Management Board appointed in terms of section 4; (xii)
- (ii) "committee" means a committee nominated in terms of section 16; (iii)
- (iii) "Council" means the Council for Geoscience referred to in section 2; (viii)
- (iv) "discovery" means a technological or scientific discovery, but excluding a discovery of a mineral deposit; (vi)
- (v) "Executive Management Committee" means the Executive Management Committee referred to in section 15; (xi)

- (vi) "executive officer" means the person appointed in terms of section 18 as executive officer of the Council; (x)
- (vii) "Management Board" means the Management Board referred to in section 4; (i)
- (viii) "mineral" means a mineral as defined in section 1 of the Minerals Act, 1991 (Act No. 50 of 1991); (iv)
- (ix) "Minister" means the Minister of Mineral and Energy Affairs; (v)
- (x) "prospecting" means prospecting as defined in section 1 of the Minerals Act, 1991; (vii)
- (xi) "regulation" means a regulation in force in terms of this Act; (ix)
- (xii) "this Act" includes a regulation. (ii)

#### Establishment of Council for Geoscience

2. There is hereby established a juristic person to be known as the Council for Geoscience.

#### Objects of Council

3. The objects of the Council are to promote the search for, and exploitation of, any mineral in the Republic, to undertake research in the field of geoscience and to furnish specialized geoscientific services.

#### Management Board

4. (1) With a view to the achievement of the objects of the Council its affairs shall be managed by a Management Board, which shall, subject to the provisions of this Act, determine the policy and goals of the Council and exercise control over the performance of the functions of the Council.

(2) The Management Board shall consist of-

- (a) the chairman, who shall be appointed by the Minister;
- (b) at least eight but not more than ten other members appointed by the Minister, after consultation with the chairman and the executive officer, of whom-
  - (i) one shall be an official of the Department of Mineral and Energy Affairs nominated by the Director-General: Mineral and

Energy Affairs;

- (ii) one shall be an official of the Department of Environment Affairs nominated by the Director-General: Environment Affairs;
  - (iii) one shall be an official of the Department of Regional and Land Affairs nominated by the Director-General: Regional and Land Affairs;
  - (iv) one shall be an official of the Department of Water Affairs and Forestry nominated by the Director-General: Water Affairs and Forestry;
  - (v) one shall be a person who is involved in the mining industry and was nominated by the Chamber of Mines;
  - (vi) one shall be a person who is involved in geoscientific education or training and was nominated by the Geological Society of South Africa;
  - (vii) one shall be a person who is involved in commerce; and
  - (viii) one shall be a person with knowledge or experience of mineral activities who is involved in industrial development and was nominated by the Industrial Development Corporation; and
- (c) the executive officer, who shall serve ex officio as a member of the Management Board.

(3) After the expiry of the term of office of the first chairman the Minister shall appoint the chairman after consultation with the other members of the Management Board.

(4) The Minister may, whenever he deems it necessary or expedient, subject to the provisions of subsection (1), appoint an alternate member for any member of the Management Board.

(5) The members or alternate members of the Management Board shall be persons who-

- (a) have special knowledge of or experience in any aspect of the Council's functions; or
- (b) by virtue of the offices occupied by them are able to make a contribution to the achievement of the objects of the Council.

## Functions of Council

5. (1) For the purpose of achieving its objects, the Council may perform the following functions:

- (a) Undertake geoscientific research;
- (b) compile and develop a comprehensive and integrated collection of knowledge of geology, geochemistry, geophysics, engineering geology, economic geology, geochronology, marine geology and geomagnetism;
- (c) serve as the national custodian of all geoscientific information relating to the earth, the marine environment and geomagnetic space;
- (d) study mineral resources;
- (e) study the use of the surface of land, and from a geoscientific viewpoint advise government institutions and the general public on the judicious and safe use thereof;
- (f) develop and maintain the National Geoscientific Library, the National Borehole Core Depository, the National Geophysical and Geochemical Test Sites, and the Geological Museum as part of the Transvaal Museum;
- (g) conduct investigations and render specialized services to public and private institutions;
- (h) (i) undertake research of its own accord; or
  - (ii) undertake research on behalf of the State or any other government institution, or on behalf of any person or institution, or support such research financially; and
- (i) do anything that is necessary for or conducive to the achievement of the said objects.

