

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



# Government Gazette

**REPUBLIC OF SOUTH AFRICA**

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**No. 37143**

## THE PRESIDENCY

No. 991

10 December 2013

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

**Act No. 21 of 2013 : Africa Institute of South Africa Act Repeal Act, 2013**



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

(English text signed by the President)  
(Assented to 9 December 2013)

# ACT

**To provide for the disestablishment of the Africa Institute of South Africa; to provide for the transfer of the assets, liabilities, rights and obligations of the Institute; to repeal the Africa Institute of South Africa Act, 2001; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Definitions

1. In this Act, unless the context otherwise indicates—
  - “**Council**” means the Human Sciences Research Council established by section 2 of the repealed Human Sciences Research Council Act, 1968 (Act No. 23 of 1968), and retained by section 2 of the Human Sciences Research Council Act, 2008 (Act No. 17 of 2008);
  - “**Institute**” means the Africa Institute of South Africa established by section 2 of the Africa Institute of South Africa Act, 2001 (Act No. 68 of 2001); and
  - “**Minister**” means the Minister responsible for science and technology.

## Disestablishment of Institute

2. The Institute is hereby disestablished.

## Transitional measures, savings and dissolution of Council of Institute

3. (1) The Minister must stipulate, by notice in the *Gazette*, the date on which all assets, liabilities, rights and obligations of the Institute are transferred to the Council.  
(2) On the date contemplated in subsection (1)—
  - (a) all assets, liabilities, rights and obligations of the Institute are transferred to the Council, which acquires all such assets, liabilities, rights and obligations;
  - (b) the Council becomes the owner of all movable and immovable property owned by the Institute without formal transfer, except in the case of immovable property, and without payment of any fees, other monies or costs;
  - (c) the Council is substituted as litigating party for the Institute in all pending litigation, including arbitrations, labour disputes and mediations, as if the Council had been a litigant at the time the cause of action arose;
  - (d) the Council is substituted as contracting party for the Institute in all contracts, as if the Council had been a contracting party at the time of contracting; and

(e) all financial instruments of the Institute existing prior to that date are deemed to have been issued by the Council.

(3) The Minister must stipulate, by notice in the *Gazette*, the date on which all employees of the Institute are transferred to the Council.

(4) (a) On the date contemplated in subsection (3) all employees of the Institute are transferred to the Council in accordance with section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995). 5

(b) From the said date all those employees are employed by the Council on the same terms and conditions of employment, including remuneration and other benefits, as those which applied to such employees' previous employment with the Institute. 10

(5) The Council of the Institute, established by section 4(1) of the Africa Institute of South Africa Act, 2001 (Act No. 68 of 2001), is hereby dissolved.

#### **Repeal of Act 68 of 2001**

4. The Africa Institute of South Africa Act, 2001 (Act No. 68 of 2001), is hereby repealed. 15

#### **Short title and commencement**

5. This Act is called the Africa Institute of South Africa Act Repeal Act, 2013, and comes into operation on a date fixed by the President by notice in the *Gazette*.