(2) In order to promote relevant research and to support its objects the Council may-

- (a) make grants to universities, technikons, colleges and other educational and scientific institutions in aid of research by their staff or for the establishment of facilities for such research;
- (b) undertake joint research projects with departments of State, universities, technikons, colleges, other educational and scientific institutions and other persons;

- (c) co-operate with educational authorities and scientific or technical societies for the promotion of the education and training of researchers, technical experts and other supporting personnel in schools, technikons, colleges and universities;
- (d) grant study bursaries and loans to researchers, and make monetary contributions for research programmes in support of its own manpower requirements; and
- (e) co-operate with persons and institutions undertaking research in other countries by the exchange of geoscientific knowledge by means of international meetings and research projects.

(3) In order to perform the functions and to achieve the objects of the Council, the executive officer may-

- (a) on behalf of the Council conclude agreements with any person or institution or, subject to the provisions of section 8, with any government or administration, on the conditions upon which the Management Board and that person, institution, government or administration may agree;
- (b) act as the official representative of the Council at all national and international organizations and meetings;
- (c) defend legal proceedings instituted against the Council and institute legal proceedings connected with its functions;
- (d) with the approval of the Minister, granted with the concurrence of the Minister of State Expenditure, for or on behalf of the Council purchase or otherwise acquire or possess or hire immovable property, and alienate, let, pledge or otherwise encumber such property;
- (e) with the approval of the Minister, granted with the concurrence of the Minister of Finance, raise money by way of loans on such terms and conditions and against such security as the Management Board may deem expedient;
- (f) hire or let services against payment;
- (g) produce and sell reports, maps, computer programs and other intellectual property which the Council generates in the course of its research;
- (h) do everything that is conducive to the performance of the functions or the achievement of the objects of the Council or is calculated, directly or indirectly, to enhance the value of or render profitable the property or rights of the Council.

(4) The Council shall, in addition to its other functions in terms of this Act or any other law-

- (a) perform such functions and undertake such investigations or research as the Minister may assign to it; and
- (b) advise the Minister on research in the field of geoscience.

(5) The functions of the Council mentioned in this section shall be performed by the executive officer, except in so far as they have been assigned by this Act or by the Minister to any other person.

#### Powers of Council in respect of certain information

6. (1) Notwithstanding the provisions of any other law, the Council shall have the right to inspect any information of the Department of Mineral and Energy Affairs which the Minister, or an officer of the said Department designated by the Minister, may approve on such conditions as the Minister or the said officer may determine.

(2) The Council may take into its custody and use information contemplated in subsection (1) or a copy thereof, but any provision of any law whereby any restriction is imposed on the publication or display of such information, shall mutatis mutandis apply to any information or copy thereof which is in the custody of the Council in terms of this section.

#### Prohibition on mining development and certain prospecting and research by Council

7. Notwithstanding anything to the contrary contained in this Act, the Council may not-

- (a) undertake any mining development or undertake prospecting specifically with a view to mining development; and
- (b) undertake any research on behalf of any private institution which may favour the ability of such an institution above all other similar institutions to acquire a mineral asset.

#### Exercise of powers of Council outside Republic

8. (1) The Council may at the request of or with the prior approval of the Minister undertake geoscientific research and perform generic geological functions in any country or territory outside the Republic on behalf of any person, institution, government or administration.

(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 Council of its powers in terms of this section as if the country or territory in which it so exercises its powers were within the Republic.

(3) Notwithstanding anything to the contrary contained in this Act, geoscientific research and the performance of generic geological functions under subsection (1) shall be undertaken on such terms and conditions as may be agreed upon between the Management Board and the person, institution, government or administration on whose behalf the research and the performance of functions are to be undertaken, and as approved by the Minister.

(4) The Minister may, with the concurrence of the Minister of Finance, indemnify the Council against any losses which it may incur in consequence of any act or omission of a person, institution, government or administration contemplated in subsection (1).

Period of office and conditions of service of members of Management Board, and filling of vacancies

9. (1) A member or an alternate member of the Management Board, except the executive officer, shall hold office for such period, but not exceeding three years, as the Minister may determine at the time of his appointment.

(2) Any person whose term of office as a member or an alternate member of the Management Board has expired, shall be eligible for reappointment.

(3) If a member or an alternate member of the Management Board for any reason vacates his office, the Minister may appoint a person to act in the place of such member or alternate member for the unexpired period of his term of office.

(4) The Minister may at any time terminate the period of office of a member or an alternate member of the Management Board if such member or alternate member is unable to perform his duties or is guilty of misconduct.

(5) With the exception of the executive officer or a member or an alternate member who is in the full-time employment of the State or the Council, the members or alternate members of the Management Board 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 State Expenditure.

Chairman and vice-chairman of Management Board

10. (1) The Minister shall appoint a member of the Management Board as

vice-chairman to act as chairman whenever the chairman is unable to perform his functions as chairman.

(2) The chairman or vice-chairman, or in their absence a member of the Management Board elected by the members present, shall preside at a meeting of the Management Board.

(3) The provisions of this Act shall not prohibit the executive officer from being appointed by the Minister as chairman of the Management Board for such period as the Minister may determine.

#### Limitation of powers of Management Board and executive officer

11. (1) The Minister may from time to time reserve any matter provided for in this Act, as a matter in respect of which a decision of the Management Board or the executive officer shall be subject to the approval of the Minister.

(2) The Minister and the Minister of Finance or the Minister and the Minister of State Expenditure, as may be required, may from time to time jointly reserve any financial matter provided for in this Act, as a matter in respect of which a decision of the Management Board or the executive officer shall be subject to the consent of the Minister with the concurrence of the Minister of Finance or the Minister of State Expenditure, as the case may be.

#### Persons disqualified from being members of Management Board

12. No person shall be appointed as a member or an alternate member of the Management Board-

- (a) if he is an unrehabilitated insolvent;
- (b) unless he is a citizen of, and permanently resident in, the Republic;
- (c) if he has been convicted of an offence and has been sentenced therefor to imprisonment without the option of a fine; or
- (d) if he-
  - (i) 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) is in terms of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), designated or appointed as a member of Parliament or any other legislative or executive

authority of the State.

#### Vacating of office by members of Management Board

13. A member or an alternate member of the Management Board, except the executive officer, shall vacate his office if-

- (a) he becomes subject to a disqualification contemplated in section 12;
- (b) he becomes of unsound mind;
- (c) (i) in the case of a member, he has been absent from more than two consecutive meetings of the Management Board without the leave of the chairman; or  
  
(ii) in the case of the chairman, he has been so absent without the leave of the Management Board; or  
  
(iii) in the case of an alternate member, he has without any reason acceptable to the chairman been so absent during the absence, or a vacancy in the office, of the member in whose stead he was appointed as a member or an alternate member,

unless the Management Board condones his absence on good cause shown;

- (d) the Minister terminates his period of office in terms of section 9(4);
- (e) he ceases to hold the qualification by virtue of which he was appointed as a member or an alternate member of the Management Board; or
- (f) resigns as a member or an alternate member.

#### Limitation of liability of member or alternate member of Management Board or members of committees

14. A member or an alternate member of the Management Board or a member of a committee shall not be personally liable for any loss or damage arising from, or in connection with, the performance of his duties by virtue of his appointment as such, unless such loss or damage is due to anything done by him in bad faith or to his gross negligence or to his failure to comply with any provision of this Act.

#### Executive Management Committee

15. (1) The Management Board may nominate an executive management

committee, which shall, subject to the directions of the Management Board, during the periods between meetings of the Management Board perform such functions of the Management Board as the Management Board may determine from time to time.

(2) The Executive Management Committee shall not be competent, except in so far as the Management Board may otherwise direct, to set aside or vary a decision of the Management Board.

(3) The Executive Management Committee shall consist of the executive officer and the chairman and the vice-chairman of the Management Board, and as many, but not fewer than two, other members of the Management Board as the Management Board may determine.

(4) The chairman or in his absence the vice-chairman of the Management Board shall be the chairman of the Executive Management Committee.

(S) The provisions of section 17(3) and (4) shall *mutatis mutandis* apply in respect of meetings of the Executive Management Committee.

(6) The Management Board shall not be discharged from responsibility for the performance of any function entrusted to the Executive Management Committee in terms of this section.

(7) The Management Board may vary or set aside any decision of the Executive Management Committee, except a decision in consequence of which a payment has been made or any other right has been granted to any person.

#### Committees for specific purposes

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

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

(3) The provisions of section 17(3) and (4) shall *mutatis mutandis* apply in respect of any meeting of such a committee.

(4) If a committee consists of more than one member, the Management Board shall designate a member of the committee as chairman thereof.

(5) The Council may pay the members of a committee who are not in the full-time employment of the State, or members of the Management Board, or

employees of the Council, such remuneration and allowances as the Minister with the concurrence of the Minister of State Expenditure may determine.

(6) The Management Board shall not be discharged from responsibility for the performance of any function entrusted to any committee in terms of this section.

(7) The Management Board may vary or set aside any decision of a committee, except a decision in consequence of which a payment has been made or any other right has been granted to any person.

#### Meetings of Management Board

17. (1) The meetings of the Management Board shall be held at such times and places as the Management 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 call a special meeting of the Management 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 Management Board shall be a majority of its members.

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

(5) No decision taken by or act performed under the authority of the Management Board shall be invalid by reason only of a casual vacancy on the Management Board or of the fact that a person who was not entitled to sit as a member of the Management Board, sat as a member at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the Management Board who were present at the time and entitled to sit as members.

(6) For the purposes of this section "member" shall include an alternate member present at a particular meeting of the Management Board during the absence, or a vacancy in the office, of the member for whom he has been appointed.

(7) The Management Board may with the approval of the Minister accord observer status at any meeting of the Management Board to designated

representatives of any person, institution, government or administration on whose behalf the Council is doing or has done geoscientific research or is performing or has performed generic geological functions in terms of section 8.

#### Executive officer of Council

18. (1) (a) The Management Board shall with the concurrence of the Minister appoint an employee of the Council as executive officer of the Council.

(b) The executive officer of the Council shall hold office for a period not exceeding five years, but shall be eligible for reappointment.

(2) The executive officer shall be responsible for the management and the performance of the functions of the Council by virtue of this Act and such functions as may be assigned to him by the Management Council or the Minister in terms of the provisions of this Act or by the provisions of this Act or any other law, and shall report on such matters as the Management Board or the Minister may determine.

(3) The executive officer shall perform his functions contemplated in subsection (2) in accordance with the policy and goals determined by the Management Board and subject to the control of the said Board.

(4) Whenever the executive officer is unable to carry out his duties or perform his functions for any reason, or whenever there is a vacancy in the office of executive officer, the Management Board may designate an employee of the Council to act as executive officer during such inability, or until an executive officer has been appointed in terms of subsection (1), and that employee shall, while so acting, have all the powers and perform all the functions of the executive officer.

(5) The executive officer shall be appointed on such conditions, including conditions relating to the payment of remuneration, allowances, subsidies and other benefits, as the Management Board may determine in accordance with a system approved from time to time by the Minister with the concurrence of the Minister of State Expenditure.

#### Personnel of Council and conditions of service

19. (1) The executive officer may-

(a) on such conditions as may be determined by the Management Board, appoint such employees of the Council as he may deem necessary to assist him in the performance of his functions;

(b) pay such employees such remuneration, allowances, subsidies and

other benefits as the Management Board may determine in accordance with a system approved from time to time by the Minister with the concurrence of the Minister of State Expenditure.

(2) The executive officer may-

(a) in addition to the employees referred to in subsection (1)(a), be assisted in the performance of his functions by officers and employees in the employment of the State who have been placed at the disposal of the Council in terms of the provisions of section 14(3)(a) of the Public Service Act, 1984 (Act No. 111 of 1984);

(b) on such conditions as he may deem fit, second an employee of the Council, 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, or any person or institution in or outside the Republic: Provided that an employee shall not be so seconded unless the employee consents thereto: Provided further that if an employee is so seconded, his conditions of service as an employee of the Council shall not be adversely affected thereby.

(3) The executive officer may from time to time on such conditions and against such security as the Management Board may deem fit-

(a) provide collateral security, including guarantees, to a financial institution as defined in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), in respect of a loan granted to an employee of the Council by such a financial institution to enable such employee to acquire, improve or enlarge immovable property for the purposes of occupation;

(b) build, cause to be built, purchase or rent houses, flats or flat buildings for occupation by employees of the Council, and may sell or let such houses or flats or flat buildings to such employees, or otherwise alienate, let or otherwise dispose of such houses, flats or flat buildings; and

(c) establish, institute, erect or carry on 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 his opinion may be beneficial to the employees of the Council.

(4) If a person who is employed in any capacity by or on behalf of the Council, while engaged in any activity in the course of such employment suffers an injury or contracts a disease which is directly attributable thereto, the Minister may with the concurrence of the Minister of State Expenditure authorize the Council to pay compensation to such person, or,

in the event of his death, to his dependants.

(5) The provisions of subsection (4) shall not affect the right of any person to claim damages in respect of any injury or disease referred to in the said subsection.

(6) (a) Subject to the provisions of paragraph (b), the Council shall for the purposes of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), be deemed to be an associated institution.

(b) The Management Board may, with the approval of the Minister, granted with the concurrence of the Minister of State Expenditure, institute and manage or cause to be managed a pension or provident fund for employees of the Council.

#### Funds of Council

20. (1) The funds of the Council shall consist of-

(a) money appropriated by Parliament to enable the Council to perform its functions;

(b) income derived by virtue of the provisions of subsections (3), (4) and (5);

(c) money raised by the Council in terms of section 5(3)(e);

(d) fees or royalties contemplated in section 24(2) which are paid to the Council;

(e) donations or contributions received by the Council from any person, institution, government or administration;

(f) money received from any other source.

(2) (a) The executive officer shall utilize the funds of the Council for defraying expenses in connection with the performance of its functions.

(b) The executive officer shall utilize any money contemplated in subsection (1)(a) in accordance with the approved statement of its estimated income and expenditure referred to in subsection (6): Provided that, subject to the provisions of paragraph (a), the executive officer may with the approval of the Management Board, granted with the concurrence of the Minister, 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 executive officer may, with the approval of the Management Board, granted with the concurrence of the Minister, utilize any balance of the

money remaining at the end of the Council's financial year in question for any expenses in connection with the performance of its functions.

(c) The executive officer shall utilize any donations or contributions contemplated in subsection (1)(e) for such purposes and in accordance with such conditions, if any, as may be specified by the donor or contributor in question.

(3) The executive officer may in respect of any work performed or services rendered by him under this Act, or for the use of the facilities of the Council or rights resulting from any discoveries, inventions or improvements made by employees of the Council, charge such fees or make such other financial arrangements as the Management Board may deem fit.

(4) The executive officer shall open an account in the name of the Council with an institution registered as a bank in terms of the Deposit-taking Institutions Act, 1990 (Act No. 94 of 1990), and shall deposit therein all money received in terms of this section.

(5) (a) The executive officer may invest any unexpended portion of the Council'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 State Expenditure, dispose thereof in any other manner.

(b) The Management Board may with the approval of the Minister, granted with the concurrence of the Minister of State Expenditure, establish such reserve funds and deposit therein such amounts as it may deem necessary or expedient.

(6) (a) The Management Board-

- (i) shall in each financial year, at a time determined by the Minister, submit a statement of the Council's estimated income and expenditure during the following financial year;
- (ii) may at any stage in any financial year submit supplementary statements of the Council's estimated expenditure for that financial year,

to the Minister for his approval, granted with the concurrence of the Minister of State Expenditure.

(b) The Council may not incur any expenditure which exceeds the total amount approved under paragraph (a).

Accounting, auditing and reporting

21. (1) The executive officer shall be the accounting officer charged with the responsibility of accounting for all money received and all payments made by the Council.

(2) The accounting officer and the Management Board shall comply with the provisions of the Reporting by Public Entities Act, 1992 (Act No. 93 of 1992).

(3) The Auditor-General shall audit the annual financial statements of the Council.

#### Recovery of losses and damage

22. (1) If a person who is or was in the employment of the Council caused the Council any loss or damage because he-

- (a) failed to collect money due to the Council and for the collection of which he is or was responsible;
- (b) is or was responsible for an irregular payment of money of the Council 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 Council owing to an omission to carry out his duties;
- (d) is or was responsible for a deficiency in, or for the destruction of, or damage to, the Council's money, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other property of the Council;
- (e) is or was responsible for a claim against the Council owing to an omission 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 Council, 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 Council and who has in terms of subsection (1) been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the amount may, 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 Council 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 on behalf of the Council 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 Management Board, stating the grounds for his appeal, and the Management 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 Management 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 Management 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.

#### Delegation of powers and assignment of functions

23. (1) The Management Board may-

- (a) on such conditions as it may determine, in writing delegate to the chairman or any other member of the Management Board, the executive officer or any other employee of, or holder of an office with, the Council or to a committee established under section 15 or 16, any power conferred upon the Management Board by or under this Act;
- (b) in writing assign to the chairman or any other member of the Management Board, the executive officer or any other employee of, or holder of an office with, the Council or a committee established under section 15 or 16, any function assigned to the Management Board by or under this Act.

(2) The executive officer may-

- (a) in writing delegate to an employee of, or the holder of an office

with, the Council any power conferred upon him by or under this Act in his capacity as executive officer; or

(b) in writing assign to such employee or holder of an office any function assigned to him by or under this Act in the said capacity

(3) Any delegation or assignment under subsection (1) or (2) may be made subject to such conditions and restrictions as may be determined by the Management Board or by the executive officer, as the case may be, and may be rescinded or amended by the Management Board or the executive officer, as the case may be.

(4) The Management Board and the executive officer shall not be divested of any power or function delegated or assigned under subsection (1) or (2) by it or him, and may, subject to the provisions of subsection (5), amend or withdraw any decision made in the exercise of such delegated power or in the performance of a function so assigned.

(5) A decision made in the exercise of a power so delegated and in consequence of which a payment has been made or any right has been conferred upon any person, shall not be amended or withdrawn.

(6) Where a power or function is delegated or assigned under subsection (1) or (2) to the holder of an office, such power or function shall be deemed to have been delegated or assigned to the serving holder of such office or to any person acting in his stead.

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

24. (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 and machines made by-

(a) employees of the Council or officers and employees in the employment of the State who have been placed at the disposal of the Council under section 19(2);

(b) persons assisting the Council with any investigation or research;  
or

(c) persons to whom bursaries or grants-in-aid have been granted by the Council, unless it is otherwise agreed to by the Council and such persons, shall vest in the Council.

(2) The Management Board may make the discoveries, inventions and improvements referred to in subsection (1) and the rights in which are vested in the Council available for use in the public interest subject to

such conditions and the payment of such fees or royalties as the Management Board may determine.

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

(4) The Management Board may on behalf of the Council apply for a patent in respect of any discovery, invention or improvement contemplated in subsection (1), and the Council 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.

(5) The rights in a discovery, invention or improvement made by employees of the Council in the course of an investigation for or on behalf of another person, government or administration shall vest in the Council, unless otherwise agreed upon between the Management Board and the person, government or administration concerned.

(6) The provisions of this section shall not apply in respect of a discovery or an invention or improvement contemplated in subsection (1) if, in the opinion of the Management Board, such discovery, invention or improvement was made by the person concerned otherwise than-

- (a) in the course of his employment as an employee of the Council;
- (b) during the performance of functions in respect of which he has been placed at the disposal of the Council in terms of section 19(2);
- (c) in the course of any investigation or research with which he assisted the Council; or
- (d) in the course of any research in respect of which he receives a bursary or grant-in-aid from the Council,

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

#### Regulations

25. (1) The Minister may, after consultation with the Management Board, make regulations as to-

- (a) the manner in which meetings of the Executive Management Committee

or any other committee nominated by the Management Board shall be convened, the procedure at such meetings, the functions of such committees and the manner in which the minutes of such meetings shall be kept;

- (b) the matters in respect of which fees shall be payable to the Council, the amount of such fees, the persons who shall be liable for the payment thereof, and the circumstances in which any fees so paid shall be refunded;
- (c) the procedure at meetings of the Management Board;
- (d) the preservation of secrecy in respect of the affairs of the Council; and
- (e) generally, any matter in respect of which the Minister considers it necessary or expedient to make regulations in order to achieve the objectives of this Act, and the generality of this provision shall not be limited by the preceding paragraphs.

(2) Any regulation made under subsection (1) may provide that any person contravening such regulation or failing to comply therewith, shall be guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding two years, or to both a fine and such imprisonment.

#### Transfer of certain assets and obligations to Council

26. (1) Movable and immovable property-

- (a) belonging to the State; and
- (b) which immediately prior to the commencement of this Act was being utilized by the Geological Survey Branch of the Department of Mineral and Energy Affairs; and
- (c) which the Minister, with the concurrence of the Minister of State Expenditure, and where applicable, the Minister of Public Works, may designate,

shall on the said date of commencement of this Act devolve upon the Council without any compensation being payable in respect thereof by the Council.

(2) The Registrar of Deeds concerned shall, at the request of the Council and on the submission of a certificate by the Minister that such immovable property has passed to the Council under this section, make the necessary endorsements in his registers and on the title deeds and other

documents concerned to give effect to a transfer in terms of subsection (1).

(3) No transfer duties, stamp duty, office fees or other fees shall be payable in respect of a registration contemplated in subsection (2).

(4) On the date of commencement of this Act all rights and obligations of the State in respect of the aforesaid Geological Survey Branch shall, subject to the provisions of this Act, pass to the Council and any reference in any law or document to the said Geological Survey Branch shall be construed as a reference to the Council.

(5) The Council may, with the approval of the Minister, granted with the concurrence of the Minister of State Expenditure and the Minister of Public Works, alienate immovable property that has passed to the Council in terms of subsection (1).

Short title and commencement

27. This Act shall be called the Geoscience Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.